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OFFICIAL REPORT
(HANSARD)

Tuesday, September 21, 2010

—
Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, September 21, 2010

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1000)
[English]

PETITIONS

CONSCIENTIOUS OBJECTION BILL

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am very pleased to table a petition signed by many people in the Ottawa area and some from Toronto supporting the passage of the conscientious objection act, a private member's bill I have tabled in the House.

The petitioners note that our Constitution guarantees freedom of conscience and freedom of religion. They note that some Canadians object on conscientious and religious grounds to participating in any way in the military and associated activities that train people to kill and use violence, produce and purchase lethal weapons, conduct military related research, prepare for war and killing and other activities that perpetuate violence, thus hindering the achievement of all forms of peace. They support legislation to allow such conscientious objectors to redirect a portion of their taxes from military to peaceful, non-military purposes.

FIREARMS REGISTRY

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, it is an honour for me to be back here. This morning I have an opportunity to present a petition on behalf of hundreds of my constituents who want the abolishment of the long gun registry immediately. For five years, I have been working to see this abolished and my constituents continue to send me these hundreds and hundreds of names put on petitions.

Today I have an opportunity to present yet another one of over 500 names of those constituents who want to see the abolishment of the long gun registry immediately.

• (1005)

HEALTH CANADA

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I have two petitions to present today. The first petition is a call

against Health Canada's authorization of caffeine in all soft drinks. Health Canada announced on March 19, 2010 that the beverage companies will now be allowed to add up to 75% of the caffeine allowed in the most highly caffeinated colas to all of their soft drinks.

Soft drinks have been marketed and designed toward children for generations. Canadians already have concerns over children drinking coffee and colas as they acknowledge that caffeine is an addictive stimulant. It is difficult enough for parents to control the amount of sugar, artificial sweeteners and other additives that children consume, including caffeine from colas.

Therefore, the petitioners call upon the Government of Canada to reverse Health Canada's new rule allowing caffeine in all soft drinks and not to follow the deregulation policies of the United States and other countries that could sacrifice the health of Canadian children and pregnant women.

EARTHQUAKE IN CHILE

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, the second petition, signed by dozens of Canadians, calls on the Canadian government to match funds personally donated by the citizens of Canada for the victims of the Chilean earthquake.

In addition to the Chilean earthquake, this year the government has given treatment to the Pakistan flood relief efforts on a matching fund basis and it has also given that same treatment to Haiti.

The petitioners would like the Prime Minister to give the same treatment to the Chilean earthquake victims as he did for the victims of the Haitian earthquake and the Pakistan flood and match the funds personally donated by Canadians to help the victims of the Chilean earthquake.

AUTHENTICATION OF FOREIGN DOCUMENTS

Mr. Stephen Woodworth (Kitchener Centre, CPC): Mr. Speaker, I rise today to present a petition to this House on behalf of dozens of my constituents with respect to what is known as the Apostille Convention.

Government Orders

Albania, China, Czech Republic, France, Korea, Romania, Great Britain, the U.S.A. and many other countries signed the Hague Convention of 1961 abolishing the requirement of the legalization of foreign public documents but Canada is not among them. Unfortunately, this means that when foreign documents are required to be provided there needs to be court records; civil, school or commercial documents; as well as powers of attorney and affidavits. A simple procedure that would make life easier for many is not available in Canada. Canadians must endure a time-consuming and expensive process to obtain authentications from foreign consulates.

There has been a large influx of newcomers to Canada and it is therefore time to simplify the flow of legal documents to and from Canada with the rest of the world.

The petitioners, therefore, call upon the Government of Canada to conclude negotiations with the provinces and territories for the adoption of the 1961 Hague Convention on the authentication of foreign documents within 12 months or, failing that, to proceed unilaterally to ratify that convention.

MULTIPLE SCLEROSIS

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, it is my honour to present a petition to the House asking the government to act now for equal access to CCSVI treatment for Canadians living with multiple sclerosis. We know that close to 75,000 Canadians live with MS. It is characterized by severe pain, fatigue, memory loss and long-term depression. It is a disease of the central nervous system likely caused by a variety of environmental and genetic factors.

We know that through several controlled clinical trials, testing and treatment of CCVI has been shown to reduce MS disease activity and symptoms in many MS sufferers.

Therefore, the petitioners from St. John's and other parts of the country are asking the Government of Canada to pilot test, treat and provide fast-track funding for surveillance, research and dissemination of findings, including urgent pre-screening imaging services for MS sufferers, and work immediately with the provinces and territories through the Canadian Agency for Drugs and Technologies in Health to obtain advice and evidence-based information about the effectiveness of this treatment without delay.

Lastly, the petitioners call upon the government to take a leading role on the basis of this evidence and encourage the swift adoption of the procedure in territories and provinces.

* * *

●(1010)

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

COMBATING TERRORISM ACT

The House resumed consideration of the motion that Bill C-17, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions), be read the second time and referred to a committee.

The Speaker: When this matter was last before the House the hon. member for Hamilton East—Stoney Creek had the floor. There were two minutes remaining in the time for questions and comments consequent upon his speech. I therefore call for questions or comments.

Resuming debate. The hon. member for Moncton—Riverview—Dieppe.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I am pleased to speak this morning to this important bill. I also am pleased to be back in the Chamber after a summer recess that was very successful in terms of democracy, of hearing from the public and of coming back here, as I think all parliamentarians have, with a joint sense that we must make this place work. We must make it more co-operative, more intelligent and more reasonable and open.

With that in mind, I am drawn to the comments of Andrew Cohen in this morning's *Ottawa Citizen* who said that backbench MPs and individual MPs have no power, have no independence, do not think, do not debate and pretty much are the stuff found under rocks. However, I beg to differ in a non-partisan moment.

In two days we will be voting on a backbencher's bill that has engaged all of the public one way or another in debate. Many current members in the House and those in past Parliaments have worked very hard and quietly on issues of importance to them and their constituents. Overall, with all due respect to question period and the reforms therein proposed and the highlights on the news every night from this Chamber during that time, it bears repeating that most of the serious work in Parliament is done in committee and in cross party, cross the aisle negotiations with respect to laws that hopefully make this country a better place and, as I bring it back to this debate, a safer place.

Bill C-17 is a perfect example of a bill that has been bandied about in various incarnations dealing with the security of the public, which is one issue that does not divide anybody in the House. We all want the public to be safe and we all want public security. We may differ, however, on the means to achieve public security.

The debate itself has been discussing two important tools. Whether we agree they are needed is the hub of the debate but it bears repeating as to what they are.

Government Orders

In response to threats of terrorism and in the period just after 9/11, there was much debate about what we would do if we were faced with future terrorist threats, attacks or rumours of attacks or threats to our country and to our people. It was not a unilateral decision but it was felt by this Parliament that two inclusions should be made to our over 100-year-old Criminal Code. For the people who wrote and enacted the Criminal Code in the 1890s, probably the nearest thing to a terrorist attack was the War of 1812 or the raid in St. Albans, Vermont in 1865. That was probably in the psyche of most of the people who wrote the code way back when.

Let us look back to 2001 to the communities like Gander, Newfoundland and Labrador, Moncton and Halifax that welcomed plane loads of people diverted by the terrorist attacks in New York, which we recently commemorated earlier this month. What was the mentality of the Canadian public and parliamentarians with respect to public security? Something needed to be done. As Canadians and parliamentarians, we felt under attack. We felt ill-equipped to handle the next perhaps imminent threat of terrorist activity. We as Canadians felt, because of concerns made known at the time, that our border was porous and that somehow we had something to do collectively in a remote guilt sense for the occurrences in New York and other places on that day.

Parliament, therefore, decided to inculcate the Criminal Code with two tools to be used if necessary, one being the investigative hearing. In the Criminal Code of Canada an investigative hearing would allow authorities to compel the testimony of an individual without the right to decline to answer questions on the basis of self-incrimination.

• (1015)

The intent would be to call in those on the periphery of an alleged plot who may have vital information, rather than the core suspects. These are the people on the periphery, who would have an overwhelming incentive to lie to protect themselves, the actual accused. It was an attempt, working in concert with CSIS and our investigative security-based individuals, to find out more information to prevent terrorist attacks and terrorist incidents. That was to be inserted into the Criminal Code of Canada, a very new provision.

The second new provision was the preventive arrest provision, allowing police to arrest and hold an individual, in some cases without warrant, provided they have reasonable grounds to believe that the arrest would prevent future terrorist activity. Those were introduced in 2004. In the context of 2001, the context seemed reasonable. The context was that we were protecting our community. We were protecting our nation.

There were many safeguards built in to those provisions, and I might add that it was a Liberal government that brought in these provisions, so I do not think it lies in anyone's mouth on any side to say that Liberals are not concerned with terrorism. This was Liberal legislation, and like all legislation that was new and that dealt with the collision between the need for public safety and the primacy of individual rights, it is the collective versus the individual. Like all of those debates and all those pieces of legislation, the collision always results in imperfection because no one goes home completely satisfied with the result.

The key part of the legislation was the so-called sunset clause. At the end of five years, the legislation would sunset and would be no more. The provision was put in place clearly because parliamentarians, particularly members of the Liberal caucus and members of the government, and committee reports and minutes are replete with speeches to this effect, realized that this collision between the public security goal and the private rights goal would result, potentially, into an intrusion into the latter, so they said, "Let us sunset it. Let us see if it is needed, if it is used wantonly, without regard for personal rights, if it is used at all, and if it can be interpreted by the courts or refined through practice".

Many times we lob a ball into the air called legislation and really hope that the courts get a chance to interpret it, to get it right, one might say, but we do try to make legislation work. In this case, the sunset clause was allowed to sunset, despite attempts to bring the debate back to Parliament. At the very end of the time for the period to run out, a debate was held and the sunset clause was not removed, or the legislation was not permitted to continue, so we are without these tools. This is where we are today. This is the debate today, whether we should have these tools in our Criminal Code with respect to terrorism or suspected terrorism.

A bill which eventually worked its way through the Senate of Canada, with good recommendations from senators and Commons committees before that, a bill known as Bill S-3, correctly and accurately assessed the situation since the original enactment of these provisions. These provisions are found in the Criminal Code in sections 83.28, 83.29 and 83.3. These are the conditions for investigative hearings, which define at some length the modalities as well as recognizance with conditions and arrest warrants for the anti-terrorism legislation.

It is not just these three sections. It is a misnomer to think that we just put these three sections in. There are some 25 pages in section 83 dealing with terrorism. They deal with seizure of property and all sections that have not been challenged or rescinded. It is only these sections dealing with individual liberties that have been touched.

• (1020)

Bill S-3 made some improvements to the regime as it was. There was an increased emphasis on the need for the judge to be satisfied that law enforcement has taken all reasonable steps to obtain information by other legal means before resorting to this.

There was one key consideration: the ability for any person ordered to attend an investigative hearing to retain and instruct counsel. A person so apprehended should have the right to counsel of their choice. There were new reporting requirements for the Attorney General and the Minister of Public Safety who then must now both submit annual reports which not only list the uses of these provisions but also provide opinions supported by reasons as to whether the powers needed to be retained.

There should be flexibility to have any provincial court judge hear a case regarding a preventive arrest.

And, finally, the five-year end date, unless both Houses of Parliament resolve to extend the provisions further, would be put in; that is, another sunset clause.

Government Orders

These amendments made their way through Parliament and, at the risk of not having a completely happy audience, then the P word intervened and we were sent home to go through yet another election. That is sad. That is too bad. But that has been debated before. We know that we do not like prorogation, it interrupts our business, but we were on our way.

Remember now these provisions were put in and as I said, we often want to hear what the courts have to say about them.

Well, an important decision of the Supreme Court of Canada took place in 2003 and 2004. The hearing was December 2003 and the decision was in the middle of the year 2004. The court, made up of the current chief justice and almost all the existing judges now, with the exception of New Mr. Brunswick's Mr. Justice Bastarache, who has since retired, concluded that the provisions put in, particularly 83.28, investigative hearings, were constitutional, but there were a number of comments made in that decision which no one could take as a complete endorsement of the legislation.

While they upheld it, it is important, I think, to note that three justices of the Supreme Court, remember, one has left the court, dissented and found, for instance, using their language:

The Crown's resort to s. 83.28 [which was an investigative hearing] of the Criminal Code in this case was at least in part for an inappropriate purpose, namely, to bootstrap the prosecution's case in the Air India trial by subjecting an uncooperative witness, the Named Person, to a mid-trial examination for discovery before a judge other than the Air India trial judge.

They went on to say:

The Named Person was scheduled to testify for the prosecution in the Air India trial, but because the Crown proceeded by [a different method known as the] direct indictment, neither the prosecution nor the defence had a preliminary look at this witness [who was detained from the investigative hearing]. Section 83.28 was not designed to serve as a sort of half-way house between a preliminary hearing and a direct indictment.

What we have here are the players and the justice system ending up using a tool that was there for, quite frankly, maybe a different purpose. The players and the system had used a certain way of proceeding in a criminal case. They saw this tool lying on the shelf and they used it.

The court, in its majority, said, sure, we can do that because public security is the number one aim here. However, it did lead to the feeling that we, as parliamentarians, in sort of a renvoi or a send-back, have been told by the court that we did not draft perfect legislation when we drafted these pieces and it had been used somewhat indirectly for the purpose in question because of a prosecutor's choice to go a certain way, which I cannot second guess because the Air India trial was a very complicated matter, involving numerous informants of high publicity content throughout Canada. So, I cannot second guess the prosecutors, but they used it for a purpose that led three justices of the Supreme Court to say that is not what this was intended for.

The majority of the court, however, went on to say it is allowable, that section 83.28 does not violate section 7 of the charter and it does not violate section 11(b) with respect to counsel.

• (1025)

I find that a bit strange and I allow for the fact that because the person was not a person under arrest but a witness, by the clear letter

of the law the individual would not have a right to counsel. I like the changes that have been submitted by the Senate, by members of the committee and the House that say yes, counsel of the choice of the detained person should be permitted.

We went further in the House and in the Senate than the majority of the Supreme Court that would have allowed such a use of section 83.28. In other words, we have improved, through the recommendations and now the bill being presented, what the Supreme Court thought was allowable with respect at least to the right to counsel.

The court said:

—a judicial investigative hearing remains procedural even though it may generate information pertaining to an offence...the presumption of immediate effect of s. 83.28 has not been rebutted.

It took the law of Canada to be serious. It took the tools in the tool box regarding anti-terrorism as serious and upheld the use of it, and we are down to numbers almost with respect to the Supreme Court, even when good, smart thinking, and now three members of the Supreme Court said it was misused, essentially.

Where are we, then, with the need for this legislation? There are opinions on either side, but let us remember the legislation originally introduced was to combat terrorism. Besides 9/11, which was traumatic for everyone in North America and the world, the prime instance of terrorism and trying to combat it resulted in or came out of the crash of Air India flight 182 and the following study of it by John Major, who was a former Supreme Court justice.

I know Liberals want to send it to committee and examine what was done with Bill S-3, the precursor acts. We want to put safeguards into any proposed legislation and keep the balance right between the need for public security and the primacy of individual rights. That is a given.

I told a little story about how we are interpreting laws based on the one instance of a prosecutor using a certain tool, which led the Supreme Court to say in a divided way, "Yes, it's okay, but you should be more careful than the committee improving the act". The bigger picture that has been missing in the debate so far is what use is this if our security services do not talk to our police services and our police services are not in sync with the court officers who ultimately direct that this tool be used?

The report of John Major is very instructive in that regard because he says terrorism is both a serious security threat and a serious crime. Secret intelligence collected by Canadian and foreign intelligence agencies can warn the government about threats and help prevent terrorist attacks. Intelligence can also serve as evidence for prosecuting offences.

There is a delicate balance between openness and secrecy and that is what this debate is all about. We have to focus more on terrorism threats from the national security level than this tool, which the Supreme Court of Canada has already said is allowed.

Government Orders

Finally, I would close by saying that the member for Windsor—Tecumseh, on behalf of this party, said we do not need this because we have not used it. I have a sump pump in my basement and I may never use it, but if I have a flood I want to have that sump pump there. I want to be ready for something that may happen in the future.

For my dollar's worth, I think this should go to committee and we should look seriously at what the dissent in that Supreme Court judgment said, what the majority said and this time, with the benefit of its advice and the advice of John Major, we should get it right. We should have those tools on the shelf.

The members who say we do not need them should be happy that we do not need them because it means that we have not had a terrorist threat. However, if we have a terrorist threat, I want those tools to be on the shelf for prosecutors to use, if needed, to keep our country safe, which is the goal we are all here to pursue.

• (1030)

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I listened quite carefully to my hon. friend's remarks and I must say that I found it difficult at times to figure out what exactly his position or the position of the Liberal Party is with respect to this particular act.

I know the Liberal Party brought in the Anti-terrorism Act in what I think was a knee-jerk reaction after 9/11. That act contained many serious violations of traditional civil liberties and rights that Canadians enjoyed in this country. I know that members of his party voted against the provisions of that act in 2007 when the sunset clause expired and here they are today seeming to talk about supporting this act going to second reading.

I heard my hon. colleague talk about the importance of civil liberties, for instance, the right not to incriminate oneself, which is a right that can be traced back in this country hundreds of years and has developed as a pivotal, key civil right in this country. Yet, this act would allow the state to force someone to testify without the right of self-incrimination.

I am wondering if my friend can clearly state for Canadians whether he supports or opposes the ability of legislation to violate Canadians' right not to self-incriminate.

Mr. Brian Murphy: In the legislative history of the bill, there were improvements made along the way. With respect to his preliminary concerns about where the party is, the party generally accepted the Senate's view in its Bill S-3 improvements.

We have to examine what the minister means with respect to the right to instruct and retain counsel, which I think is key to the member's point on self-incrimination.

I challenge the member to show me where the right against self-incrimination, which is from the section 10 and section 11 rights of individuals in the legal process, is not at all times in collision with, say, section 1 of the Charter, which is the override provision, or with the general sense of the need for national security.

I said in my remarks that there is always a collision between these. They cannot be compatible. There has to be a collision between the rights. No one right is alone, sacrosanct, and overpowering.

For the member to say that to the public belies his training, I think, as a lawyer and also as a public official.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I would like to ask the member who spoke whether he knows and understands why the Minister of Justice wants this provision to provide for preventive arrest and recognizance with conditions. Can the member tell us and comment on that?

[*English*]

Mr. Brian Murphy: Mr. Speaker, I was here in the chamber when the minister gave his speech. I looked at the provisions in the law. He put his reasons forward. My understanding is that it is not much different from the legislation that existed, which the Conservatives at the time, the member will recall, in 2007, wanted to renew without any changes.

It even, in fact, picks up some of the recommendations in Bill S-3. The two major provisions are still in the same order.

In fact, if I read the minister's speech, he appears, subject to the test at committee, to be adopting some of the improvements that were suggested, ultimately, by the Senate when it passed the bill before we were prorogued into another election.

• (1035)

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, this is a bill that the legislators at the time, when they passed it, thought was dangerous. Our legislation respects individual freedoms and the fact that individuals must never be punished unless we are certain that they are guilty of a crime, and it ensures that the individual's fundamental rights are not intruded upon.

The legislators at the time thought that such an intrusion was possible. That is why they inserted a sunset clause so that the legislation would be reviewed in five years to see whether it was still warranted. To determine whether this was the case, the attorney general was asked to report on whether the legislation was justified, and why. In all of the reports that he submitted, the attorney general noted that the fact that these provisions were not used by the RCMP or federal prosecutors in the first five years and two months of their existence illustrates that officials were proceeding cautiously in using these powers. They did not use them. Not once did the RCMP or other federal prosecutors make use of this legislation.

Nevertheless, the attorney general added:

The Government of Canada continues to believe that the investigative hearing and recognizance provisions are necessary preventive measures that should be part of the Criminal Code.

Government Orders

Why is it necessary to maintain a tool that has never been used? I think that when this came back for review—in February 2007, if my memory serves me correctly—we made it clear that there was a risk that these laws could be used by a malevolent government to stigmatize political opponents. The leader of the Liberal Party at the time said that one of his reasons for not supporting the renewal, that is, for not allowing the provisions to stand, was that there was a risk of unfairly stigmatizing someone. And that stigma could seriously damage the person's life because he would be subject to a court ruling related to terrorism followed by a recognizance.

Do not forget that this recognizance and the proceedings require reasonable grounds, plausible suspicions, but suspicions of a serious offence. Consequently, if it is suspected that someone has potentially committed or may commit a serious offence, that person is then subject to a court ruling. How will this person's life be affected by having a court impose terrorism-related conditions? If these suspicions were unjustified, which could very easily happen since they are only suspicions, how can this person prove that the suspicions are unjustified and then overcome the stigma? I remember that that was the case with Maher Arar, who was flagged not in court, but in reports that were sent to another security service, that of the United States. How can this person be taken off the no-fly list? I am sure that someone who has been subject to a recognizance would be on this list. And since it is public, if his employer hears that he was subject to a recognizance, will he keep his job? Will another employer give him a job in the future?

● (1040)

In today's society, do people realize the serious harm that befalls someone who is labelled a terrorist, even based only on suspicions?

The proposed legislation before us today contains no provisions to ensure that someone falsely suspected can somehow get rid of that stigma. The absence of such a procedure would be enough in itself to justify not renewing the clause.

It is important to understand why this measure is more or less useless. When an individual suspected of being involved in a terrorist act is brought before a judge, the only thing the judge can do is impose conditions; the judge cannot incarcerate that individual. And if the individual agrees to sign the recognizance, the judge must release him.

For heaven's sake, in today's reality, how does a person become the object of such suspicions, which do not allow authorities to lay formal charges against that person? Suspicions probably arise when authorities learn about some of the person's relationships or as a result of electronic surveillance conducted in people's homes. But if those things clearly established the existence of a terrorist plot and that person's involvement, there would be evidence of a conspiracy. Conspiracy is a criminal offence, even if the objective of the conspiracy is never achieved. So that person could be charged with conspiracy and brought before a judge. The judge determines whether it is in the public's interest to incarcerate the individual, considering the evidence of conspiracy that is presented. That judge can incarcerate the individual, unlike a judge whose only recourse is to impose release conditions. The judge can even detain the individual.

Then what happens? The proceedings continue and either the charges are dropped and the person is acquitted, or the person is found guilty. If he is found guilty, then so much the better.

Nonetheless, we have to consider that not everyone who is acquitted owes that outcome to a savvy lawyer or insufficient evidence presented to the judge. In our society, I like to think that people are acquitted because they are not guilty. When a person is acquitted of a charge he can go on with his life. However, when a person is ordered by a judge to sign a recognizance on suspicion of terrorism, he is stigmatized for life.

Is this the kind of weapon we want to leave behind for a potentially dishonest government, particularly when it is the attorney general who authorizes the use of this procedure? I am not comforted by that thought.

Even if the government is not that dishonest, there are circumstances in which it is very difficult to respect the principles of the democratic state we have the privilege of living in. I experienced one such circumstance. As a young lawyer during the October crisis, I saw a government that I respected—despite the many accords it signed—invoke legislation that had been left on the books, namely the War Measures Act. And look what happened and how the War Measures Act was used.

● (1045)

Does anyone remember what kind of people were thrown in jail, kept there, and accused? A popular singer, Pauline Julien, and several poets—including Gaston Miron, I believe—were arrested, but most importantly, nearly all of the candidates in the Montreal municipal election were incarcerated under the War Measures Act.

Should another terrorist threat surface, I believe that future authorities could panic and use this law to, at the very least, stigmatize their rivals. A future government could even be dishonest. Our governments are reasonably honest, certainly more honest than most other governments in the world, and existing laws give them an incentive to remain so.

This is a violation of the legal principles that guide us. Let us not forget that these principles are what make our kind of government so much better than the kind of government or regime that terrorists typically seek to establish. We cannot stoop to their level and keep laws on our books that could be misused.

Government Orders

There are two main reasons why this legislation should not proceed. First, the measures it provides for are useless. It has never been used because it is useless. Second, it is dangerous. A government could easily be tempted to use it, not for its intended purpose but to stigmatize political rivals, which is often the case. For example, those who want stricter and stricter laws are happy to denounce those who stand for fundamental legal principles and a different attitude toward crime. They are portrayed as being pro-crime. I have heard that many times from those in government now. I can certainly imagine them using these provisions under certain circumstances to taint the reputations of their adversaries by accusing them of involvement in terrorist activities.

I should also point out that, in its annual reports, the government was supposed to justify the usefulness of this law to date, but has never been able to. Does that record suggest that this law is useful? All the Attorney General had to say was this:

The Government of Canada continues to believe that the investigative hearing and recognizance provisions are necessary preventive measures that should be part of the Criminal Code.

I would like to know why he still thinks that this bill is useful and should be renewed.

I will point out to MPs not belonging to the Conservative Party that they agreed in 2007 not to extend these provisions.

There are still a number of reasons why this legislation should not be renewed. Not enough changes have been made, according to those who believe they are necessary. In particular, no effort has been made to add provisions to the legislation enabling an innocent person who has been subjected to wrongful suspicion and stigmatized by a recognizance required by judicial decision to re-establish his reputation, live an ordinary life and travel as freely as he did before the conditions were imposed.

Canada's international reputation is at stake. I repeat, in today's world, if we need to prevent a terrorist attack, we will be able to do so because of electronic eavesdropping, meetings or because we are informed that there is a conspiracy.

• (1050)

In that case, we can charge the person. Those who drafted this bill believe that signing a recognizance is less serious than having charges laid. It may be less serious in the short term, but I hope they understand that, in the long term, it is much more serious. A person who is wrongly accused will be acquitted and the stigma removed; however, a person who comes under suspicion unjustly has no way to remove the stigma that remains in the security agencies' reports.

Why has the legislator, the attorney general, who was presented with these arguments in 2007, not found a solution? Because he has made no effort to do so. That is laziness in addition to recklessness. He is accepting a law that, when initially passed, could be dangerous for individual rights. It is the type of law that terrorist organizations would like to see adopted across the globe. We are playing their game by drafting laws that grant such discretionary power. Therefore, this bill is useless and dangerous.

I will acknowledge that there are two amendments that would improve the legislation. First, there is the fact that police must show that other investigative methods have failed, and second, there is the

right to have a lawyer of the person's choice present, as the member who spoke before me mentioned. But we still have the same fundamental problem: this law can destroy the reputation of someone who perhaps does not deserve it. There are only suspicions against a person, and no way of repairing the damage that has been done.

As was the case with the War Measures Act, there could be situations that we have not foreseen. When the War Measures Act was passed, a government could have been tempted, or even gone as far as to use this legislation simply to destroy the reputation of political adversaries and to place them in a difficult position.

I am referring to the election that was held the year after the War Measures Act was used and almost all those who ran against Mayor Drapeau were incarcerated. Obviously, Mayor Drapeau won this election by a landslide, by getting all of the councillors from his party elected. He made a historic statement to the effect that this was his kind of victory. There were many other reasons to vote for Jean Drapeau rather than his opponents at the time.

Thus, a law that goes against our general principles, and goes so far as to incarcerate political opponents, has already been used once in our history. What is to say that one day, this legislation will not be used to stigmatize and destroy the reputation of political opponents? Not to mention the fact that errors can be made in good faith. Someone can be wrongly—but in good faith—suspected of being a terrorist and be subject to these provisions, but if the suspicions turn out to be untrue, no one is able to correct that injustice.

[English]

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I thank my hon. colleague for his astute and always well-informed comments. I noted that the previous Liberal speaker talked about rights being in collision and rights being conditional. I note that it was a Liberal government during World War II that violated the rights of Japanese Canadians and interned them. I note as well that it was a Liberal government in 1970 that violated the rights of Canadians and Quebecers under the War Measures Act. It was also a Liberal government that passed the Anti-terrorism Act after 9/11 that had outrageous violations of the civil liberties of Canadians.

I am wondering if my hon. colleague would comment on the fact that Liberal governments seem to take an approach that civil liberties can be violated when times are difficult, the very time when civil liberties are most important. I am wondering if he could share his thoughts on whether civil liberties ought to be respected in times of peace but not in times that are challenging, or whether he thinks civil liberties are a core fundamental Canadian value that must be respected at all times.

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• (1055)

[*Translation*]

Mr. Serge Ménard: Mr. Speaker, I believe that this question contains an important principle. Fundamental rights are always important but especially so in cases where governments could be tempted to put them in jeopardy. The law is a living thing that changes and adapts to new situations.

He is right to say that it is easy to be generous in extending rights when social peace does not seem to be in danger. But when we feel we are in danger, there is a strong temptation to be less generous.

In this case, however, since the RCMP and security agents have not used this tool and have never publicly expressed to the government the need for such a tool, it seems clear to me that we should not have it, because experience has shown that, while a government can seem very respectful of fundamental rights at the outset, the pressure of certain events can tempt it to be much less respectful.

[*English*]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, during the hearings into the former bill, Bill S-3 at the Senate, the previous incarnation of this legislation, some folks raised issues about investigative hearings saying that it was a change in how our judicial system worked, that it put judges in the position of having to lead an investigation which was not their usual role and that that was problematic in our system of justice.

I wonder if the member could comment on that change in the role of judges should this legislation pass.

[*Translation*]

Mr. Serge Ménard: Mr. Speaker, I believe that the member who just asked me the question realizes that I did not talk about this aspect.

The fact that people can be forced to testify under oath about what they know seems to be a less serious infringement of fundamental rights, especially since we have given them, albeit in very convoluted language, the right not to self-incriminate. That is why I focused my arguments on the other provision, which can lead to the unfair stigmatization of an innocent person.

I would remind members that Mr. Justice Hugessen, I believe, spoke about the first part more eloquently than I ever could. Judges do not like to be investigators. I would like to add that currently in Quebec there is one person in particular who is finding it difficult to be an investigator, even though he is one of the best legal minds in Canada. I am talking about Mr. Justice Bastarache, of course.

• (1100)

Mrs. Ève-Mary Th   Thi Lac (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, I would like to thank the hon. member for Marc-Aur  le-Fortin for his speech. I have a question for him. He was a prominent attorney in his first career. He was one of Quebec's best-known attorneys, and he is still an attorney.

I would like to know whether the Act to amend the Criminal Code (investigative hearing and recognizance with conditions) violates the right of the accused to consult with an impartial lawyer of his or her

choice. Under the current Canadian system, lawyers must respect solicitor-client privilege.

Does this law not violate one of the fundamental rights of the accused, solicitor-client privilege?

Mr. Serge M  nard: Mr. Speaker, to be honest, I do not think that this law violates that right. The purpose of my remarks was to show that a grave injustice could be perpetrated upon some individuals. Maher Arar was subjected to exactly that kind of injustice and continues to be subjected to it.

In this case, the proposed amendments would give the accused person access to a lawyer of his or her choice. It goes without saying that the lawyer must respect solicitor-client privilege.

[*English*]

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I am proud to stand on behalf of the New Democratic Party of Canada and speak loudly and clearly against this misinformed legislation.

The fundamental issue presented by Bill C-17 before the House today engages some very alarming and critical matters.

Fundamentally the bill engages these concepts, and that is due process in law cannot be respected by offending due process in law. Civil rights cannot be protected in our country by violating civil rights. Freedom in Canada cannot be supported by abridging the freedom of every Canadian in the country.

These comments cut to the heart of this matter and I will come back to these concepts later on in my speech.

Bill C-17, an act to amend the Criminal Code, was introduced twice in the House before. It contains provisions found in former Bill S-3, which was as amended by the Senate Special Committee on Anti-terrorism last year.

The bill proposes amendments to the Criminal Code that would reinstate the anti-terrorism provisions that expired under the sunset clause in February 2007. The bill essentially proposes two critical matters. First, it provides for the appearance of individuals who may have information about a terrorism offence and compels attendance before a judge for an investigative hearing. It contains also a provision that deals with the imprisonment of those people for up to 12 months without charge.

Investigative hearings whereby individuals who may have information about a terrorism offence, past or future, can be compelled to attend a hearing and answer questions. Under the legislation, no one attending a hearing can refuse to answer a question on the grounds of self-incrimination. While information gathered at such hearings cannot be used directly in criminal proceedings against that individual, derivative evidence can and could be used against that individual in further criminal proceedings against that person.

Second, the bill provides for a form of preventative arrest whereby individuals may be arrested without evidence in order to prevent the carrying out of a terrorist act. In other words, the bill provides for detention based on what someone might do, not what he or she has done. The arrested individual must be brought before a judge within 24 hours or as soon as feasible after that.

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In that case, a judge would determine whether that individual is to be released unconditionally or released under certain conditions, in other words, recognizance with conditions for up to 12 months without charge. If the conditions are refused, the individual may be imprisoned for up to 12 months without charge.

Bill C-17 contains a five year sunset clause, which requires a resolution of both the House and the Senate for it to be renewed.

The seriousness with which the bill attacks our civil liberties in our country is established by the fact that it has to contain a sunset clause to come back before the House. This shows that the government does not have the confidence to put these provisions into law for a permanent period of time, and that should be alarming to every member of the House.

Clause 1 C-17 would amend the Criminal Code and is similar to the original Anti-terrorism Act, section 83 of the Criminal Code, which forces individuals who may have information about a terrorism offence to appear before a judge for an investigative hearing. Again, the objective of this is to compel that person to speak under penalty of imprisonment. I want to deal with that matter first.

Every student in the country knows about the right to remain silent and the right not to give evidence that may be used to incriminate one in a future proceeding. Such a right is a cornerstone of a free and democratic society. Yet this legislation would violate that historic right that can be traced back centuries into British parliamentary democratic tradition.

I want to pause and say that civil liberties are something that every Canadian holds sacrosanct and civil liberties are something that ought to be protected vigilantly in all circumstances.

● (1105)

The erosion of civil liberties does not happen in profound or drastic fashion. History has proven that the erosion of civil liberties happens incrementally and that every society that has descended into dictatorship or authoritarianism has begun with a gradual erosion of civil liberties. People do not wake up one day and find that their Constitution is eviscerated or that their civil liberties are evaporated. What history has told us is that, little by little, governments intervene and they start taking away people's civil liberties. That is why, as members of Parliament in the House, as the representatives of the people and the guardians of civil liberties in our country, every member of the House has an obligation to oppose any legislation that would derogate from Canadian civil liberties, our Charter of Rights and Freedoms, or any other constitutional right that we have.

I also want to talk about the right to appear at a hearing and the right to remain silent.

This summer the Conservative government moved to end the long form census because it felt that the state had no right to ask people incriminating questions such as how many bedrooms existed in the house. It has said repeatedly that Canadians have to be protected against a government that would ask them questions for the purposes of gathering research, questions that help determine social policy in our country. The government said it was offensive and was a violation of the rights of Canadians. Yet the first act the government has put forward in the House after the summer recess would force Canadians to come before a judge and compels them to answer

questions, in violation of their historic constitutional right to remain silent and not incriminate themselves.

Am I the only Canadian who finds that to be the most hypocritical contradiction that probably has existed this year? What kind of government cannot see the contradiction between purporting to stand up for the rights of Canadians not to be asked offensive questions, but then hauling them before a judge and forcing them to answer questions, violating their constitutional rights in the bargain?

There are not constitutional rights engaged when Canadians are asked questions on a census. The government said that we could not ask Canadians questions in the long form census that might result in Canadians being imprisoned for refusing to answer. This legislation would imprison people for refusing to answer. I would like to hear a member from the government explain that contradiction to Canadians.

The legislation would also does something else that is extremely offensive and something that all parliamentarians ought to protect and oppose vigilantly, and that is the concept of preventive arrest. That is the concept of arresting people not based on what they have done, not based on evidence, but based on mere suspicion about what they might do.

Could such a power be exercised by a government? Canadians might ask if any government would exercise such a power irresponsibly. We have an example where it did exactly that recently.

This summer in Toronto, at the G20 hearings, authorities of the state arrested 1,100 Canadians for simply walking in the street and expressing their views. Why did it do that? It did that for preventive reasons. We know that because for 900 of those 1,100 Canadians, when they appeared in court several months later and the state was forced to actually back up those arrests, the state withdrew the charges. What happened this summer? Eleven hundred Canadians had their civil rights violated, their right to assemble publicly and peacefully and to express themselves under multiple sections of the Charter of Rights and Freedoms. The government and the state took away those rights because of preventive reasons. It took away the rights of those Canadians to express peacefully to world leaders gathering in our country how they felt about issues affecting the world and the government and organs of the state violated the rights of Canadians in that regard.

● (1110)

We do not have to talk hypothetically or talk about fictional examples. I think every Canadian watched with disgust and horror when police rounded up Canadians, penning them in and holding them for days on end so their expressions would not be heard by world leaders. Then after the event was over, they were let out and the charges were dropped. That is what preventive arrest looks like, and the bill wants to enshrine in law a concept of preventive arrest.

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I want to talk a bit about the Liberals, because the Liberals have a long history of talking about civil liberties and then acting against them. I have already mentioned that in World War II it was a Liberal government that rounded up Japanese Canadians and interned them based on nothing but their ancestry and violated their civil liberties. It was a Liberal government in 1970 that rounded up Quebeckers without charge and detained them and violated their civil liberties. After 9/11, it was a Liberal government, in a rush to look tough, brought in the Anti-terrorism Act that had a number of serious incursions into Canadian civil liberties.

For the Liberal Party of Canada, civil liberties are not something that we protect only when it is easy to protect them. Civil liberties ought to be protected when they are needed most to be protected, and that is in a time of difficulty. Anybody can stand up for civil liberties in a time of easiness and peace, but what really separates those who believe in civil liberties from those who do not is how they act when times are challenging.

I also want to talk about the government's portrayal of the provisions of the bill as being critical. This is the third time the government has moved to introduce this legislation in the House, and twice before, this legislation has died because the government let it die: once when it caused an unnecessary election that by the way violated its promise of fixed election dates; and second, when it prorogued the House.

If these powers are so critical, the government has to explain why these powers have never been exercised. It is almost nine years later and I cannot find a single example where anybody was put before a judge and where these powers were actually enforced. However, I can tell the House that under our present Criminal Code, which has provisions for conspiracy and provisions that give our police officers the powers they need to investigate any kind of terrorist act, there have been successful prosecutions. We can have a vigilant country that investigates and works to prevent terrorism and respects civil liberties at the same time. We do not have to sacrifice civil liberties in the name of security.

This brings me to my next point. What Canadians want in our country is our way of life protected. What Canadians want is to be free from any kind of terrorist activity that would violate our freedom and our civil liberties. We cannot sacrifice our civil liberties in the name of protecting them.

Ensuring public safety is essentially about protecting the quality of life of Canadians. We hear the government say that all the time. Quality of life can be defined in many ways. If we talk to our family members, neighbours in our community, I would dare say they would define quality of life in a variety of ways. However, I think every Canadian would agree that we would define quality of life by the right to live in peace, the right to pursue liberty and happiness and the right to be protected against offensive incursion into our liberties by our state.

While Canadians are in favour of protecting Canada against terrorism and of having a country that is secure, we are also in favour of freedom and civil rights. Security means feeling safe. It means feeling that our country and communities are safe and that we can safely go out into our streets. However, it also means that we need to feel that our federal government, our provincial government and the

courts in our country are protecting us, and this means protecting our civil liberties and our civil rights.

• (1115)

This legislation also engages another fundamental right, which is the right to be presumed innocent. It is not for a Canadian to be compelled to go before a court and be compelled to answer questions under threat of imprisonment. The right to be presumed innocent is the right to sit back in silence and enjoy the fact that the state has to prove a case against an individual. The minute we start making incursions into that right, we are going down a slippery slope, the end of which we know not. That is why it is so important to be vigilant in protecting our civil liberties.

As I said before, we lose these rights incrementally, just a little bit here and a little bit there. Before we know it, there is moderate infringement of our civil liberties. Then we go a bit further, and pretty soon there is substantial infringement of our civil liberties. We go a little further, and before we know it, there is profound violation of our civil liberties. I would ask all my colleagues in the House to join with New Democrats in saying that we will not go down that path. We want to live in a country where we have concrete rights.

My hon. colleague in the Liberal Party talked about rights being in collision and about balancing rights. He said that if people go home unhappy, that suggests that we have the appropriate balance. With the greatest respect, I could not disagree more.

When it comes to fundamental civil liberties, there is no balancing. When it comes to civil liberties, there is no collision. When it comes to civil liberties, there is no keeping everybody unhappy. When it comes to civil liberties, we either have them or we do not. We either live in a country where we have the right to be presumed innocent, or we do not. We either live in a country where we have the right to remain silent and not give evidence that may be used against us, or we do not. We either live in a country where there is no such thing as preventative arrest and where the state must justify putting a Canadian in prison based on what he or she has done or might be doing, or we do not. I do not see any collision there. I do not see any balancing there. The minute we start talking about balancing civil liberties, we are on the path to erosion.

I say that for a number of reasons, but primarily I say that because we cannot protect civil liberties by offending them. We cannot advance freedom by abridging it. We cannot improve human rights by derogating them. We must stand up for these civil liberties. This bill would do only a couple of things, but they are significant things.

I also want to talk briefly about some comments made recently with respect to torture, because I think they are tied to civil liberties.

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Recently, the head of CSIS, Richard Fadden, said that the state might rely on information that may have been derived from torture if it is felt that it might be helpful in preventing some sort of episode in Canada. Canada either opposes torture or it does not. We cannot say that we oppose torture except when the information might be helpful. By the way, all information derived from torture is inherently unreliable. One can never say that information that is a product of someone inflicted with physical torture is ever the truth. The only way to stand up against torture is by taking a firm stand against it.

Why do I bring that up in the context of this debate? It is because it is just a slight opening. We might say that we are against torture, except in this one circumstance. No. This is 2010 not 1610. We do not consider it acceptable in this world or in this country to subject someone to physical torture as a means of getting information. The way to say so is to say that we will never rely on it. It is unequivocally wrong.

It is the same thing with the provisions in this bill. It is wrong, and I urge all members of the House to join with the New Democrats in opposing this flawed and extremely dangerous piece of legislation.

• (1120)

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Mr. Speaker, I applaud the member for Vancouver Kingsway's commitment to civil liberties, a commitment that is shared by most members of the House. Certainly, as the founder of the Canadian Constitution Foundation, I am one of those who shares such a commitment.

Members listened while he used the words “freedom” and “liberty” over 30 times in the course of his remarks. We sat nodding our heads, saying that we all agree with freedom, but as Viktor Frankl, the famous writer who was imprisoned in Auschwitz, said, to every freedom there must be a responsibility. Without responsibility, freedoms are dangerous.

Some of the most powerful advocates for civil liberties the world has ever known, such as John Stuart Mill, have said, contrary to what the member across the way said, that there is a balancing of rights. There has to be.

The world is increasingly dangerous. We have seen terrorist threats inside Canada for the first time. What does the member have to say about responsibility along with freedom when preventing terrorism from occurring in our country?

Mr. Don Davies: Mr. Speaker, that is a fascinating comment, coming from a member of the government.

I would, in turn, ask him a question. The government is talking about the freedom of Canadians to own guns but opposes the responsibility of even registering a gun. In that case, I guess there is no corresponding responsibility. A Canadian, according to the government, has the freedom to own and walk around with a gun, but there is no corresponding responsibility to do something even as minor as registering that weapon. In that case, it is a question of pure freedom. I would be interested in hearing my friend's comments to help me understand that.

Of course there are corresponding responsibilities, but core civil liberties are core civil liberties. The right to remain silent and not incriminate oneself is not conditional. It is either a right or it is not a

right. The right not to be arrested when one has not done anything, when the state has no evidence that a person has done something or might do something, has no corresponding responsibility. Canadians are either free to walk our streets and not have their liberties restricted by the state in the absence of evidence or they are not.

I agree with Mr. Frankl's comments about responsibility and freedom, but we are not talking about those kinds of liberties. We are talking about core constitutional liberties, which I believe have no conditions attached. They are core, fundamental values and rights that every Canadian enjoys, and we have to support and protect those rights vigilantly.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I do not want to be seen as negative on the issues raised by the hon. member for Vancouver Kingsway. This, of course, is the one place in the country where we should always be supportive of advocacy in favour of our freedoms.

The member may have failed to connect the dots for me. First, he referred to the right to remain silent. That is not a right in Canada. There is a right against self-incrimination. The member may have been watching a few too many American television shows.

The Canada Evidence Act is very clear that when a question is put in a judicial proceeding, the answer must be given. The answer cannot subsequently be used in a criminal proceeding against a person, other than for perjury. However, there is no actual right of self-incrimination. I would like him to address that, because he referred to this right but did not give an example of how this legislation would breach that right.

Second, on the issue of investigative hearings, we have always had in this country, for over a century, the grand jury procedure. It requires citizens to appear before a grand jury, where they are forced to answer questions on criminal matters. That evidence is not usable against them in subsequent criminal proceedings if charges are laid. That is an example of how our legal system has already done that. I would like him to comment on that.

Third, preventive detention is virtually analogous to the conspiracy offence whereby someone is charged with conspiring to commit a criminal act that has not happened yet. These concepts are not new to us. We are just refining them a little for Canadian purposes in compliance with the Charter. Would he comment on that, please?

• (1125)

Mr. Don Davies: Mr. Speaker, the first question I would ask the hon. member is why his party voted against these provisions in 2007.

I have, of course, come to expect that the Liberal Party will run one way one day and another way the next day. Canadians are left wondering exactly where they stand on any issue at any given time. His party did not like these provisions three years ago. It seems to like them now. I am not exactly sure why.

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I am a lawyer by training, as well, and with respect, I will differ with my friend. Canadians do, in fact, have the right to remain silent and not give evidence that might incriminate them. That is exactly what this act violates. It forces people to testify without the historic legal protection that the testimony cannot be used against them in subsequent criminal actions through derivative evidence. In that respect, although the evidence cannot be used directly against a person in a subsequent criminal proceeding, derivative evidence can be. In effect, the act violates Canadians' right not to give evidence against themselves.

If my friend wants to say that Canadians do not have that right, I will respectfully disagree with him.

[*Translation*]

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, in 2007, as my colleague was saying, all of us—including the Liberal Party—voted against extending these provisions. Now all of a sudden the Liberal Party has changed its mind even though Bill C-17 does not introduce any fundamental changes. These provisions are still useless, because other provisions already exist in the Criminal Code to allow agencies and police officers to take action, whether with regard to investigative hearings or preventive arrest.

Does my colleague understand the Liberals' change of heart? I am still trying to figure out whether it is just one-upmanship in a world where everyone tries to come across as protecting public safety by fuelling the fear of terrorism and the fear of crime. It is nothing more than grandstanding. I do not know who is better at it, the Liberals or the Conservatives.

That is how I interpret all of this, but perhaps my colleague has another way of looking at it.

[*English*]

Mr. Don Davies: Mr. Speaker, the short answer to the question is no, I cannot offer an explanation as to why the Liberals are flip-flopping on this position.

We can all understand why, after 9/11, this legislation may have been passed because of high emotion and nervousness. I think it was wrong at that time, but we understood it.

However, I cannot understand why any parliamentarian would stand in this House today and violate precepts of democracy and Canadian civil rights when there has not been one example, in the last eight years, of anybody successfully brought before a judge who would have made this legislation necessary.

In calm, rational, sober thought, in a moment when we can actually address our minds to what this legislation would really do, I respectfully submit that no parliamentarian ought to stand in this House and knowingly violate Canadians' rights. States have always justified incursions into civil liberties by appealing to some fear. They have always tried to truncate people's freedoms with the justification that there is some bogeyman of some type.

The legislation ought to be rejected. I hope that the Liberal Party of Canada finds those principles and that its members find it in themselves to do as they did correctly in 2007 and join with the Bloc and the New Democrats in opposing this kind of very misinformed, dangerous legislation.

• (1130)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to speak today to Bill C-17, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions), a type of anti-terrorism legislation. I am also pleased to explain to you, Mr. Speaker, and to all those watching us, the balanced position that the Bloc Québécois has always defended.

The hon. member for Marc-Aurèle-Fortin has championed this issue with support from our member for Ahuntsic. Those two hon. members have some experience in this. Let us not forget that the hon. member for Marc-Aurèle-Fortin is a well known criminal lawyer. He was Quebec's attorney general at one time. He was the one who launched Quebec's Opération Printemps 2001, a large-scale operation to break up organized crime and criminal biker gangs in particular. Our colleague from Ahuntsic is a criminologist by training and we refer to her for information on fighting street gangs. She even played a role in the arrest of marijuana grow operators. We get our advice from people who fight crime for a living. Those are the people the leader of the Bloc Québécois chose to champion this issue and try, in a responsible manner, to fight terrorism. That has always been the Bloc Québécois' approach.

Our party has been involved since the very beginning of the process to review the Anti-terrorism Act. Between 2004 and 2007, the Bloc Québécois heard witnesses, read briefings, and interviewed specialists, civil society representatives and law enforcement agencies. During the Subcommittee on the Review of the Anti-terrorism Act's specific study of the two provisions in Bill C-17, the Bloc Québécois made its position on investigative hearings and recognizance with conditions clear.

Our party felt that the investigative process needed to be better defined. It was clear that this exceptional measure should be used only in specific cases in which it is necessary to prohibit activities where there is imminent peril of serious damage, and not in the case of misdeeds already committed.

We were also firmly opposed to section 83.3, dealing with preventive arrest and recognizance with conditions. Not only do we feel that this measure is of little, if any, use in the fight against terrorism but, more importantly, there is a very real danger of its being used against honest citizens. This is important, because it is part of a responsible approach. Some members here say they want to amend the Criminal Code, but really, the goal should be to actually improve the situation. But that is not the case here, as we can see in the position taken by the Bloc Québécois as a result of the analysis done by our esteemed colleagues, as I explained, the hon. members for Marc-Aurèle-Fortin and Ahuntsic.

I would like to quote the text, because it is very important. Amendments to the Criminal Code are often very complicated and contain many references. In a dissenting report, my colleague from Marc-Aurèle-Fortin very clearly explained his position and his viewpoint regarding these legislative amendments. It is worth reading, to ensure that all members and the people watching us at home understand better.

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Again, I am quoting my colleague's text.

Terrorism cannot be fought with legislation; it must be fought through the efforts of intelligence services combined with appropriate police action.

There is no act of terrorism that is not already a criminal offence punishable by the most stringent penalties under the Criminal Code. This is obviously the case for pre-meditated, cold-blooded murders; however, it is also true of the destruction of major infrastructures.

Moreover, when judges exercise their discretion during sentencing, they will consider the terrorists' motive as an aggravating factor. They will find that the potential for rehabilitation is very low, that the risk of recidivism is very high and that deterrence and denunciation are grounds for stiffer sentencing. This is what they have always done in the past and there is no reason to think they will do differently in the future.

● (1135)

This part of the text signed by my colleague from Marc-Aurèle-Fortin is important. It explains that we already have a criminal code, that there are laws in place and that judges have already convicted people who have committed such serious crimes as murder and have already established a way to set sentences and judge these people.

We must also consider that, when it comes to terrorism, deterrence has limitations. First, it will have very little impact on someone considering a suicide bombing. Second, those who decide to join a terrorist group generally believe that they are taking part in an historic movement that will have a triumphant outcome in the near future and that will see them emerge as heroes.

Continuing with the logic of my colleague from Marc-Aurèle-Fortin, I would say that it is important to understand that terrorists' perceptions and actions are different than those of ordinary citizens. I would add that we should not believe that they will be deterred by legislation. Therefore, we have to bear in mind the fact that their motivation is different than that of ordinary citizens.

Therefore, one cannot expect that new legislation will provide the tools needed to effectively fight terrorism.

Legislation can, however, be amended if police do not seem to have the legal means needed to deal with the new threat of terrorism.

Consequently we must ensure that the proposed measure does not unduly disturb the balance that must exist between respect for the values of fairness, justice and respect for human rights, which are characteristic of our societies, while also ensuring better protection for Canadians [and Quebecers] and for the entire world community.

Section 83.3, which provides for preventive arrests and the imposition of conditions, was advanced as such a measure when it was adopted.

Now, this provision has gone unused.

That is not surprising, given that police officers can use existing Criminal Code provisions to arrest someone who is about to commit an indictable offence.

Section 495 of the Criminal Code states that:

“(1) A peace officer may arrest without warrant

(a) a person [...] who, on reasonable grounds, he believes [...] is about to commit an indictable offence”

As my colleague's text mentions, clause 83.3, which would be added by Bill C-17, does not change anything, because the Criminal Code already contains section 495, which allows for preventive arrests.

The arrested person [when he is arrested under section 495] must then be brought before a judge, who may impose the same conditions as those imposed under the [Act]. The judge may even refuse bail if he believes that the person's release might jeopardize public safety.

If police officers believe that a person is about to commit an act of terrorism, then they have knowledge of a plot. They probably know, based on wiretap or surveillance information, that an indictable offence is about to be committed. Therefore, they have proof of a plot or attempt and need only lay a charge in order to arrest the person in question.

Therefore, it is very important to understand that section 495 of the Criminal Code already does what Bill C-17 would do, but with evidence that makes it possible for a judge to render a decision.

There will eventually be a trial, at which time the arrested person will have the opportunity to a full answer and defence. The person will be acquitted if the suspicions are not justified or if there is insufficient proof to support a conviction.

It seems obvious to us that the terrorist act thus apprehended would have been disrupted just as easily as it would have been had section 83.3 been used.

In keeping with what my colleague from Marc-Aurèle-Fortin was saying, section 495 of the Criminal Code already exists, allowing for preventive arrest, provided there is sufficient evidence.

And concerning section 83.3, my colleague added:

However, it is this provision that is most likely to give rise to abuses.

Section 495 does not give rise to abuse if there is evidence, but section 83.3, as set out in Bill C-17, is vulnerable to abuse.

● (1140)

My colleague went on to say:

It may be used to brand someone a terrorist on grounds of proof that are not sufficient to condemn him but against which he will never be able to fully defend himself. This will prevent him from travelling by plane, crossing the border into the United States and probably from entering many other countries. It is very likely that he will lose his job and be unable to find another.

This is a predictable situation that could create injustice. And that is what my colleague from Marc-Aurèle-Fortin was arguing against.

He continued on, saying:

Terrorist movements often spring from and are nourished by profound feelings of injustice among a segment of the population. The fight against these injustices is often conducted in parallel by those who want to correct the injustices through democratic means and those who believe it is necessary to use terrorism.

The former made a positive contribution to the transformation of the societies in which we live today. They are often the source of many of the rights that we enjoy.

It is inevitable that political activity will bring the first and second groups together. Very often, the former will not even be aware that the latter are involved in terrorism. The planning of terrorist activity is by its nature secret.

The point is that we have to be careful. If we were to pass the proposed section 83.3, when we already have section 495 of the Criminal Code providing for arrest in cases with sufficient evidence, that would open the door to abuse.

We cannot give certain members of society cause to protest by taking away some of their rights. That is how terrorists operate. They try to convince segments of society that the only thing the current government and politicians want is to take away people's rights. That gives them an opportunity to say that the rights of individuals are not being respected and that society is unjust and unfair. That is one way to stoke terrorism. That is what the Bloc Québécois is warning against. We must always act responsibly.

In seeking to convict an individual, we must always have enough evidence of the kind that will hold up in our justice system, which was created by our predecessors and has worked well to this day. Section 495 of the Criminal Code currently provides for preventive arrest when the police can lay sufficient evidence before the court. We can do the work.

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So why try to improve this kind of legislation for political and partisan reasons? That is pretty much how the Conservatives do business. They get people worked up by saying that they will come up with a bill to prevent something from happening—terrorism, in this case. But they are just adding fuel to the fire. It is perfectly clear that abuse can happen. Provisions like section 83.3 can be passed to enable the government to violate people's rights and show that our society is becoming less just, less tolerant. That would arouse hostility against our society. That is what the Bloc Québécois wants to prevent. We always try to deal with situations responsibly.

The Bloc Québécois has always stood up in this House to defend the interests of Quebecers and to help the members of other political parties from outside Quebec understand what it means to be a Quebecer. That is what the hon. members for Marc-Aurèle-Fortin and Ahuntsic tried to do. That is what they do every day here in the House, drawing on their personal experiences.

As I said at the beginning, we are trying to make people see that Quebec has been very successful in certain areas, and one example is the fight against crime. The statistics speak for themselves. The Conservatives can try to change Statistics Canada's long-form census all they like and do whatever it takes to prevent us from getting the real statistics, in an attempt to impose their philosophy and ideology on all situations. But the reality is this: Quebec has a much lower crime rate than the other Canadian provinces and the United States.

• (1145)

Our society has made a conscious decision to try to understand and invest in the fight against poverty and rehabilitate criminals instead of trying every possible way to prove that crime exists, that more and more prisons need to be built and that tougher sentences are needed. This is what the Conservatives are doing by allowing everyone to have weapons without a firearms registry. They want to put more weapons on our streets, while believing there will be fewer criminals. I do not think that is the solution.

The Bloc Québécois has taken a balanced position regarding Bill C-17. We believe that the Criminal Code has all the tools needed to combat terrorism, as long as we are able to conduct analyses and investigations.

This is a society governed by the rule of law. It must be proven that a person has committed an offence before he is charged. That is the way things are done, but the Bloc Québécois has never had any qualms about reversing the burden of proof when necessary. And it has done so. The Bloc Québécois introduced the first ever reverse onus legislation in this House regarding profits made from the proceeds of crime. As a result—and thanks to the Bloc Québécois—criminals now have to prove that they came by their money honestly, otherwise it automatically becomes evidence of their guilt. That is a choice. These battles have to be fought, and they will be won—as my colleague said in his speech—when more power is placed in the hands of the police. But they already have these powers under section 495 of the Criminal Code, which enables them to carry out preventive arrests based on sufficient evidence.

Section 83.3 gives us an impression that preventive arrests could be made in the absence of sufficient evidence. We saw what happened with the Arar affair. I will not recount all the instances of Canadian police officers being hauled before the courts and being

told that they have not done their job properly. Compensation has had to be paid out, among other consequences.

They are trying to change the laws in an attempt to gloss over a whole new approach to fighting crime, which includes making arrests without all the necessary evidence. This is a line that the Conservative Party dares to cross blithely and gleefully. We in the Bloc Québécois, however, are seeking out other approaches before we simply trample on people's rights. I will not read out the list again, but if a person is accused of terrorism, it is no secret that they risk losing many rights, including those I referred to earlier. Now, should evidence turn out to be lacking—and if it were determined that an individual was not guilty and that there was insufficient evidence—the government would have no choice but to pay substantial amounts in compensation.

We would prefer that the Criminal Code remain unchanged, since it already has provisions for preventive arrest. We feel that Bill C-17 goes too far.

That is our colleagues' dissenting opinion on this issue. And I would again like to commend my colleagues, the members for Marc-Aurèle-Fortin and for Ahuntsic, for enlightening us all. All members of this House would do well to lend them an ear and learn about the responsible and intelligent approaches favoured by Quebec when it comes to fighting crime.

• (1150)

[English]

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, for the record, and it will probably be obvious from my question, I am not a lawyer. The debate and questions and answers have been rather directed and contained within a very legal approach and that is appropriate with respect to the discussion of the bill. However, as I have been listening I have been trying to put myself in the position of the lay people listening to this discussion and trying to arrive at a conclusion as to whether they feel that the bill would in fact protect them against terrorist acts.

Probably the most heinous terrorist act was the Air-India bombing. As I was trying to react from my constituents' perspective, I could not help but reflect on the fact that a key witness to the Air-India bombing admitted to lying under oath, either lied or, by omission, circumvented the judicial proceedings that probably would have come up with a different conclusion.

Does that not give the member some concern? Is it not then, from that concern, realistic for us as legislators to find a way that would make the law capable of dealing with that kind of deliberate circumvention of judicial process? It is important to this debate because that is, in effect, what I believe Canadians want us to do. In fact, the investigative hearings within the concept of national justice does provide protection to those who are being accused by police and agencies. Would the member respond to that particular concern?

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[*Translation*]

Mr. Mario Laframboise: Mr. Speaker, the hon. member should understand that I have made the effort to quote my learned colleagues because my legal background is in the area of contracts rather than crime fighting. Nevertheless, I do have an understanding of the situation. The Bloc Québécois has always had a balanced position. That is how we do things. We must often attempt to put aside our personal frustration. We have to try to find a balance.

The hon. member for Marc-Aurèle-Fortin gave a presentation to the members of our caucus. We must be able to improve laws. When the Criminal Code is amended, it must benefit the police officers who work in the field. Can we do more while continuing to respect rights? Our society has decided to respect individual rights. Other societies have decided to set aside individual rights and serve the interests of the public. Clearly, this is the society's decision.

We want to have a balanced position. If we keep the Criminal Code as it is, preventive detention is allowed when there is sufficient evidence. If the hon. member is telling me that he would like to see preventive detention without evidence, that would be up to society to decide. However, that is not what Quebecers have currently chosen to do.

[*English*]

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, my Bloc friend's critic in this area has done a good job of putting forward evidence to support the position that the NDP and the Bloc have taken to oppose this proposed legislation.

Two years ago at the subcommittee on justice and human rights, when we were studying Omar Khadr's situation, Senator Roméo Dallaire came to that committee and spoke to us about the slippery slope that we had set upon when one Canadian is given more or less rights than another Canadian.

This summer at the G20 we saw evidence of police forces in Toronto going too far where there were preventive arrests happening there. We heard earlier today from the member for Vancouver Kingsway that 900 of the 1,100 people were released almost immediately, which was clear evidence of that violation. Preventive arrest is a huge step down that slippery slope.

If the government's legislation is enacted, what does the member think will happen with our police forces at that point in time?

• (1155)

[*Translation*]

Mr. Mario Laframboise: Mr. Speaker, the real question is: what message do we want to send about terrorism and to terrorists? Do we seriously think that violating the rights of our people is a message that will discourage terrorism? That is the real question our colleague was asking. Is that what will discourage terrorism, or will it simply help prove their point that these societies have less and less respect for the rule of law?

Often, that is how we are able to integrate people into our societies, because they choose to come to a place where human rights are considered and respected. That is a choice that we have made. If we decide to go against our values, we will have to ask

ourselves whether we are sending a message that discourages terrorism.

[*English*]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to have this opportunity to speak in this debate on Bill C-17, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions). The short title is the Combating Terrorism Act.

It is important that we review what this bill actually sets out to do, because sometimes when we are debating it, we lose track of this over the course of the debate, and people who might be listening could lose track as well.

Specifically, what this bill will do is establish investigative hearings under the provisions of the Anti-terrorism Act, whereby individuals who may have information about past or future terrorism offences can be compelled to attend a hearing and to answer questions. No one attending a hearing can refuse to answer a question on the grounds of self-incrimination. Information gathered at such hearings cannot be used directly in criminal proceedings against the individual, but derivative evidence may be.

The other significant provision of this legislation is a provision for preventive arrest, whereby individuals may be arrested without a warrant in order to prevent the carrying out of a terrorist act. Detention in this case would be based on what someone might do in a certain situation. The arrested individual must be brought before a judge within 24 hours, or as soon as it is feasible. The judge determines whether the individual is to be released unconditionally or released under certain conditions, recognizance with conditions, which are in effect for up to 12 months. If the conditions are refused, the individual may be imprisoned for up to 12 months.

The bill also contains a five-year sunset clause, requiring a resolution of both the House and Senate for it to be renewed.

This is indeed significant legislation, and it is not the first time we have seen it come before the House. It came out of the Anti-terrorism Act that was enacted after the 9/11 events. At that time, when there were serious concerns about what had recently happened, everybody was worried and fearful, which is not too strong a word to use, about what was actually going on at that time.

These two provisions were included in that legislation, albeit with a sunset clause requiring that they be reviewed within five years. If Parliament did not re-approve them, they would come to an end. In fact, that is exactly what happened. When they were put to Parliament, Parliament did not agree to their extension.

Since that time, there have been several attempts by the Conservative government to reintroduce these provisions into our criminal law, into the Anti-terrorism Act. One was short-circuited by an early prorogation of the House, and others have not been given the priority that, if they were sufficiently important, they should certainly have received.

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This is not the first time, in my term as a member of Parliament, that we have debated these issues. I have to wonder why, if this is so important, it was not given a higher priority by the government. It belies the importance of these issues that the government has not made sure this legislation got through earlier.

I also have to wonder why this legislation is necessary. I do not believe that we are responding to any serious failure of the Criminal Code of Canada to deal with terrorism, or any of the crimes that might be related to terrorism in Canada. I have not heard that we have failed to convict people who have committed terrorist acts or who are considering terrorist acts. In fact, post 9/11, we have convicted people under the provisions of the Criminal Code, without using these special provisions of crimes related to terrorism. We have seen the group in Toronto. We have seen others who have been convicted. This would say to me that there is not a problem with the existing Criminal Code legislation, that there is not a problem in investigating and actually charging and convicting people in the usual process of crimes related to terrorism.

I have to ask, then, regarding these special provisions, which go way beyond the normal provisions of our justice system, and which violate fundamental human rights in Canada, why we would want to go down that road. To my knowledge, no proof has ever been presented to the House or to one of the committees of the House, that the current provisions of the Criminal Code are not functioning when it comes to dealing with acts of terrorism or conspiracy to commit terrorism. Why do we have these provisions before us?

• (1200)

It is important to consider the serious nature of these provisions. They have a serious effect on what Canadians have come to know as basic human rights, basic civil liberties. The proposal to compel testimony from individuals, to force people to testify in court, violates the right to remain silent. It violates the right not to incriminate oneself before the law. That is a serious violation. It is something that most Canadians appreciate in our criminal law. Before we go down this road, we need to consider carefully why all this is necessary.

The investigative hearing proposals in this legislation would force someone to testify before a judge if he or she were suspected of having information about terrorist activity that has already occurred or that might occur. It directly compromises the right to remain silent, one of the fundamental principles of our justice system. The refusal to testify at an investigative hearing can lead to one year of jail time. It can also reduce the right to silence for persons who are questioned by the RCMP or CSIS: if they are uncooperative with a police investigation, the possibility of having to go to an investigative hearing can be used to compel cooperation and compromise their right to remain silent.

We have to realize that not everyone who chooses to remain silent in such circumstances is guilty, that choosing to remain silent is not an admission of guilt or proof of guilt. People may have legitimate fears and concerns. For instance, they might be concerned about their personal safety. Given the broad definition of terrorism in the Anti-terrorism Act, I believe that this provision is a problem. The definition itself has come in for criticism in the past.

This provision and the one on preventive detention are serious departures from our justice process. They could be used against people who are legitimately protesting or who are viewed as dissidents by our society. These provisions could be used to harass or even imprison such people.

A number of people today have mentioned the G20 protest and the mass arrests that were held. For the most part, they appeared to be carried out for preventive reasons. In my opinion, this process violated the rights to peaceful assembly, protest, and the expression of political views.

The whole question of investigative hearings raises another serious issue about how we do justice in this country. It puts judges in the position of having to oversee an investigation, which is a real departure from the normal process in our system. It is not the practice of our justice system and it is not something that most judges have experience with. It is a major departure since investigations in our system are normally undertaken by police authorities.

In hearings the Senate had on the previous incarnation of this bill, Jason Gratl, the president of the B.C. Civil Liberties Association, put this concern in this way:

The primary difficulty with investigative hearings is that they distort the functions of the judiciary and the Crown. In essence, the course of order-making power of the judiciary is brought to bear on an investigation. That power places prosecutors in the role of investigators, which is unlike their usual role. It also places the judiciary in a position of presiding over a criminal investigation.

This is a serious consideration that we need to look at with this legislation and this proposal.

There is also the matter of preventive detention. Preventive detention, or recognizance with conditions, is the other key part of the bill. It compromises a key principle of our justice system, namely, that one should be charged, convicted, and sentenced in order to be jailed. This provision would allow for the arrest and detention of people without ever proving any allegation against them. It could make people subject to conditions on release with severe limitations on their personal freedom, even if they have never been convicted of any crime. That is a serious departure from what we would normally expect from our justice system.

• (1205)

Some folks may say this is necessary, but I believe that jailing people because we think they might do something is extremely problematic, to say the least. It is easily apparent how such a measure can be abused.

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There is a good example to be found in our practice already, and I think it is a very bad practice. It relates to the question of security certificates, which is a measure under the Immigration and Refugee Protection Act. We have seen this in the post-9/11 period. It was intended to expedite deportation of non-citizens. Under this legislation, we have seen it used as a method of detaining people, a method of preventive detention for people that the state suspected may have been involved in terrorist activity. The most recent cases were the five men who were detained for years, some up to eight years, without ever being charged or convicted of a crime.

I think this was a distortion of the intention of the security certificate legislation. I also think it was a process that violated basic human rights in Canada. Some of these men are still subject to release conditions as a result of the security certificate that this government issued against them and that the previous Liberal government initiated.

There are serious problems, and we have seen some of these problems emerge in the court processes that these men have been involved in over the years. In fact, a number of the security certificates have now been thrown out because of the length of time they have been used and problems related to evidence.

I have to emphasize that these people have never been charged or convicted of any crime in Canada. The security certificate process has had nothing to do with that. I think this is an indication of how a legal measure can be distorted. Security certificates were intended to expedite deportation for people who had violated the conditions of their stay in Canada. But they have been used for other purposes. That is something we need to consider when we are looking at extraordinary measures like the ones in this legislation.

I point out that there is no issue related to terrorism that is not already covered by the Criminal Code. I think the NDP's justice critic, the member for Windsor—Tecumseh has said this loud and clear on a number of occasions. The last time we were debating this issue in the House he put it very eloquently. I want to quote from his speech at that time. He said:

There is no act of terrorism that is not already a criminal offence punishable by the most stringent penalties under the Criminal Code. This is obviously the case for premeditated, cold-blooded murder; however, it is also true of the destruction of major infrastructure.

Moreover, when judges exercise their discretion during sentencing, they will consider the terrorist motive as an aggravating factor. They will find that the potential for rehabilitation is very low, that the risk of recidivism is very high and that deterrence and denunciation are grounds for stiffer sentencing. This is what they have always done in the past and there is no reason to think they will do differently in the future.

It is clear that there is no crime related to terrorism that is not already included in the Criminal Code. I can think of no circumstance of a crime committed as part of an act of terrorism that would not be dealt with in the strictest, toughest way by our courts. Some specific examples might be helpful. For instance, counselling to commit murder is already an offence under the Criminal Code. Being a party to an offence is also a crime. The crime of conspiracy is well established under the Criminal Code and deals with the planning of criminal activity.

Let us be clear. In the conspiracy category, no crime actually has to be committed for someone to be found guilty of conspiracy under the Criminal Code. A charge is possible even when no crime has

been committed under the existing provisions of the Criminal Code of Canada.

• (1210)

We also have hate crime legislation that outlaws the promotion of hatred against a particular group, which may have some relevance in situations of terrorist activity.

The whole question of preventive detention also has an existing parallel in some ways in the Criminal Code. It should be noted that peace bonds provisions already exist in the Criminal Code and can be exercised where there are reasonable grounds to believe that a person's life or well-being is threatened by another person. This provision has similar power to preventive detention, as discussed in this bill, but more significant safeguards are built into the Criminal Code provision.

No one has demonstrated to my satisfaction that this existing provision will not meet the needs of dealing with terrorist activity. It is crucial to be very clear about that. We have not seen any evidence that there is a failure of the Criminal Code to deal with acts of terrorism or the planning of terrorist acts in Canada. We have not seen that the existing provisions of the Criminal Code of Canada need these extraordinary measures, which are an affront to some basic and long accepted and long established, for hundreds of years, principles of our justice system in Canada.

We need to be clear that when it comes to dealing with terrorism and conspiracy to commit terrorism, we really need to focus on and put our energy into police and intelligence work. We have seen in the past that Canada was ill-prepared when it met the challenge of a terrorist act. The Air India bombing comes to mind. Canada did not have the ability to appropriately investigate that situation. Police authorities did not have the resources, staff or people with the skills they needed to appropriately investigate that kind of crime.

We have to make sure in this process that our police and intelligence services have the personnel and resources they need to investigate potential terrorist acts and to charge those responsible. That has to be the flow. We have to do the investigations and lay the charges and ensure the full gamut of our justice system is engaged in that process.

I do not think it is appropriate to say that we are going to do the investigation and come up with some evidence but shut down the rest of the process of charging and hopefully convicting someone who is alleged to have committed those crimes. The conviction is very necessary in all of that. For me that is one of the failings in the security certificate process.

We have to be aware that these provisions were first proposed in a time of fear, after the attacks of 9/11. People were not exactly sure what was happening at that time. We have to also be aware that legislating in a time of fear and uncertainty like the period immediately after 9/11 can lead to bad legislation. It can lead to unintended consequences, ultimately, such as labelling and stereotyping individuals and groups in our society.

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There is much evidence that says when we do that kind of thing, we do not make good legislation. Denis Barrette, the spokesperson for International Civil Liberties Monitoring Group, said at the Senate hearings on Bill S-3:

These laws are used in emergencies, where fear and panic are at the forefront—somewhat like what happened at the time of September 11, 2001.

Fear is never a good adviser. It is rather in moments of peace and quiet that the importance of preserving rights and freedoms should be rationally assessed. It is obviously important to defend them in difficult times, but we must plan for how to protect them in difficult times.

It is easy to protect rights and freedoms in peaceful times. We must provide for the unpredictable and ensure that, in a moment of panic, legislation does not result in innocent victims because it was poorly conceived or because it was dangerous or useless.

I believe that is what we have before us in Bill C-17, and that is why I strongly oppose this legislation.

● (1215)

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, I commend the hon. member for Burnaby—Douglas on his thoughtful and respectful remarks that manage to strike just the right balance when we are talking about civil liberties in this country.

One of the other areas of this legislation that shows its flaws can be found in its provision that anybody who refuses to accept or agree to the conditions that may be levelled by the court in terms of the preventive arrest protest can be jailed for up to 12 months. Several observers have pointed out it is highly unlikely that a bona fide terrorist would refuse to agree to those conditions but rather would agree to the conditions, of course, so that he or she could continue with any planned activities. This shows that provision to be relatively useless.

I wonder if the hon. member could comment on that or any other part of the bill that may provide a false sense of security because it is not well thought out or workable.

Mr. Bill Siksay: Madam Speaker, my colleague's question brings me back to my point that there is no substitute for charges under the Criminal Code, for engaging the justice process, for getting somebody into court and proving the allegations or allowing that individual to disprove them, and for getting that person convicted and jailed.

We should be focusing our attention on that. We should allow our system to do that. We should make sure that our system has the resources it needs to engage that process fully without compromising the basic tenets of our criminal justice system, without inventing ways of short-circuiting it because we believe there is some kind of emergency or special circumstances.

Our system has proven its value over and over again. We have experience with it. We have the precedents to know how it works. We know its strong points and its failings. We do not need to invent new exceptions to that process. I believe the ones in this legislation are serious exceptions to that process.

This legislation is saying that somebody is compelling an individual to testify. Arresting and detaining and putting conditions on an individual for preventive reasons are serious abrogations of basic civil rights and basic elements of the process that we have in place in this country.

I do not think there is any evidence to show us that these provisions are useful, that they have been more effective in dealing with terrorism. We have not really engaged them. We may have used the compulsion to testify once in the Air India court case. I do not believe that any of the evidence gleaned in the requirement to testify by one of the witnesses was ever used or was found to be useful in the ongoing court case.

There is no evidence to my understanding that these provisions are useful, that they have been used, that this departure from the normal process is helpful in any way. It is very unhelpful. They go to a diminution of the important and basic values of our society and of our justice system. That is why I think this is dangerous legislation.

● (1220)

Ms. Megan Leslie (Halifax, NDP): Madam Speaker, my colleague made me think about the difference between human rights and civil liberties. Human rights require state intervention whereas civil liberties are about ensuring that the state does not intervene.

When I think about human rights and civil liberties in that way and I think about our national security, which one would think would require state intervention as well, I am quite worried that our national security has become a value that actually trumps human rights and civil liberties. Any time we go down the path toward ensuring national security, we have to make sure there is a balance among these three things.

Could the member let the House know what he thinks about that balance? Can we achieve a balance among national security, civil liberties and human rights?

Mr. Bill Siksay: Madam Speaker, it brings me back to the question of what is the threat we are facing that requires these extraordinary measures.

The government has not presented any evidence that there has been a failure of the Criminal Code to deal with terrorist activity in Canada. In fact, since 9/11 there have been people charged with terrorist activity in Canada and there have been convictions. People have been sent to jail for those activities.

It seems to me that the system is capable of functioning without violating human rights and without violating civil liberties in Canada and using the existing provisions of the Criminal Code. It seems to me that if there were evidence that somehow people were getting away with these crimes in Canada at the present time or since 9/11, there might be reason to consider other measures. I am not sure that these measures would be worthy of consideration even in those circumstances, but in the absence of any evidence that there is a problem, I do not know why we are considering these measures again.

I think Parliament made the right decision when, after five years of these provisions being present in our criminal law, they were allowed to sunset and were passed over. Parliament realized at that time they were not necessary and were not helpful. I do not believe the government should be reintroducing them at this point.

Parliament has debated this issue in the past and I think the appropriate decision was made at that time.

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Ms. Libby Davies (Vancouver East, NDP): Madam Speaker, I would first like to thank the member for Burnaby—Douglas for his very thoughtful comments on Bill C-17. I think the member has spoken in this House every time this bill has been before the House. It is a measure of his concern and commitment which is certainly shared by my colleagues about the importance and the serious implications of this bill. I very much appreciate the history that he has given today and what he has reflected upon in trying to bring it forward in our Parliament.

One thing that strikes me in listening to his comments is that in today's *Quorum*, which has newspaper clippings from across the country, there is not one mention of this legislation being debated, but we can see page after page of stories on the gun registry. In talking about balance, if we could weigh those things, it makes me wonder how much the public is aware. People probably are not aware, other than those people who might be watching this debate on CPAC. When it comes to public awareness of this kind of legislation and the long-term impact it has on Canadian society and on our criminal justice system, I just do not think people have a clue. I wonder if the member could comment on that.

The member has spoken to this issue in the House a number of times. We have tried to get information out to let people know that this is coming up, that it is really serious and we need to pay attention to it. It is so unfortunate when we see all of the attention going to something like the vote on the gun registry and no attention going to this issue which of course will have a huge impact on everybody in Canada.

• (1225)

Mr. Bill Siksay: Madam Speaker, the member for Vancouver East has raised an important issue about what does seize our attention.

I am thankful that here in this place there are members who are prepared to engage this important issue. I am thankful that the member for Vancouver Kingsway, our New Democrat public safety critic, is working very hard on this issue, that our justice critic, the member for Windsor—Tecumseh, and so many other New Democrat members are working hard on this issue and are prepared to participate in debate.

We know the central importance of the issues that are being challenged by this legislation. We will continue to do that work. We will continue to be on the record about our opposition to this legislation. Hopefully, that opposition will be noticed. Hopefully, we will change a few minds in the process of speaking publicly on this issue and that other Canadians will also come to realize the very serious nature of what the government is proposing and will come to understand that these measures are useless, dangerous and that we should not proceed with them.

The Acting Speaker (Ms. Denise Savoie): Before resuming debate I should advise the House that we have now completed the first five hours of debate on this bill and we have come to the 10-minute interventions.

Resuming debate. The hon. member for Vancouver East.

Ms. Libby Davies (Vancouver East, NDP): Madam Speaker, first, it is very nice to see you back in the Chair. We know that your quiet way of responding to the House and keeping the necessary

level of control is very well-respected by the members. Welcome back.

I am very pleased to rise today in the House to speak to this bill, as I have on a number of occasions. I have been listening to the debate this morning and feeling so proud to hear my colleagues from the NDP. We heard from our justice critic, the member for Windsor—Tecumseh, yesterday. Today we heard from our public safety critic, the member for Vancouver Kingsway, who made a very compelling speech about what is wrong with this legislation and why we are opposing it. And we have just heard from the member for Burnaby—Douglas, again a New Democrat, who has been following this bill ever since he has been in Parliament.

I want to begin at that point because I was in the House in 2001 when this legislation was introduced very soon after the events of 9/11. I remember, and the member for Burnaby—Douglas spoke about this, the sense of panic and fear that did exist, even within this Parliament. I remember in debating the legislation at that time, almost 10 years ago now, the sense of the need to act, to bring in something to show that the government of the day, a Liberal government, was responding to these grotesque acts of terrorism and in having that debate back in 2001. It was finally passed in 2002.

I was not on the justice committee, but I remember reading the testimony from the witnesses, people who do reflect upon the law and the state of our criminal justice system. Even back then there were dire warnings and concerns that were expressed about the anti-terrorism legislation, in the manner that it was rushed through, that it was ill thought out, but fundamentally a question as to whether or not we even needed the legislation.

Here we are now, so many years later, in what we could say is a sober second thought and yet, we are poised to move ahead again on those elements of the original bill that were sunsetted. The reason that they were sunsetted, the five-year clause dealing with investigative hearings and preventative arrest, is they were so controversial that certainly the NDP and the Bloc, at the time, pressed very hard to get those measures included so there would be a proper and full parliamentary review on those very serious provisions in the original bill. As others have pointed out, when those sections came to their conclusion, at the end of February, a resolution that came forward in this House to actually extend those provisions for three years was actually defeated. I remember that debate, too, and I remember participating in that discussion.

I think at that point many of us were hopeful that we had had that serious second sober thought about the bill, about its consequences, how it had been used, the fact that it has not been used, and that the time was really to ensure that those sunsetted clause remained that way.

Here we are again debating those same provisions and because of the reversal by the Liberal Party, the Liberal members, it appears that this bill will now continue on to committee. We will see what happens after that, but it does not bode well.

Government Orders

I guess what I want to focus on is the fact that it does strike me as very compelling that, on the one hand, we are dealing with a matter as serious as this legislation and anti-terrorism. Some of us are trying to weigh up whether or not this kind of legislation is actually needed and yet, there is so little attention to it. That was my reason for asking the member Burnaby—Douglas because it astounds me that there is so little attention. There is no attention that I can see in the media and no awareness in the general public that we are debating this bill. We are about to march forward with these kinds of provisions that would have such a deep impact on Canadian society, our fundamental rights to remain silent, to remain innocent until there are charges brought.

• (1230)

These are very basic things within the Canadian democratic society. Yet, on the other hand we have the perfect storm around the gun registry. The gun registry is important. I am someone who is going to be voting to support the continuation of the gun registry. However, it is so ironic to me what gets attention and what does not.

Therefore, this debate today is really important. As individual parliamentarians and within our caucuses we have to reflect on what it is that we are unleashing again, what we are allowing to unfold.

Hearing some of the debate, one could be left with the impression that we have no laws in Canada to deal with terrorism and this is why we have to have it. I find that this is very much a disturbing trend that we see coming from the Conservative government. Its whole agenda is on formulating new laws, little boutique provisions, that it brings forward to the Criminal Code when in actual fact, when we look at it in the cold light of day, when we look at it in terms of real evidence and factual information, many of these laws that have been brought forward actually are not required. Our justice system and the laws that we have in the country are very comprehensive.

That is not to say that there are not changes that are needed, but if we look at the drug bill that we had in the House, if we look at the private member's bill on trafficking, they were all proposals that were designed to give people the illusion that somehow we are tackling a major problem.

As my colleague pointed out earlier, in some instances what we needed to be focusing on was better policing, better intelligence gathering or better enforcement of the provisions that we have.

This idea that for every issue and problem that we have in our society we need a new and tougher law, and we need to keep bringing these on, becomes like an assembly line of putting these laws one after the other. We end up debating them ad nauseam in the House. I think there is a pattern here and the bill is very much disturbingly a key element in that pattern that is coming forward from the Conservative government.

We have heard today of some of the provisions there are already in the Criminal Code to deal with suspected acts of terrorism. I do not have a shadow of a doubt that within our existing framework we do have adequate provisions to deal with this issue. By allowing these two provisions to go ahead, first, the one dealing with investigative hearings where someone can be compelled to attend a hearing and to answer questions, and second, on preventative arrest whereby someone who might be do something with no evidence necessarily

can be arrested and brought before a judge, a decision can be made about whether or not to incarcerate individuals for up to 12 months or whether to release them on certain conditions. We have heard again and again that these provisions actually have not been used.

There was one situation with the Air India inquiry where one of these provisions was used but the evidence was never brought forward. However, in a general sense, over this many years the key provisions of the bill have actually not been used. It should tell us something about this legislation. It should tell us something about Canadian society.

It is very striking that we are again debating this legislation and about to move forward on these two very problematic clauses.

We have situations in Canada already where we have had serious movements within the justice system. The security certificate is one. The member for Burnaby—Douglas laid out very thoughtfully how even in that instance under the Citizenship and Immigration Act, where these certificates were meant to be used to expedite the deportation of people who were in violation of deportation, they too have been used in a very inappropriate way.

We have seen cases where individuals have been imprisoned for years at a time, some of whom went on hunger strikes. Their basic rights were violated and they lived in very difficult conditions.

• (1235)

In conclusion, New Democrats again will firmly stand in opposition to this legislation. We believe that these two provisions need to be abandoned. They do not need to go ahead. We will remain steadfast in that opposition and alert people to what is going on, and hope that other members of the House will come to that conclusion as well.

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Madam Speaker, I am pleased to join my colleagues who have contributed to the debate on Bill C-17. I am not going to say anything the Bloc Québécois has not already said about this bill, but I am going to provide a few examples to illustrate how inappropriate it would be to renew the sunset clauses, as is the government's intention in introducing Bill C-17, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions).

In any bill we debate the Bloc Québécois likes to see a certain balance. In this specific case, in any legislative measure on terrorism such as Bill C-17, there absolutely must be a balance between security and respecting other basic rights.

Earlier, I heard an NDP colleague talk about human rights and civil liberties. Indeed, pushing things too far in one direction or another causes problems. That is where the government needs to step in. For example, if we go in the direction of inappropriate security that violates our civil liberties, we can end up in a situation like the one at the G20 in Toronto. People who had gathered together for a peaceful demonstration were arrested in their dormitory. They had not even started demonstrating.

Government Orders

There may be excessive preventive measures when it comes to security. The same is true in the other direction. If terrorists or potential terrorists can use loopholes to execute their Machiavellian and diabolical plans, then we have to do something about that.

When we look at what has happened since these sunset clauses were established, we realize that they have never been used. That is why the government has come in a few years later with the intention of reinstating these clauses, but there is no evidence to support their usefulness.

Between December 2004 and March 2007, there were several debates and several committees studied this issue. The Bloc Québécois listened to witnesses, read submissions, and questioned experts, representatives of civil society and law enforcement officials. We have all the tools we need, therefore, to determine our position on investigative hearings and recognizance with conditions, the two points being considered in this bill.

Then as now, we in the Bloc Québécois feel that it is better to provide more guidelines on investigative hearings. That is the first point we want to make. It is obvious to us that this exceptional provision should only be used in certain specific cases to prevent actions involving an imminent risk of serious harm, and not in the case of acts that have already been committed. This does not mean that we are opposed to investigative hearings, but they should be confined to specific cases when it is essential to have them.

In regard to recognizance with conditions, we are still opposed to section 83.3 concerning preventive arrest and recognizance with conditions. This is a useless and ineffective process. These clauses have never been used in all the time they have existed. Not only are they ineffective at fighting terrorism, but the uses to which they could be put will always be a sword of Damocles hanging over the heads of people, a clear danger to the rights of honest citizens.

I mentioned the G20 a little while ago. Justice will take its course, but there were clearly some abuses in the arrests that were made following the demonstrations. Some well-known agitators go to demonstrations of this kind, even if they are supposed to be peaceful, in order to create trouble. The police have a duty to arrest these people, and they generally do a good job in order to prevent things from degenerating into a riot.

• (1240)

Sometimes, though, the police get carried away, cross the barricades, and go after people who are there for perfectly legitimate reasons. This is still a democratic country. There are valid reasons, therefore, for going to demonstrations and expressing one's disapproval of decisions the government has made or even decisions made on a global level. That is why these demonstrations occur. I think there was also a problem with this.

A number of experts testified that dangerous terrorist activities can already be averted effectively—even more effectively—through the normal application of the Criminal Code with none of the harmful consequences that preventive arrest may entail.

So we already have the tools we need. Our job as legislators is to improve the bills that come before us. We are never against that. We are always in favour of doing what we can to improve security, but to do that, we need to change a piece of legislation, amend it or add

some clauses to improve and facilitate the work that our police forces do. When there is a lot of talk about these cases, it is because there is a problem.

The Criminal Code has all of the provisions required to implement measures to foil the plans of those who would commit terrorist acts. The mechanism we are talking about was eliminated in February 2007. Obviously, I am talking about the second point.

The investigation process should be reinstated only if major changes are made. Unfortunately, Bill C-17 does not do that. Preventive arrest has no place in our justice system because it can have such a devastating impact on people's reputations and because other effective measures are already in place.

Since yesterday, I have heard some of the government members' speeches, but I have heard no evidence whatsoever that any gaps exist or that the existing Criminal Code does not provide police forces with the means to counter the activities of those who would commit terrorist acts.

What I have heard is the Conservatives make malicious and sensationalist accusations against people who oppose Bill C-17, against those of us in opposition, the Bloc and the NDP. They accuse us of being practically pro-terrorism. Why bring back ineffective measures that have never even been used? There was a reason for the sunset clauses: the measures were made available to the police for a period of time to see whether they could be used effectively. But they were never used at all, so why bring them back in this bill? Furthermore, since sections of the Criminal Code already provide for effective action, why try to muddy the waters by proposing other measures?

Of course, we are always in favour of improving measures to make our streets and public places safer. However, the government is simply putting up a smokescreen, probably because they want people to see how important public safety is to them. We know that yesterday the Prime Minister listed public safety as one of his priorities, but Bill C-17 does not include any truly effective measures. And since these measures were ineffective when they were first introduced, I think it would be inappropriate to reinstate them today.

Since I am being told that I have very little time left, I will conclude by saying that it is always possible to improve our system and our safety, but it requires a balance as well as truly effective measures.

It is because of this analysis that we have decided not to support restoring this measure. Not only do we feel that this measure is of little, if any, use in the fight against terrorism but, more importantly, there is a very real danger of its being used against honest citizens. In addition, a terrorist activity deemed dangerous can be disrupted just as effectively through the current Criminal Code and existing measures.

Government Orders

• (1245)

Mrs. Maria Mourani (Ahuntsic, BQ): Madam Speaker, I would like to begin by commending my colleague on his excellent speech. He was successful not only in laying bare the pointlessness of this hot air and bluster bill, but also in showing us how dangerous the bill is, to the extent that it may infringe upon our human rights.

I would like to know what my colleague thinks about certain allegations that, in fact, are verging on no longer being allegations. A Canadian Press headline reads, "CSIS would use torture-tainted info".

What does my colleague think about that allegation? Does he think that this kind of legislation will lead to both instances of abuse and arbitrary decision making?

Mr. André Bellavance: Madam Speaker, I thank my colleague, the member for Ahuntsic, for her question. She asked this question of the Minister of Public Safety yesterday. As usual—and despite any assurances to the contrary before the session resumed—she failed to get an answer to her question.

As my colleague stated, these are allegations. However, any door that can be opened and may lead to cases of abuse is outright dangerous. I agree with my colleague on this matter. Moreover, as I said in my speech, why change something that already works well?

If there were urgent requests on the part of police officers and those folks who keep us safe, indicating that they are unable to fight terrorism in Canada and Quebec or—alongside Interpol—elsewhere in the world, then we would need to do something about it. If there were a legal loophole making it impossible for them to prevent people from committing terrorist acts, we would have to look into it. That much is obvious. And that is what we are constantly doing as we are dealing with a moving target.

With these measures, though, as my colleague pointed out—and this might actually occur under the current government—there is the risk that abuses will be committed in the name of ever-sacrosanct security—security that we actually agree with. If, for example, one of your children is arrested while taking part in a peaceful demonstration, you will realize at that point that there may have been an abuse of power under the guise of increased security.

• (1250)

Mrs. Maria Mourani: Madam Speaker, I would like to ask my colleague the following question. I would like to know what he thinks of the change in the Liberals' position. In 2007, there was some unanimity about the fact that these provisions did not serve any purpose and should not be renewed or extended. However, the government has introduced the bill again, so we now have Bill C-17 before us. The Liberals have suddenly changed their position. Yet, there is absolutely nothing new here. There have been very few changes.

I wonder what my colleague thinks is going on with the Liberals? Is this a matter of simple demagoguery and security one-upmanship?

The Acting Speaker (Ms. Denise Savoie): The hon. member for Richmond—Arthabaska has less than a minute to answer the question.

Mr. André Bellavance: Madam Speaker, in such instances, I always reply that we must ask the Liberals themselves why they suddenly reversed their position on the bill.

The bill will be examined in committee, but it is clearly useless. As my colleague said, we have already recognized that these clauses were totally ineffective. We will be wasting our time in committee. I have a feeling that the Liberals are putting up a smokescreen, as I accused the government of doing earlier, in preparation for the next election. They can use this to say they are against terrorism. I believe that all members of this House are against terrorism.

[English]

Ms. Megan Leslie (Halifax, NDP): Madam Speaker, it is almost a cliché to say that the events of September 11, 2001 changed the world, but Professor Wayne MacKay, a professor at Dalhousie law school, wrote in a article called "Human Rights in the Global Village" that this was only partly true because:

—terrorism has been an international force for many years. However, on September 11, 2001 the reality of terrorism was visited on the heartland of the United States and it became clear to all that even a super power was vulnerable to the forces of terrorism afoot in the world. The world may not really have changed as a result of "9/11", but the way that the United States, and by association Canada, approach the world did. We have become more cautious and national security has become a value that trumps most other values—including human rights.

Like most people, I have a very vivid recollection of where I was when the planes hit the Twin Towers in New York City. I was starting my first week at Dalhousie law school and was in the student lounge, which was packed with other students. We were all utterly silent.

I am not really one for numbers. I can never remember if it is Bill C-11 or Bill C-392 or Bill C-9 in the 40th Parliament or the 38th Parliament, but I remember Bill C-36, the Anti-terrorism Act that was introduced in 2001. I remember it like I remember 9/11 because even though I was a fresh-faced law student eager to learn about this great big concept called the law, a concept based on human rights, justice and fundamental freedoms, I still knew that Bill C-36 was a departure from that base of justice and human rights.

As first-year law students, a group of us started a student association called SALSA, the Social Activist Law Student Association. SALSA was and continues to be, and it is still at Dalhousie law school, the coming together of like-minded students who are interested in seeking justice, environmental, social and economic justice. We want to see it realized in our communities.

When Bill C-36 was introduced in 2001, we did not know what to do, but we knew we had to do something. Therefore, we organized a panel of human rights and justice criminal law experts to talk about the bill and educate us on what was exactly going on and what the bill was trying to accomplish. Some of us wrote letters to the editor, others wrote op eds and we wrote to our members of Parliament.

Government Orders

There was a growing consensus then that the dangers of Bill C-36 were that it would trump our human rights and civil liberties in the face of national security and allow for government to act in the shadows shrouded in mystery and secrecy. However, the one thing everybody hung their hats on was the fact that there was a sunset clause in the act. That was the first time I had even heard the term "sunset clause". The idea was that after a period of time, a review of the legislation would automatically be triggered by Parliament.

The current bill, Bill C-17, proposes amendments to the Criminal Code that would reinstate provisions from the Anti-terrorism Act of 2001 that expired under that very sunset clause in 2007. Very specifically, the bill relates to investigative hearings whereby individuals who may have information about a terrorism offence, whether it is in the past or the future, can be compelled to attend a hearing and answer questions. No one attending a hearing can refuse to answer a question on the grounds of self-incrimination, which is quite different than if someone is in a court facing Criminal Code charges.

The other issue is preventive arrest whereby individuals can be arrested without a warrant in order to prevent them from carrying out a terrorist act. It is detention based on what someone might do. The arrested individual has to be brought before a judge within 24 hours, which is fair, or as soon as feasible and the judge determines whether that individual can be released unconditionally or with certain conditions for up to 12 months. Also, if those conditions are refused, the person can be imprisoned for up to 12 months.

International human rights and domestic human rights are increasingly related when we look at the global village of today. What we do in Canada affects the greater and wider world and our actions have worldwide implications. Similarly, actions outside of Canada's borders can and do have an impact here.

• (1255)

As Greg Walton wrote in a piece for the International Centre for Human Rights and Democratic Development:

Canada has an obligation to provide a model; we need to stand straight lest we cast a crooked shadow.

After my graduation from law school, I had the opportunity to work with Professor Wayne MacKay doing research and assisting with his preparation for the lecture that I spoke about, as well as his appearance before the Senate committee actually reviewing the anti-terrorism legislation back in 2005. While I was working with him, one topic of conversation that we kept coming back to was the idea of racial profiling.

Racial profiling has been defined by the Ontario Human Rights Commission, which is a really good definition, as follows:

...any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment.

Professor MacKay pointed out that before September 11 the issue of racial profiling was really about driving while black. A stark example of this comes from my home province of Nova Scotia with the story of Kirk Johnson, a boxer whose case appeared before the Nova Scotia Human Rights Tribunal. When Mr. Johnson was repeatedly, over years, pulled over by police in his expensive car

with Texas licence plates, the tribunal found that actually race was a determining factor in the police's decision to pull him over again and again.

Since September 11, that phrase, driving while black, has actually been re coined as flying while Arab. Profiling is broader than just race now. It takes into account religion, culture and even ideology. Concerns about profiling based on race, culture or religion are real but they are accentuated by threats of terror. There is an alarming tendency to paint an entire group with one brush when in fact it is the act of individuals rather than religious or ethnic groups that are at fault.

We know about the uproar in the United States with the proposed building of a mosque six blocks from the site of the World Trade Centre. We think that kind of thing certainly could not happen here but here at home, on the day after the arrests of 17 terrorist suspects in Ontario, windows were broken at an Islamic mosque in Toronto. It can happen here and it does happen here.

At the Senate committee hearings in 2005 actually reviewing the Anti-terrorism Act, Canadian Muslim and Arab groups argued that if law enforcement agents were going to use profiling in their investigations, profiling needed to be based on behaviour, not ethnicity or religion. However, in a *Globe and Mail* article, a member of this House on the government side cited a different opinion when he said, "(y)ou don't send the anti-terrorist squad to investigate the Amish or the Lutheran ladies. You go where you think the risk is".

Within the context of Bill C-17, we need to think about the real danger of imposing a sentence. I know it is not a sentence in the strict criminal terms of what a sentence is, but it is a 12-month sentence in prison based on something someone thinks a person might do. We can layer that with the fact that we know profiling is happening in Canada.

We know the Criminal Code works. We know there are provisions in the Criminal Code for a wide range of charges related to anti-terrorism. It is working. How do we know that? It is because these proposed sections that we are talking about in Bill C-17 have never been used. Therefore, why would we take that risk?

We have anti-terrorism legislation that has proven to be useful. The reason that these two provisions have never been used and were not renewed at the end of the sunset clauses is that they did not meet that balance between national security and human rights and civil liberties. There is a reason they expired with the sunset clause and there is absolutely no reason for us to bring them back to life today.

• (1300)

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, I congratulate my colleague on a wonderful speech that was full of intelligence, thoughtfulness and passion.

I know she has devoted her life to serving her community in a legal capacity. I wonder if she could give the House her thoughts on the potential application of the Charter of Rights and Freedoms in this legislation, in particular whether she believes this legislation might be subject to a successful charter challenge. I would be most interested in hearing her thoughts on that.

Government Orders

Ms. Megan Leslie: Madam Speaker, I note the member's definite commitment to seeking environmental, social and economic justice in his own community and across Canada.

It is a good question about the charter. Section 7 of the charter states that we have a right to life, liberty and security of person but we also have section 9 which states that everyone has the right not to be arbitrarily detained or imprisoned. Twelve months without a charge, 12 months of just investigation, kind of smacks of arbitrary detention to me.

However, beyond the charter, we have the International Covenant on Political Rights which, in article 9.1, states that everyone has the right to liberty and security of person. It looks like our charter. It goes on to state that no one shall be subjected to arbitrary arrest or detention. It looks like our charter. It goes on to state that no one shall be deprived of his liberty, except on such grounds and in accordance with such procedures as are established by law. It sounds like our charter.

We have domestic law that Bill C-17 seems to come up against, but we also have this international covenant where we have said out loud to the world that these are the rights that we respect, that this is the basis of our justice system and that these are the bases of human rights in Canada.

Bill C-17 goes up against our international obligations as well as our charter, which is part of our Constitution, the basis of all that is just and good here in Canada.

• (1305)

The Acting Speaker (Ms. Denise Savoie): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Ms. Denise Savoie): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Ms. Denise Savoie): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Ms. Denise Savoie): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Ms. Denise Savoie): In my opinion the yeas have it.

And five or more members having risen:

Mr. Deepak Obhrai: Madam Speaker, I ask that the vote be deferred.

The Acting Speaker (Ms. Denise Savoie): The recorded division on the motion is deferred until tomorrow after government orders.

[*Translation*]

CRACKING DOWN ON CROOKED CONSULTANTS ACT

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC) moved that Bill C-35, An Act to amend the Immigration and Refugee Protection Act, be read the second time and referred to a committee.

He said: Madam Speaker, as Minister of Citizenship, Immigration and Multiculturalism, I am pleased to have this opportunity today to launch the debate on Bill C-35, the Cracking Down on Crooked Consultants Act.

I am proud to rise to support this important legislation, which would allow us to amend the Immigration and Refugee Protection Act to strengthen the rules governing those who provide advice on immigration matters for a fee.

As hon. members know, the great values that govern Canada, namely freedom, democracy, human rights and the rule of law, make our country one of the primary destinations of choice for immigrants from all over the world. Unfortunately, Canada is also associated with the emergence of practices which, for too long, have been synonymous with unscrupulous behaviour in the immigration industry.

[*English*]

We all know that applicants for immigration to Canada do not need to use the services of an immigration representative in order to immigrate here. The Government of Canada treats everyone equally whether or not they hire a representative to deal with Immigration Canada in their application to visit or move here. However, because moving to a new country has its own challenges and because immigration procedures often seem complex, many prospective immigrants seek the services of a consultant for help in navigating the process of immigration.

Now while most immigration consultants working in Canada are acting professionally and ethically, the unfortunate reality is that there are a number of consultants who are acting dishonestly or even illegally to try to profit from people's dream of coming to Canada. This is one of the biggest issues that new Canadians raise with me from coast to coast. In many meetings with various ethnocultural communities across Canada, I have heard numerous unsettling stories of people being taken in by dishonest immigration consultants or unethical representatives.

These are people who take sometimes thousands or tens of thousands of dollars from individuals. I heard a story from a man of Chinese origin who had given over \$100,000 in cash to a crooked consultant who had falsely guaranteed him immigration to Canada as an investor immigrant. I have also heard of students giving people sometimes over \$10,000 to guarantee them status in Canada and in return get nothing. Often these crooked consultants will knowingly submit counterfeit documents in support of an application with careless disregard that our ministry officials are likely to identify the fraud, reject the visa application and often that will injure the person's chances of visiting or coming to Canada for at least two years. The crooked consultants do not care because they typically have the cash in hand and have already made their profit.

Government Orders

There are literally thousands of such representatives, from unauthorized consultants to labour recruiters and student agents both in Canada and around the world. We want people to know that despite what some unethical representatives might say to prospective immigrants, no one has special access to the Government of Canada and all applications are treated the same. It is important to underscore this because many of the bottom-feeders in this industry will imply to people that they have some kind of in, some kind of special access to decision makers in the Canadian immigration system, and that is never true. It is important for people both here and abroad to understand that.

It is also important for prospective visitors or immigrants to Canada to know that if something sounds too good to be true, it probably is. If someone is offering guaranteed immigration status in Canada for a fee, go the other way, in fact, run in the opposite direction. Immigration fraud takes many forms. Immigration applicants in all immigration categories may engage in fraud against our system and some seek assistance from crooked consultants or other third parties such as labour recruiters or document counterfeiterers.

I was recently in India where our officials briefed me showing me hundreds of examples of the thousands of counterfeit documents they get that are produced by this industry: fake bank transcripts; fake academic transcripts; fake banking statements; and fake marriage, death or birth certificates, just name it. Some of them are quite crude but, again, often the counterfeiters and the crooked consultants do not care because they have already done their business.

Some fraud happens here but much happens overseas. Some examples include lying to an officer on an application form or counselling economic migrants to file unfounded refugee claims. A related concern is consumer fraud where crooked consultants, labour recruiters or student agents charge exorbitant fees to applicants or promise services that are never delivered.

I returned this morning from a visit to our top immigration source countries, including India, China and the Philippines, and my second visit to India since becoming minister, where I met with senior officials from the state of Punjab and discussed progress made to date, as well as our continued co-operation on this issue.

● (1310)

I received a commitment from the federal ministers of the Indian government to bring forward significant amendments to their immigration act, to help crack down on unscrupulous immigration advisers in India. As well, I managed to secure a commitment from the minister of public security in China that he would appoint a special high-level representative to work on a task force with us in combating immigration fraud in that country.

And so, we believe that we are making progress in this respect.

To give members an idea of the scope of the problem, we have in our visa office in Chandigarh, Punjab, what our officials call a “wall of shame”, with countless examples of the thousands of fraudulent documents, including fake marriage certificates, death certificates and travel itineraries. Each one of these documents represents a broken dream. It represents somebody who paid money, often

thousands of dollars, and ended up getting tricked by a consultant in return.

I have also seen first-hand in that city billboards put up by consultants with a ripoff of the Government of Canada wordmark offering guaranteed visas. As I say, this is something with which we must deal.

I also expressed my concerns during my trip to the Philippines, where I met with the president and senior government officials, where unscrupulous consultants and agencies are also a major problem. I received assurances from officials in that country, as well, that they too will support our efforts.

● (1315)

[*Translation*]

The Government of Canada is determined to protect the integrity of its immigration program against fraud. We are determined to crack down on immigration scams, dishonesty, false promises and unethical practices, and we are also determined to take action against the individuals who engage in fraudulent activities.

First, we launched a public information campaign to help potential immigrants learn how to protect themselves against false claims made by crooked immigration consultants and other representatives.

We have also posted warnings and notices in 17 languages to raise awareness on our website and in all our offices and missions abroad.

We have also held meetings in city halls to consult people from every region of the country, to listen to their stories about crooked consultants, and to ask for their suggestions on how to protect Canada's immigration system against scams and dishonesty.

[*English*]

In May 2009 Citizenship and Immigration Canada hosted on its website an online questionnaire to gather information from individuals who have used representatives in the immigration process. The goal was to provide the department with information about the nature and scope of fraud in the immigration process, and to help form our efforts to tighten the rules governing representatives and prevent wrongdoing.

The response showed how widespread the problem truly is, with many prospective immigrants and new Canadians detailing their experiences. Listening to victims and stakeholder groups this past year has given us a clearer picture of the nature and scope of the problem and their direct input has informed our efforts to prevent fraud. I would like to thank all of those who participated.

[*Translation*]

It is pretty obvious that fraud remains a major threat to the integrity of our citizenship and immigration programs, and that it adversely affects all of us.

We must act to protect potential immigrants and the integrity of Canada's immigration program. Bill C-35 provides an opportunity to do so by cracking down on crooked immigration consultants.

Government Orders

The changes we propose would strengthen the rules governing those who provide advice on immigration matters and representation services, or who offer to do so. These changes would also improve the way immigration consultants are regulated.

These changes are in line with the amendments that we proposed in the Citizenship Act in order to regulate citizenship consultants.

[English]

Bill C-35 would amend the Immigration and Refugee Protection Act so that only lawyers, notaries in Quebec and consultants who are members in good standing of a governing body designated by the minister could provide advice for a fee at any stage of a proceeding or application, including the pre-application period. After all, anyone who provides immigration advice for a fee is acting as a professional and so they should be members in good standing of an authorized regulatory body.

While the current legislation regulates the activities of consultants from the point of view of the submission of an application or proceeding, it does not regulate their involvement in the pre-application period. This is important because it means that unscrupulous consultants are not currently obliged to disclose their involvement during that pre-application period, and this is where the most exploitation occurs.

Our government's proposed legislation closes this major loophole by requiring that all advice or representation supplied or offered for a fee be provided by an authorized representative, who would have to be a member in good standing of a bar of a province, the *Chambre des notaires du Québec*, or the body designated by the minister to govern immigration consultants.

This would make it an offence for anyone other than an authorized consultant, lawyer or notary to conduct business at any stage in the proceeding or application. By casting a wider net unauthorized individuals who provide paid advice or representation at any stage would be subject to a fine and/or imprisonment.

In addition, the bill before us would allow my ministry to disclose information relating to the ethical or professional conduct of a representative to authorities responsible for investigating that conduct, which would typically be the Canada Border Services Agency or on citizenship matters, the RCMP. This is something that should be obvious but is not actually provided for under the current act.

Above all, the proposed legislation responds directly to concerns and recommendations raised by the Standing Committee on Citizenship and Immigration of this House in its report entitled "Regulating Immigration Consultants", which was presented in June 2008. The report itself was based on broad consultation with the public.

I heard concerns like these myself and it is apparent that a new approach to the regulation of immigration consultants is needed.

That is why the proposed legislation would also give the minister the authority to designate a body to govern immigration consultants and establish measures that would enhance the government's oversight of the designated body.

The body regulating consultants must regulate effectively and must be held accountable for ensuring its membership provides services in a professional and ethical manner.

Accordingly, information from the designated body would be provided to the minister, and this is something that does not currently exist, to ensure that the integrity of the immigration system is maintained. This information would permit the minister to evaluate whether the body is governing its members in the public interest. Concerns about the lack of such public interest focus have been raised by the parliamentary committee and many others.

According to a unanimous 2008 report by the standing committee, complaints were also heard from a number of immigration consultants across the country, many of whom expressed great dissatisfaction with the way that the Canadian Society of Immigration Consultants, or CSIC, is currently governed.

That is why I have already taken steps to address this problem, a problem that poses a significant threat to the immigration system and that has created a lack of public confidence in the regulation of immigration consultants in general.

In the *Canada Gazette* on June 12 of this year I announced CIC's intention to launch a public selection process to identify a governing body for recognition as the regulator of immigration consultants under the existing immigration and refugee protection regulations.

The notice of intent invited comments from the public on the proposed selection process. That process is now underway following the publication in the *Canada Gazette* on August 28 of a call for submissions from candidates interested in becoming the regulator of immigration consultants. Interested parties have until December 29 of this year to deliver their submissions.

What we are looking for is a regulator who can support Canada's immediate and long-term immigration objectives while working toward maintaining and building confidence in our own immigration system.

The successful candidate must show that it can effectively investigate the conduct of its members and sanction those who do not play by the rules. It will also need to understand the importance of ensuring that consultants respect Canada's immigration laws, and the rights and best interests of newcomers.

● (1320)

Once an entity is identified, if necessary, a regulatory alignment may be proposed naming a new governing body. In this case transitional measures would ensure continuity of service for both consultants and their clients during the transition period.

[Translation]

The other non-legislative improvements related to the proposed changes include continued efforts to make potential immigrants aware of the dangers of hiring crooked consultants.

Government Orders

Improved services, including web-based tools and practical videos, are being developed by CIC and will help people submit an application to move to Canada totally on their own.

I can also assure hon. members that the Government of Canada will continue to use bilateral and multilateral opportunities to deal with the issue of fraudulent activities by immigration consultants abroad.

[English]

As I mentioned earlier, the international component to addressing crooked immigration consultants was initiated during my trip to India in January 2009, when I raised this issue in Chandigarh with the chief minister of Punjab, and was continued in my recent trip.

We have all heard the horror stories about people falling prey to the deceitful schemes and machinations cooked up by crooked consultants. The media across Canada has done an excellent job of shining a light on these injustices. To give an example, the *Toronto Star's* "Lost in migration" series was particularly hard-hitting and eye-opening.

As we have seen and heard, prospective immigrants often shell out exorbitant amounts of money, sometimes their entire lifesavings, in order to get a promise of a high-paying job or fast-tracked or guaranteed visas. As is so often the case, would be immigrants find out too late that they have been deceived.

These cases of fraud and deception are too common, but they should never be considered inevitable. That is why the government is committed to addressing immigration fraud in all forms and working to better regulate immigration consultants. That commitment was reiterated in March in the Speech from the Throne.

I would like to conclude by stating that this important piece of legislation has been widely praised, including by victims and legitimate immigration consultants. For example, the president of the Canadian Association of Professional Immigration Consultants said, "We have been calling for such changes for a long time, and are in full support of them".

Bill C-35 has also received positive attention from the media on June 9. The *Globe and Mail* stated in an editorial that it makes "—a significant shift from the previous system of self-regulation of the immigration consulting industry". The *Toronto Star* said that, "Cracking down on crooked Canadian immigration consultants is a great idea and [the government] should be congratulated for taking that step".

We are confident that the amendments we are proposing to make to the Immigration and Refugee Protection Act through this bill would better protect people from crooked consultants, and the damage and misery that they cause.

I hope that I can count on my opposition colleagues to work with the government constructively to ensure its speedy passage through this House because we have an obligation as legislators, as government, and as Parliament to defend the vulnerable, to ensure that Canada maintains its best reputation as a country open to newcomers, but to ensure that it is done in a system that is based on fairness, the rule of law, and the protection of the vulnerable. We believe that this bill takes a great step forward in that direction.

• (1325)

[Translation]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Madam Speaker, I will accept the minister's invitation made at the end of his speech. The members of the Parti Québécois will study this bill carefully. I meant to say Bloc Québécois. I am going to regret that for a long time; I will be reminded of it. I am sorry.

We have reservations and concerns about jurisdictional issues. In that regard, I would like to know if the minister is open to studying this matter and if there are specific provisions allowing Quebec to manage the consultants in its own territory, as was proposed in the report of the Standing Committee on Citizenship and Immigration.

Hon. Jason Kenney: Madam Speaker, I thank the hon. member for his question. I hope that his remark about the Parti Québécois does not indicate that he intends to quit Parliament and be elected to the National Assembly. It would be a great loss for the House of Commons.

I consulted my counterpart in Quebec, the Minister of Immigration and Cultural Communities, about the bill and regulating immigration consultants. The Government of Quebec adopted its own regulations earlier this year. In its legislation, it refers to the governing body appointed by the federal minister. Therefore, Quebec has decided to use the same national body. If the Government of Quebec decides to implement its own system, that is its decision. The framework of the Canada-Quebec immigration accord provides for certain powers of selection.

We will be very flexible in our co-operation with Quebec and we will respect, as we always do, its areas of jurisdiction. At the federal level, I believe it is important to have a common system. These amendments will serve to improve it.

[English]

Ms. Olivia Chow (Trinity—Spadina, NDP): Madam Speaker, I want to welcome the minister back to Canada from his foreign travels. As he knows, the New Democratic Party of Canada has been pushing to crack down on unscrupulous consultants. I have two questions for the minister.

It has taken quite a few years to come up with this bill. The immigration committee recommended legislative changes that would establish a body similar to the Canadian Bar Association or any professional body that would have the power to regulate itself and also to enforce the laws. The bill in front of us did not go that route. It went toward having a body that would be appointed by the minister and ultimately the minister would be in charge. CSIS or the RCMP would be in charge of going after the crooked consultants if it was proven they had done something wrong. That is a slightly different approach. Perhaps the minister could explain why he took that approach instead of the approach recommended by the immigration committee.

Government Orders

Also, what kind of resources are being put in place to ensure that the enforcement would be done properly? Even if the bill is worthy of support, if there is no enforcement mechanism, that really would not work. Perhaps the minister could give us some assurance that the buck stops there. How do we know that the law will be enforced?

•(1330)

Hon. Jason Kenney: Madam Speaker, I thank the member for Trinity—Spadina not only for her question but for her long hard work on this issue. She played a critical role in the recommendations of the standing committee in June 2008 which informed the bill and our approach.

I think their might be a slight misunderstanding because, in point of fact, the structure that we are proposing is a self-governing regulatory body that would be recognized by the government. We would not be creating it by statute which is what the provinces do with their professional bodies, but it would still be much more clearly accountable to the minister as a result of these amendments, to ensure that the organization is operating in a fashion that is accountable to its members in the best interests of its clients and the broader public interest.

Clearly there have been concerns raised about the current regulatory organization, and quite frankly, that is what has prompted these steps.

We think this is the most practical approach. Some had suggested the government should create its own kind of mini-bureaucracy to regulate immigration consultants. We felt that would be hugely expensive and could potentially become a blank cheque that could cost taxpayers tens of millions of dollars.

We think it is the responsibility of the industry to regulate itself and it has an incentive to do so. Let us be clear. While there are crooked consultants and ghost consultants out there, there are many very legitimate practitioners who do their business properly and respect the rules and the best interests of their clients. We think they are the best to typically police the conduct of others.

Having said that, yes, we will rely on the law enforcement agencies, such as the CBSA, to continue enforcing the criminal provisions of the Immigration and Refugee Protection Act.

In respect to the question about resources, first of all I have raised with the president of the CBSA and my colleague the Minister of Public Safety the importance of prosecutions against crooked consultants and I am pleased to note a growing number of successful charges and prosecutions in that area.

I am sure the CBSA has every intention to continue devoting appropriate resources to the protection of the rights of applicants for immigration status. I encourage the member to question the CBSA about its precise allocation of resources when this bill is sent to committee.

[*Translation*]

Mr. Thierry St-Cyr: Madam Speaker, we see that the Liberals are passionate about this debate. First, I would like to assure my colleague that in a sovereign Quebec, I might go to the Parti Québécois, but for now I still have a lot of work to do here.

I would like to come back to the issue of jurisdiction. At first glance, in this legislation the federal government is going further in controlling the profession. I wonder whether the minister realizes that the government is encroaching on an area that is generally recognized as Quebec's jurisdiction.

Since the minister acknowledges that Quebec has implemented its own measures, does he not believe that it would be important to think this through and implement a more efficient system instead of a parallel, redundant system?

Quebec has indeed adopted its own rules. He referred to the federal agency that existed at the time because that is what was in place when this regulation was made. Now that we are faced with a change and new agencies, should we not immediately consider a system that is more respectful of the jurisdictions the Bloc Québécois is here to defend, and a system that is more efficient because it avoids unnecessary redundancy?

•(1335)

Hon. Jason Kenney: Madam Speaker, I fail to understand the hon. member's objection because we are respecting Quebec's jurisdiction. The regulations emphasize that one of the governing bodies is recognized by the minister and the Quebec bar. In addition, we always consult the Government of Quebec on these matters. That is one of our duties under the immigration accord with Quebec. We did so in the current case and in regard to the body that will be recognized by the minister to regulate the industry.

Thus, we are working together with Quebec. The Quebec government and the federal government are working together to prevent the squandering of resources mentioned by the hon. member. We do not want two different bodies on the federal and provincial levels, because that would be wasteful.

[*English*]

Mr. Justin Trudeau (Papineau, Lib.): Madam Speaker, it is a real pleasure to rise today in my new capacity as official opposition critic for youth, citizenship and immigration. I have had a number of opportunities already to address youth issues before the House, and to speak today on citizenship and immigration and more specifically on Bill C-35 regarding the regulation of immigration consultants is both an honour and a challenge. For how we deal with the twin issues of youth and immigration today will define how successful our country will be tomorrow.

This House is currently wrangling with great verve over paperwork regarding rifles and on whether we got a good deal on some airplanes, and although these and other issues are legitimate and pressing, I fear that when we expend as much energy as we have on what seems urgent, all too often we find ourselves neglecting that which is most important.

[*Translation*]

The work we are doing here has its place in the long history of this beautiful country, which is still young. Instead of always trying to handle things on an ad hoc basis, moving from crisis to crisis, we should pay more attention to building for the future. One of our greatest responsibilities in the House is to prepare the next generation, and the next generation means our young people and our new arrivals.

*Government Orders**[English]*

We are a country of immigrants. Regardless of whether our family timelines are measured in millennia, centuries, decades or weeks, we are all bound together by a common dream of building a better life for ourselves and for our loved ones. That is why it can be so disheartening to see the politics of division, cynicism and fear take up so much space in our national narrative when we need to be drawing on the politics of hope, shared values and vision to be worthy of all that previous generations have fought for, created and given to us today.

Discussions and debates on immigration have been as much a part of Canadian politics as anything else we have struggled with as a nation, and it is always amazing to see how much the best among us have always said the same kinds of things. To go back 150 years, a few years before Confederation, Thomas D'Arcy McGee was pushing for a common Canadian patriotism, unhyphenated and shared by all who live in this land regardless of origin. I think it would be right for us to remember his words now:

Dear, most justly dear to every land beneath the sun, are the children born in her bosom and nursed upon her breast; but when the man of another country, wherever born, speaking whatever speech, holding whatever creed, seeks out a country to serve and honour and cleave to, in weal or in woe, when he heaves up the anchor of his heart from its old moorings, and lays at the feet of the mistress of his choice - his new country - all the hopes of his ripe manhood, he establishes by such devotion a claim to consideration not second even to that of the children of the soil. He is their brother delivered by a new birth from the dark-wombed Atlantic ship that ushers him into existence in the new world; he stands by his own election among the children of the household; and narrow and unwise is that species of public spirit which, in the perverted name of patriotism, would refuse him all he asks...

● (1340)

[Translation]

A few decades later, Wilfrid Laurier said:

My countrymen are not only those in whose veins runs the blood of France. My countrymen are all those people—no matter what their race or language—whom the fortunes of war, the twists and turns of fate, or their own choice, have brought among us.

Our country was created by people of multiple identities, and we have become strong not despite our differences but because of them. Our future, the future of our society and our economy, even the future of our planet, will depend entirely on our ability to work together, not to erase our differences but to accept them and recognize that the only way to meet the challenges facing us is to make use of all the diverse perspectives and views around us.

[English]

Everywhere around the world we are living globalization that brings multiple nationalities, identities, cultures, religions and languages into conflict within established states. The temptation when times are difficult is to play up our differences, to point fingers at identities or others and choose to divide for gain rather than bringing together. This is a path that will lead us into great peril when we think of the tremendous challenges we are facing as a planet, whether it be around the environment, poverty, human rights or just around the simple challenges that are going to derive by having to live together, nine billion of us, in a limited space.

Canada can and must demonstrate that national identity is not about our colour, language, religion or even culture. Our national identity is based on a shared set of values, values of openness, compassion, respect for each other and the rule of law and not only a willingness to work hard to succeed, but a desire to be there for each other in times of difficulty, to be there for the most vulnerable among us. This is what defines Canadians from coast to coast to coast and the more we play up those differences, the less we are able to rise to the level that the challenges will require of us.

That is why it is so important that we get our approach to immigration right, both in the House certainly but also as we collectively reflect upon it in homes right across the land. We must stay away from the easy polarizations. We are dependent on immigration for our economy, but we have an example to offer to the world. That means we need to get it right, which is why we, on this side of the House in the Liberal Party, are pleased to see Bill C-35 on immigration consultants. It is an issue that speaks to the very justice of a country of which we are so proud.

Imagine citizens of faraway lands taking it upon themselves to seek better lives for themselves and their loved ones. Maybe they make the decision for negative reasons, such as war, oppression or famine, or maybe they make it for positive reasons, such as seeking opportunity or being filled with hope and dreams. They take the difficult decision of uprooting themselves from all that they know and lived through to travel across the oceans to begin a new life.

It is a moment of tremendous vulnerability and uncertainty and it is perfectly normal and natural for them in that situation to look for help, to try to figure out how they are going to be able to make it to a land where they are not sure about the customs, they have trouble with the language, maybe they do not even understand the process. In that moment of tremendous vulnerability when they are asking for help, unfortunately they can make decisions that will not help them but lead them into losing their dreams altogether.

I am sure all of us in the House have met well-meaning constituents, people who come to us for help, who took the advice of unscrupulous consultants and fudged the truth in their applications or misrepresented something about their desire to come to Canada. As a result, they have an indelible X on their file that will mean that any dream they had of becoming part of this great nation, this community that we build toward the future will be washed away.

● (1345)

In my constituency office in the short time since I was elected I have seen over 500 immigration cases and too often they are complaining about the cost of the process. It is not the cost of the application fees and the medical evaluations and it is not the frustration with the hard work that our civil servants in our missions abroad do. It is worries about the cost and the frustration that comes with having spent exorbitant amounts of money on people who promised the world and could not deliver.

Government Orders

This was a problem that came through for many years in the House, which is why, in 2002, we established an immigration committee to look at this situation. We then created the Canadian Society of Immigration Consultants, an independent, federally incorporated, not-for-profit body, operating at arm's-length from the federal government, responsible for regulating the activities of immigration consultants who were members and who provided immigration advice for a fee. Unfortunately, CSIC was not given the power to properly investigate and prosecute disciplinary matters. It did not have statutory powers to audit, subpoena or seize documents and did not have the resources to properly police immigration consultants.

Since its creation, unfortunately we kept witnessing ongoing problems with unscrupulous individuals operating both in Canada and abroad as immigration consultants, cheating immigrants with inappropriate fees. These ghost consultants continued to be a problem and legitimate consultants were concerned that these crooked individuals put a stigma on the entire profession and made it difficult to do their jobs and protect vulnerable immigrants in their time of great hope and need.

[*Translation*]

In 2008, the Standing Committee on Citizenship and Immigration published a report that made nine recommendations to improve the process. First, the committee recognized that Quebec would remain responsible for managing the consultants within its own borders.

In respect to a new approach to regulating consultants, the committee recommended that more investigatory and punitive powers be provided regarding those members who do not deserve the confidence placed in them by people who want to come to Canada.

The committee also wanted to improve the government's ability to supervise the work done by these regulators. In addition, it recommended that communications with potential applicants should be improved, because these people are so vulnerable.

It is in response to this report that the government is now introducing Bill C-35.

[*English*]

The government claims that Bill C-35 would close loopholes currently exploited by crooked consultants and would improve the way in which immigration consultants would be regulated. The proposed draft regulation will amend the Immigration and Refugee Protection Act so that only lawyers, notaries and authorized consultants who are members in good standing of a governing body authorized by the minister may provide advice or representation at any stage of a proceeding or application.

• (1350)

This is important because currently the act does not regulate the activities of consultants during the pre-application or proceeding phase. Although not in the draft legislation itself, the government has publicly stated penalties would include a sentence of up to two years in jail or a \$50,000 fine, or both. While this is positive, rather than introducing stand-alone legislation to permit the creation of a statutory body to regulate immigration consultants as was recommended by the Citizenship and Immigration committee, the

government has decided to amend IRPA to change the manner in which third parties are regulated. It has launched a public selection process whereby organizations, including the current regulator, are competing to be selected to be the arm's-length regulatory body. The legislation provides the minister with the power to designate a body through regulations, not legislation.

Many stakeholders have expressed concern that the decision to change the regulatory body through regulation rather than through stand-alone legislation will not result in the necessary governance and oversight required for the new body. There is also concern that the new body will still not have the power to sanction immigration consultants who are not members, nor have appropriate enforcement powers regarding its membership.

The bill also would allow Citizenship and Immigration Canada to disclose further information relating to the ethical or professional conduct of an immigration representative to those responsible for governing that conduct and would expand the time for instituting proceedings against individuals from six months to five years.

These are positive changes. We are still very concerned about the resources that have not been made available to the regulatory body and to the Canada Border Services Agency, for example, to enforce sanctions against ghost consultants and legitimate but wayward ones. We are concerned about the missing legislation that might give more teeth to the body to reprimand its own members.

I am, however, in favour of sending the bill to committee because I believe in the safety of our future Canadians and of the family and friends of our new Canadians. I will be voting in favour because I want to ensure that we protect vulnerable immigrants from unscrupulous individuals who use the immigration process to cheat people out of their life savings.

I will be voting in favour in the hopes that we, as a Parliament and members from all parties, can work together in committee and bring the amendments that will make the bill better into a law that will be in the best interests of Canada. Canadian and more precisely the residents of my riding of Papineau want this Parliament to work together. It is in this spirit that I will support the bill because, simply put, a big part of our shared Canadian identity is ensuring that we do all we can to protect the most vulnerable among us.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Madam Speaker, first, let me congratulate the hon. member for Papineau on his appointment as the official opposition critic for Citizenship and Immigration. I very much look forward to working with him in this capacity as I did in his prior responsibility for multiculturalism.

[*Translation*]

I would like to thank the member for supporting this bill because I believe that it is not a partisan bill. This bill came from the Standing Committee on Citizenship and Immigration, and I hope that it reflects consensus in the House.

[*English*]

I very simply thank him for his constructive approach and we look forward to getting into the details at committee.

*Statements by Members***STATEMENTS BY MEMBERS***[English]*

In those many cases he has dealt with in his riding office could he tell us whether he has ever come across constituents who feel they have been scammed, defrauded or given bad advice for which they have paid money? Has he had any personal experience with that in his constituency case files?

● (1355)

[Translation]

Mr. Justin Trudeau: Madam Speaker, I would like to thank my hon. colleague for the opportunity to report that all too often, families come to my riding office with stories of promises people made to them, of work they had done, of handing over money and getting no help in return, if they were lucky. If they were unlucky, their applications were turned down because their advisors told them to lie or to hide the truth. In our system, if people make false representations with respect to important facts, we, as a country, have to reject their applications. That happens far too often, and I hope that, in the spirit of cooperation and with a desire to improve the system, we can reduce the number of vulnerable people who are taken advantage of.

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Madam Speaker, I would like to begin by congratulating the hon. member on his appointment to the Standing Committee on Citizenship and Immigration as the Liberal Party's critic.

In his speech, he quite rightly referred to the first recommendation in the committee's report about ghost consultants. In the report, the committee recommended that immigration consultants working in Quebec should be regulated according to Quebec laws and should not fall under a Canada-wide organization.

I would like to take this opportunity to thank the Liberal Party for supporting this recommendation in committee.

There is one thing I would like that party's new critic to tell me. Does he agree with his three colleagues who supported this recommendation in committee, or has the Liberal Party changed its position? Does he still believe that consultants working in Quebec should be governed by Quebec laws and recognized by a Quebec organization that falls under Quebec's professional code?

Mr. Justin Trudeau: Madam Speaker, I have not yet had the opportunity to attend a committee meeting, but I can say with absolute certainty that the Liberal Party will continue to respect Quebec's jurisdiction over immigration and other matters.

[English]

The Acting Speaker (Ms. Denise Savoie): The hon. member for Trinity—Spadina for a very quick question because of the statements by members coming up.

Ms. Olivia Chow: Do you want to see the clock at 2 o'clock?

The Acting Speaker (Ms. Denise Savoie): Is there agreement to see the clock at 2 o'clock?

Some hon. members: Agreed.

The Acting Speaker (Ms. Denise Savoie): The hon. member can ask a question when the debate resumes after question period. The hon. member for Papineau will have five minutes left in questions and comments.

AVONLEA, SASKATCHEWAN

Mr. Ray Boughen (Palliser, CPC): Madam Speaker, as MP for the Palliser riding, I am proud to stand today in the House of Commons to recognize the village of Avonlea, also known as Riderville, Saskatchewan.

2010 marks the 100th anniversary of Saskatchewan Roughrider football. To celebrate this milestone, the team challenged towns and villages across the province to show their Rider pride and to make their case as the proudest Rider community.

Citizens of Avonlea rose to the challenge. They covered their homes, businesses and even their street-sweeping machine in the team's famous green and white and they turned their Main Street into a replica of Mosaic Stadium.

I ask my colleagues to join me in congratulating the village of Avonlea on winning the contest and its \$25,000 prize. I thank the village football fans for making me the proud member of Parliament for Riderville, Saskatchewan.

* * *

● (1400)

IRVING SCHWARTZ

Hon. Mark Eyking (Sydney—Victoria, Lib.): Madam Speaker, this weekend, Cape Bretoners mourned the loss of a great citizen, Irving Schwartz.

A native of New Waterford, he founded 30 companies that contributed greatly to our economy. He volunteered in many organizations, such as the Children's Aid Society, Junior Achievement, the Lions Club, and was a volunteer firefighter.

His support for the Cape Breton Regional Hospital and many other charitable causes has touched many of our lives. His role in eliminating the destructive land mines around the world was recognized internationally.

Mr. Schwartz was a recipient of the Order of Canada. He was deservedly proud of it, and we Cape Bretoners were proud of him.

Despite a battle with cancer and his diagnosis of Parkinson's disease, Irving kept working and he guaranteed it. He loved to work hard no matter what the task at hand.

I will personally miss him. He supported me and gave me a lot of advice over the years. I encourage all members of the House of Commons to offer their condolences to his wife, Diana, and their family and friends.

Irving Schwartz will be sadly missed but his legacy will continue on.

*Statements by Members**[Translation]***NATIONAL FOREST WEEK**

Ms. Paule Brunelle (Trois-Rivières, BQ): Madam Speaker, since this is National Forest Week, as the natural resources critic for the Bloc Québécois, I would like to make my colleagues aware of how vital these resources are to the planet.

As we know, trees purify the air. The forests in Quebec and Canada capture close to 40 megatonnes of CO₂ every year, and this is absolutely free. Forests, which cover more than 760,000 square km in Quebec, are a renewable resource that we must develop responsibly. Forests ask for nothing in return for everything that they do, other than to be treated with respect.

Furthermore, forests account for many jobs in Quebec. The forestry industry plays an important role in Quebec and it deserves financial support.

I am calling on the government to do everything it can to protect this resource for the future and to help the forestry industry make it through this unprecedented crisis.

* * *

*[English]***PENSIONS**

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Madam Speaker, New Democrats are calling for the Canada pension plan to be doubled, to raise the guaranteed income supplement for low income seniors and to protect workplace pensions.

With 1.5 million Canadians still out of work and six in ten living paycheque to paycheque, we are seeing that there is still a lot of economic recovery to be made.

[Translation]

No one is in a better position to know this than Canada's seniors, who struggle to survive with increasingly tight budgets while the cost of basic necessities such as heating oil, fruit and vegetables keeps climbing.

[English]

Canada's seniors have been thrown a bone by the government in the form of \$1.55 a month increase in their OAS, an incredible amount that will help everyone forget about the fake lake at the G8, as well as the latest Conservative-Liberal tax grab, the HST. The \$1.55 is almost enough for a can of beans or a cup of coffee.

Mr. Robert Taylor of Elliot Lake is so excited about this development that he is saving up his increase. He would like the Prime Minister to tell him how best to invest this windfall so that he can really maximize his extra \$18.65 a year.

* * *

ARTHUR VERSLOOT

Mr. Mike Allen (Tobique—Mactaquac, CPC): Madam Speaker, I note that all of us as MPs enjoy our time in our riding and, while many events come to mind from this past summer, I want to pay

special recognition to a 4-H group in New Brunswick and a tremendous leader.

Having had a chance to visit many local 4-H achievement days and act as a judge during the provincial competition, there is no doubt that we have a group of young citizens focused on creating a positive environment in their schools and in their communities.

What made this year's provincial show bittersweet was the passing of Arthur Versloot, a well-known dairy farmer from Keswick Ridge who was taken from us by accident at far too young an age just before the provincial show. Arthur will be remembered for his contribution to family, community and to 4-Hers as a kind mentoring leader. He will certainly be missed by those of us who got to know him for his various endeavours and we know the gap that has been created with his passing.

In spite of all this, the young people forged ahead, readied themselves for the show and, in true 4-H spirit, competed in the most statesmanlike fashion.

We will certainly miss Arthur. His efforts on behalf of young 4-Hers will live on for many years to come. Our thoughts go out to his wife, Karen, and the entire Versloot family.

* * *

● (1405)

D. SCOTT MCNUTT

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, last Monday, the remarkable life of D. Scott McNutt ended.

It started in Digby, included stints in the British Merchant Navy and at St. F.X., a social welfare crusader, a young MLA, a busy cabinet minister, a businessman and an artist.

In Premier Gerald Regan's reforming cabinet of the 1970s, Scott led many positive changes, including the construction of the Dartmouth General Hospital where he spent his final days 35 years later.

He was a renaissance man, a visionary, a dapper, eloquent man who studied and had an innate sense of history, politics and people.

An accomplished artist, his paintings reflect those things he held dear—people, the earth and the sea.

To spend time with Scott, one learned to bring one's wit and words but to check one's ego at the door. He had no time for pretense.

He lived his life for good company and for his family, especially Jamie, Laura and Clive, who mourn him now. But they know, as do his friends, that Scott McNutt lived his life without malice or regret and he left on his own terms. He and we are proud of that.

*Statements by Members***CML AWARENESS DAY**

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, tomorrow is CML Awareness Day and I am honoured to host a lunch briefing here in Ottawa to celebrate the great progress being made to control CML.

CML is a slowly progressing cancer of the blood and bone marrow. It is the first cancer for which scientists were able to identify the genetic anomaly involved, and that is the Philadelphia chromosome. This discovery has led to the development of the first targeted cancer therapy. While these therapies are highly effective, they are not a cure and are very expensive. Additionally, some patients still require regular blood transfusions and bone marrow transplants. Further stem cell research is vital to fighting this disease.

I would like to recognize the work of the CML Society of Canada, a not for profit organization that provides invaluable support, education and information to patients and families.

We need to remember that more work is needed to ensure all cancer patients have access to the best treatments and services available.

* * *

[*Translation*]

SUMMIT ON THE MILLENNIUM DEVELOPMENT GOALS

Mrs. Josée Beaudin (Saint-Lambert, BQ): Mr. Speaker, the summit on the millennium development goals is currently under way at the UN, and I would like to add my voice to those of NGOs that recently slammed this Conservative government for its weak commitments.

Not happy with sabotaging the talks on adopting a global tax on financial transactions, which would represent a significant source of income, the Conservatives are still falling far short of the shared target of 0.7% of GNP for development aid that Canada set for itself by signing on to the millennium goals.

No, the Prime Minister will not fool anyone with the speech he is giving tonight in New York. After choosing to give a speech at Tim Horton's last year instead of the UN—which shows how interested the Conservatives are in the UN and international co-operation—this government needs to stop with the rhetoric and opportunistic speeches and start truly acting on behalf of the poorest people on the planet.

* * *

[*English*]

LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, yesterday, the Liberal leader questioned whether Canada deserves a seat on the UN Security Council. He should be ashamed of himself for attempting to run down Canada on the international stage. He should put the country's interests ahead of his own personal political interests.

Thanks to this government, Canada's international leadership is well established. We have provided considerable support to the UN mandates in Afghanistan, Haiti and Sudan. Our generosity to international assistance and our rapid response to international

disasters, such as the recent flooding in Pakistan, should make all Canadians proud.

Sadly, the Liberal leader ignores all of this and chooses to try to score cheap political points on the opening day of Parliament when he claims that he wants to be productive.

This shows yet again that the Liberal leader is not in it for Canadians. He is only in for himself.

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ALZHEIMER'S

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, today is Alzheimer's Day. The theme for the 2010 campaign is "Dementia. It's time for action!"

Dementia affects 20% of seniors by the age 80. Dementia affects over 40% of seniors by the age of 90. Today, 500,000 Canadians are living with dementia. Every five minutes, another Canadian develops dementia. In 20 years, the total number of people living with dementia in Canada will be 1.1 million.

Dementia costs Canada \$50 million a day. In a few years, it will triple. Imagine not just the financial cost but the human cost of doing nothing or not much. We need a plan to support the millions of Canadians living with this disease and their families who care for them. We need more investment in dementia care and better treatment.

A national strategy for dealing with dementia must be a priority for our country. Alzheimer's Day reminds us that we need to act, and act quickly.

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● (1410)

THE ECONOMY

Mrs. Tilly O'Neill-Gordon (Miramichi, CPC): Mr. Speaker, the economy remains the number one priority of Canadians and of our Conservative government. Our government knows that Canadians' long-term prosperity is driven by the creativity, the ingenuity and common sense of entrepreneurs. We stand up for small-business owners and hard-working families across this country.

At a time when our economic recovery is still uncertain, Canadians can count on this government and the Prime Minister to continue to focus on maintaining job security and prosperity for Canadian families and communities.

In the coming months, our actions will be guided by three bold principles: supporting job creation and economic growth; keeping our communities, streets, and families safe from terrorism and crime; and mapping a path to economic recovery to ensure jobs and prosperity for all Canadians for years to come.

We urge all members to work with us during the parliamentary session to show that we can work together to deliver for Canadians.

*Statements by Members***PENSIONS**

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, Robin Hood took from the rich to give to the poor. However, our Prime Minister and his merry men have turned that legend on its head. They take from the poor and give to the rich.

Bank profits for the first three quarters of 2010 were in excess of \$15 billion. The Conservatives' tax cuts have fattened that number by \$645 million. That is \$645 million that went to the wealthiest corporations, while the poorest seniors are being robbed.

Incredibly, the measly cost of living increase on CPP benefits for Canada's most vulnerable seniors, those who are collecting the GIS, is being clawed back. When their CPP goes up, that modest increase is treated as additional income. For many, that means their GIS entitlement goes down in the following year, leaving this country's poorest seniors with less money in July than they received from January to June.

This House unanimously passed the NDP plan for comprehensive pension reform. We are still waiting for its implementation. However, let us at least live up to the spirit of that plan by ensuring that retirees get more money. Clawing back pension increases makes a mockery of the very purpose of keeping pace with inflation.

At a minimum, let us ensure that Canada's most vulnerable seniors are not being robbed to pay for tax cuts for the rich.

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[*Translation*]

THE ECONOMY

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, the economy is our top priority, and Canada's economic action plan, which the Bloc Québécois shamefully rejected, is working for all Canadians.

We are lowering taxes for families and businesses, while infrastructure projects are creating jobs to stimulate economic growth in big cities and small towns throughout Quebec and Canada.

Thanks to our Conservative government, Canada's leadership is the envy of the world. For the third year in a row, the World Economic Forum has recognized Canada's banking system as the strongest in the world.

Furthermore, the IMF and the OECD have said that Canada will lead the G7 in economic growth this year and next.

In addition, since July 2009, Canada's economic action plan has helped create 430,000 jobs. The recovery does remain fragile, however. As we begin a new session, jobs and economic growth are our top priorities.

Quebeckers and Canadians can count on their Conservative members and our government to live up to their expectations.

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ABORIGINAL AFFAIRS

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, last March, I presented a petition to increase the budget allocated to education for first nations. What has the government done since

then? Nothing. It has promised to repeal sections of legislation that allow Indian residential schools to be created and aboriginal children to be taken from their community, but that is not going to have any impact on funding for those communities.

The Conservative government is continuing to freeze the education funding indexation rate for aboriginal communities at 2% a year, even though demographic growth is between 6% and 7%.

That is why this week, the first nations are on Parliament Hill to remind the government once again that first nations education is in crisis. It is time for the government to take action.

* * *

ABORIGINAL AFFAIRS

Mrs. Lise Zarac (LaSalle—Émard, Lib.): Mr. Speaker, the Liberal Party of Canada firmly believes that one of the best ways to improve the quality of life of the first nations is to educate aboriginal young people. Therefore, we must work with the governments of the first nations, the Métis, the Inuit and the provinces and territories to achieve this objective.

Unfortunately, the Conservative government has not shown any leadership on this important issue. It cut funding for the First Nations University, got rid of the historic Kelowna accord, and refused to endorse the Declaration on the Rights of Indigenous Peoples. All Canadians, not just aboriginal peoples, will be affected.

We intend to invest in people in order to build the best educated and most skilled workforce in the world. Thus, every Canadian, including aboriginal peoples, must have every opportunity to succeed through education and training.

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●(1415)

[*English*]

FIREARMS REGISTRY

Hon. Jim Abbott (Kootenay—Columbia, CPC): Mr. Speaker, tomorrow MPs in this House will vote on whether to keep the wasteful and inefficient long gun registry.

On this side of the House we have listened to our constituents, and they know that we stand with them. But this is not the same for those Canadians who are being represented by the Liberals and their coalition partners.

Listen to the political flip-flop.

The NDP public safety critic admitted that the long gun registry is flawed. On April 21, 2009, he told this House, "There are some disadvantages to registration, and in fairness, those should be pointed out as well. It imposes a regulatory burden on legitimate, responsible and law-abiding gun owners".

The member for Vancouver Kingsway goes on to say, "Registration systems have put a particularly onerous duty on first nations, hunters and trappers, and those who make their living off the land".

We could not agree more and urge all NDP MPs to listen to their public safety critic, not the Liberal coalition, and to vote to scrap the wasteful and ineffective long gun registry.

ORAL QUESTIONS

[Translation]

GOVERNMENT SPENDING

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, this government has signed untendered contracts to buy planes and is spending billions on prisons. It wasted \$1 billion on the G8 and G20 summits, and as we heard today, it has tripled its advertising spending to an unheard-of \$130 million.

Can the government explain its wasteful spending record to Canadian taxpayers who are struggling to make ends meet?

[English]

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I say to my friend, the leader of the official opposition, that this government, as part of our economic action plan, has had an important responsibility to be open and to be transparent about the various programs that are part of the economic action plan. We have done that in every part of the country, and I can say directly to the leader of the Liberal Party that one of the reasons why advertising expenses rose was that we had to spend some \$24 million on the H1N1 vaccine campaign, something that was not just important, but was a huge success, thanks to the hard work of the Minister of Health.

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, that does not get us to \$130 million, number one, and number two, 94% of Canadians thought that was a total waste of money. It is not just a waste of money, it is a question of priorities. The government's priorities are prisons, planes, and publicity. The priorities of Canadians are education, health care, and retirement security.

How is it that the priorities of this government have gotten so out of touch with the majority of Canadians?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, let me say this. The priorities of this government are jobs, hope, and opportunity. The priority of this government has been our economic action plan. The priority of this government is to create jobs in every corner of the country, some 12,000 infrastructure jobs, putting Canadians back to work. That is why, in the past 15 months, we have seen the creation of some 430,000 net jobs. That is the best in the OECD.

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, just ask whether the jobs that have come back are worth the jobs we lost. That is number one.

This is a spend and borrow government. It has gotten us into a \$54 billion hole. It is about to borrow \$6 billion to give breaks to large corporations. The question Canadians are asking is this: how can we trust a spend and borrow government to dig us out of the hole that it dug us into?

Oral Questions

● (1420)

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, Canadians can trust this government, the Prime Minister, and the Minister of Finance to stand up for a strong Canada, a Canada creating jobs, hope, and opportunity. If Canadians want to know why they can trust this government, it is that this government has maintained the confidence of that party for the past two years.

* * *

NATIONAL DEFENCE

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, without a competitive bidding process in Canada, the Conservatives chose to borrow \$16 billion for stealth fighter aircraft. They chose not to determine if there was a better option, one that would meet Canada's defence needs and better serve taxpayers. By choosing to pay the highest price possible for these stealth aircraft, the Conservatives renounced savings that could have been used for the priorities of Canadians, such as health care and retirement security.

Why have the Conservatives decided to disregard taxpayers and disregard the priorities of Canadian families?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, first, I want to welcome the member opposite to his new critic portfolio. I look forward to working with him on important defence matters. I look forward to finding some level of co-operation, as our fathers did before in this place. I would also like to answer his question.

With respect to the priorities of Canadians, yes, health care, yes, the economy, and yes, many other things, but yes, security. Outfitting the men and women of the Canadian Forces with the best possible equipment, to protect them, to allow them to do their jobs, is an important priority for Canadians. These jets will do just that. This is the best possible jet we could give these members of the Canadian Forces and we intend to make it available to them.

[Translation]

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, by choosing to spend as much as possible on these stealth aircraft, the Conservatives have let guarantees of benefits for Canada's aerospace industry slide. Alan Williams, former head of the initiative at National Defence, says that the Conservatives' agreement will benefit Canada's industry far less than if there had been a public bidding process.

Why did the government choose to pay more and get less for Canada's aerospace industry?

*Oral Questions**[English]*

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, the fact is that by signing this memorandum of understanding we have given Canadian companies an entranceway for being part of the global supply chain for up to 5,000 planes worldwide, not just the 65 that are going to be built in Canada.

The Liberals want to throw it all away. They want to cancel the contract or review the contract. The minute they do that, all of those contracts, and there are 60 contracts already extant for this plane for Canadian companies, go on hold, too. That is irresponsible. They are threatening Canadian jobs.

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*[Translation]***MILLENNIUM SUMMIT**

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in 2000, at the UN Millennium Summit, Canada agreed to support eight goals including eradicating extreme poverty and hunger. To that end, the government promised to allocate 0.7% of its gross domestic product to international aid. Eleven years later, the Conservative government is committing 0.31%, or less than half.

How can the Prime Minister have the gall to go to the United Nations as the champion of international aid when he has not even made the required contribution toward the main goal of the Millennium Summit, to eradicate poverty?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, in order to eradicate poverty—the Prime Minister has always been clear on this—developed and developing countries must work together. I would like to remind the House that in 2008-09, Canada kept its word and doubled its international aid for Africa, with respect to 2003-04 levels, to \$2.1 billion.

That is action and not just empty promises.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, another goal of the Millennium Summit was to ensure environmental sustainability. The Conservative government has a poor record in that area as well.

How can this government believe that it will achieve this goal after killing the Kyoto protocol, sabotaging the Copenhagen accord and continuing to challenge the scientific basis of climate change?

• (1425)

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, with regard to eradicating poverty, we must also mention the \$1 billion in loans forgiven for struggling countries. Our international aid will reach a new record of \$5 billion in 2010-11.

I could go on. However, with regard to Copenhagen, I would say that for the first time we have a prime minister who has shown leadership, created consensus and brought all major emitters to the table. Not one, not two or three, but all major emitters sat around the table to set a common course and talk about sustainable development.

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, one of the millennium development goals is to promote gender equality and empower women. However, the Conservative government has cut funding to women's rights groups, and refuses to

implement a mechanism to ensure pay equity for women. Canada has the largest gender wage gap of any industrialized country.

How can the Prime Minister claim to support the millennium development goals, when he has nothing but contempt for women's right to equality?

[English]

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, that is completely false. Our government has raised funding for women to the highest level ever. In fact, we have almost doubled our funding for women's groups across this country. We are funding projects in every province and every territory. I would ask the member opposite to work with us instead of pitting women's groups against each other.

[Translation]

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, one way to improve the living conditions of women is to ensure better family planning. But because of this government's ideological obsession, it refused to allow access to abortion to be discussed at the G8 and G20 summits. In addition, funding for the International Planned Parenthood Federation was suspended.

How can the Prime Minister think that his party's fundamentalists are more important than women's health?

[English]

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, our government funds a number of projects to support women's health across this country and internationally. If I may repeat, this government has increased the level of funding to women's groups to the highest level ever in Canadian history. In fact, we have almost doubled it since we have become government.

I ask the member opposite to work with us and make sure that all of these women's groups do get the support that they need.

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*[Translation]***GOVERNMENT SPENDING**

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, there has been no increase in the old age security program for seniors in two years, but we have learned today that the government's advertising budget has been increased by 74%. That is shameful.

The Conservatives are throwing crumbs to our seniors while they re-enact the sponsorship scandal. Their priority is clear: self-promotion.

What is the Minister of Finance's plan to help the middle class? Posters?

*Oral Questions**[English]*

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I do have to say to my friend, the leader of the NDP, we must be very clear. The government has an important responsibility through our economic action plan to be transparent and to be accountable for the measures contained in the economic action plan.

Many of these measures Canadians had to be involved with proactively, like the home renovation tax credit, an initiative that the Minister of Finance authored. It has been literally resulting in tens of thousands of jobs in various parts of the country.

This one year, as I reported to the House earlier today, we did have to spend some \$24 million on the H1N1. Thanks to the hard work of the Minister of Health, that program was a very big success.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Conservatives just do not get it. After two years of zero increases for the senior citizens in this country, who needed the help while inflation was on the go, they can come up with millions for self-promotion, and they give our seniors \$1.50. Where are the priorities here?

Why will this government not, instead of wasting time as the finance minister did today attacking the opposition parties, get on board with a program to really help Canadian seniors and give us a full middle class recovery instead?

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, the rampant inflation taking place right across the nation is something that I have missed. Interest rates are at an all-time low, certainly in my lifetime.

We have come forward with a comprehensive plan. One of the centrepieces of that plan is to protect those most vulnerable.

The last time Canada faced hard economic times, the previous government cut spending by literally \$25 billion to Canada's important social programs.

Thanks to the leadership of the Minister of Finance, thanks to the leadership of this government, we not only kept our faith with health care and social spending, and transfers to the provinces, we have in fact increased them. That is good leadership to support the most vulnerable.

• (1430)

Hon. Jack Layton (Toronto—Danforth, NDP): He should tell that to the seniors going to the food banks, Mr. Speaker.

[Translation]

The banks are getting richer while the middle class and seniors are getting poorer.

Even worse, today we learned that health clinics are bamboozling members by making them pay a co-op fee in order to see a family physician.

This is another attack on the basic needs of everyday people. It is illegal. It is unacceptable.

How is the minister going to put an end to health co-operatives?

[English]

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, let me say this to the NDP. We recognize that the job is not done, that we must remain focused like a laser on the economy, not just to create jobs, not just to see the average incomes of Canadians rise but to address the many who still need help and we are focused very much on that.

Our focus, I say to the leader of the NDP as I did in the first supplementary, is on health care. That is the single biggest priority for spending in this government when it comes to increases. We not only have increased it by 6% a year but when the tough economic times have hit, the transfers to the provinces have gone up instead of down.

A good number of us sat in provincial legislatures when the funding was cut by the previous government. That is something this government will not do.

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GOVERNMENT ADVERTISING

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, today we learn that the Conservative government actually spent a record \$130 million on TV and radio ads. That is a whopping 215% increase in advertising spending since 2006.

Worse still, the minister claims this was for H1N1 prevention, when we know that \$50 million alone was spent on economic action plan ads which provided no useful information for Canadians. Let us just call it for what it is: shameless self-promotional material for the Conservative Party.

With a record deficit, how could these Conservatives have wasted so much borrowed money?

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, our estimates for this year are about \$130 million. If we go back even eight years to 2002, the Liberal spending on the same account was \$110 million. If we take the \$25 million that we spent warning Canadians about H1N1, it actually turns out that we spent less than the Liberals did eight years ago. We are not apologizing for warning Canadians about H1N1.

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, worse still, the government's own polling data shows that when it came to informing Canadians, their ad campaign was a total failure. Of the Canadians who recall seeing the workers ad, for example, fully 93% said they were useless. Given that their own evaluation is such a disaster, how can the Conservatives look pensioners in the eye when they are shamelessly blowing their hard-earned money?

Oral Questions

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, on one significant portion of our campaign talking about what we are doing for economic stimulus, we let taxpayers know about our tax rebate programs, and how to access and file for them. For instance, the homeowners' tax rebate was seen as one of the most successful rebate programs in Canadian history. The hon. member can talk about polls all she wants, but on those and other items that we advertised, I think we hit it at about 100%.

[Translation]

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, this government spent \$130 million on its advertising campaign. The worst part is that such advertising is ineffective. Surveys show that 60% of respondents refused to give the messages a positive grade. When will the government allow its advertising spending to be studied by an independent third party?

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, in 2002, the Liberals spent \$110 million. This year, for the same program, I believe that we have spent \$130 million. Of that, \$25 million was spent warning Canadians about H1N1. It is clear that we have spent less than the Liberals did eight years ago on the same program.

• (1435)

[English]

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, these Conservatives spent almost three times as much in advertising as the Liberals did in their last year in office. Why does he keep forgetting that point? And the ads do not work.

When asked, "Did you do anything as a result of seeing or hearing this ad?", 93% of Canadians said no. The ads were so confusing that some respondents thought they were being told to wear hard hats at work. What more will it take to get these Conservatives to do the right thing and agree to arm's-length oversight of government advertising?

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, it is very clear that a lot of our advertising that went to the programs that were involved in our overall economic package were advising Canadians about tax rebate programs, and not just the homeowners' rebate but in many other areas. Those programs were accessed at a vigorous rate.

I think, in fairness, when our friends opposite are trying to use comparable figures, they should use the full year. I am sure the member is trying to erase from his memory that the previous government's last year in office was somewhat abbreviated.

* * *

[Translation]

FIREARMS REGISTRY

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, the new ombudsman for victims of crime has added her voice to those who support the firearms registry. She has noted that the majority of victims' groups have clearly indicated that the long gun registry should be maintained.

How can the government so offhandedly dismiss the opinion of its own ombudsman for victims of crime?

[English]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, the long gun registry is wasteful. It is inefficient, and it criminalizes hunters, sportsmen and working farmers. There are no studies that justify the money spent on the long gun registry. Our Conservative government as well as Canadians know that criminals do not register their long guns.

The choice is clear for all MPs. Hon. members can vote to keep the wasteful and inefficient system or vote to scrap it.

[Translation]

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, a coalition for women's equality and human rights made up of over 40 organizations is calling on the Conservative government to cancel its plans to dismantle the firearms registry. The coalition reminds us that the registry helps reduce violence, particularly against women.

Why is this government insisting on dismantling the firearms registry, one that saves lives?

[English]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, let me be clear. While we support the licensing of people and the registration of prohibited and restricted weapons, we do not support the wasteful long gun registry. It is time to end the criminalization of law-abiding Canadian citizens. When will the Bloc, the Liberals, and the NDP stop playing games with this issue? Why do they not actually support initiatives that get dangerous repeat criminals off the street and protect law-abiding Canadians?

* * *

[Translation]

QUEBEC'S PRIORITIES

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, during the 2008 election campaign, the Premier of Quebec released a list of Quebec's top 10 priorities. Two years later, nothing has been settled. Nothing has been done about the so-called federal spending power. Nothing has been done about control over cultural programs. Nothing has been settled with regard to the gun registry.

How does the Prime Minister explain that two years later Quebec's calls are still unanswered?

Oral Questions

Hon. Josée Verner (Minister of Intergovernmental Affairs, President of the Queen's Privy Council for Canada and Minister for La Francophonie, CPC): Mr. Speaker, our government has done more for Quebec than any other previous government and much more than the Bloc members who are just spectators here and cannot deliver on anything for Quebec.

We have limited the federal spending power and restored fiscal balance with Quebec and with the other provinces. We invited the Government of Quebec to take part in UNESCO. We recognized the nation of Quebec within a united Canada and the list goes on.

• (1440)

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, the Prime Minister said he was open to helping fund an underwater cable between Newfoundland and Nova Scotia. After allocating more than \$70 billion outside Quebec to nuclear energy and the oil industry, now he is willing to help them distribute hydro-electricity.

Will the Prime Minister acknowledge that Newfoundland and Nova Scotia have to fund their own power systems the way Hydro-Québec always has?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, we have taken unprecedented measures with regard to natural resources. We are in the process of restructuring the nuclear industry, as my colleague alluded to, to make it more viable, to retain high level jobs and to reduce the tax burden on Canadian taxpayers.

We are continuing to move forward with a solid business plan and every project is always assessed according to merit.

* * *

[English]

THE ECONOMY

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, today the Canadian Club expected the finance minister to give a speech on the economy. Instead, the minister delivered a partisan rant to a disappointed audience. So let us try to get the minister back to some substance here. Can the minister tell the House how much more money the Government of Canada will be borrowing as of January 1 to pay for the Conservatives' corporate tax cuts?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, we are on budget track. That is the difference between us and the members opposite, who want to revoke the tax remissions we are offering to create jobs in this country. We have about 430,000 net new jobs now compared to the 400,000 we lost during the course of the recession. The economic action plan does require a deficit, and we went ahead with that deficit. It has worked for our country, and thank goodness we did it. The member would do well to have listened more carefully to those remarks today.

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, I heard the minister today say that far too many Canadians are still out of work, which is curious given the fact that he plans to raise job-killing payroll taxes in January, which the CFIB says will kill another 200,000 Canadian jobs.

The fact is that the corporate tax cuts will cost, when fully implemented, over \$6 billion every year. That is enough to pay down

the deficit and make a real difference. It is also enough to pay for the salaries of 100,000 nurses or to buy 3,000 MRI machines or to pay for two million hip or knee surgeries. How can the minister justify borrowing billions of dollars—

The Speaker: Order. The hon. Minister of Finance.

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I listened with interest to the member for Kings—Hants.

Neither the Liberal caucus nor the Liberal Party has ever encountered a problem they did not believe could best be solved by throwing copious quantities of taxpayers' money at it. They are tax and spendaholics.

An. hon. member: Who said that?

Hon. Jim Flaherty: Who said that? It was the new critic for finance for the Liberal Party.

[Translation]

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, to finance their corporate tax cuts, the Conservatives will have to borrow \$1 billion this year, \$3 billion next year, more than \$5 billion the following year, \$6 billion the year after that, and so on. These billions of dollars will be tacked onto the Conservatives' deficit and will have to be paid back by Canadians.

Why is the government making Canadians pay for these corporate tax cuts when there are so many other more pressing priorities?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, unlike the opposition, we believe that reducing taxes creates jobs. I know those members do not believe that, but if they looked at the tax reductions that were built into the economic action plan and at the stimulus spending that has occurred, they would see that 430,000 net new jobs have been created in this country.

However, they do not believe in job creation. At the same time, they say that they are concerned about unemployment in the country. We are too. That is why we want to create more jobs in Canada.

• (1445)

[Translation]

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, it is clear that the Conservatives' priorities, and their values, for that matter, are not in the right place. We are talking about \$6 billion a year borrowed here, \$16 billion without calls for tender there, \$10 billion for mega-prisons. In the meantime, border crossings are being shut down in Quebec. The Quebec Bridge is rusting away because there is no money. The Champlain Bridge is falling apart, and the forestry industry is getting crumbs.

Why is the Prime Minister so indifferent and incompetent when it comes to spending Canadians' money?

*Oral Questions**[English]*

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, there is a choice here for Canadians. We can continue to follow the economic action plan, see it through to the end of the two-year period, and continue to create jobs for Canadians, or we can be tax and spend members of the coalition parties opposite.

We could be part of that coalition, and we know where that would take Canada. It would take Canada back into the bad days in the 1970s: mounting deficits, mounting public debt, and using taxpayers' money increasingly to pay down interest on the public debt. No sir, we are going to stay the course.

* * *

FIREARMS REGISTRY

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, the NDP continue to flip-flop on the long gun registry.

Last year, the member for Welland said that he could not find a single person from Welland who supported the long gun registry. Well, it seems that our search is over. We have found one supporter, and it is none other than the member for Welland, who now says that he does support the wasteful long gun registry.

Could the Minister of Public Safety explain to all members the clear choice we have to make on behalf of our constituents on Wednesday?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I would like to thank the member for her question and for her hard work on this file.

The long gun registry is wasteful, it is ineffective, and it criminalizes hard-working farmers and hunters, farmers and hunters who live in the riding of Malpeque. There are no studies that justify the moneys spent on the long gun registry.

Our Conservative government knows that criminals do not register long guns.

The choice is clear for all MPs, including the member for Malpeque. They can vote to keep the wasteful gun registry or vote to scrap it.

* * *

OIL AND GAS INDUSTRY

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, the National Energy Board just announced a limited Arctic-only review of offshore oil and gas drilling. It has also denied adequate public funding to ensure the promised effective participation.

On June 2, all parties, including the Conservative Party, agreed to our motion to have a comprehensive public review of environment and safety regulations for all unconventional sources of oil and gas. This NEB review falls pathetically short.

When will the Conservative government live up to its promises?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, in Canada we have a sound and solid regulatory system, which is led by the National Energy Board.

I was proud to see last month that we are going to review the regulations surrounding all the projects in the Arctic. The review will take into consideration what happened in the Gulf of Mexico so that we can better understand how we can improve our strong, solid regulations. This is action.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, the government clearly just does not get it.

The point of the review was also to study risks from the oil sands development. As compelling evidence reveals major risks to the water, to the fishery, and to aboriginal health, applications to expand the oil sands are proceeding.

When will the government assert its powers to address the serious risks posed by unconventional oil and gas?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, we have a strong and solid regime with stringent rules for water, soil, and air.

A lot of regulation is in place and is being applied by the National Energy Board. As I just stated, they are reviewing the entire process and the regulations. Down the road, no project will go forward until the safety of the workers and the protection of the environment is assured.

It is sad to see people fearmongering about a critical organization like the NEB.

* * *

● (1450)

*[Translation]***SECURITIES INDUSTRY**

Mr. Daniel Paillé (Hochelaga, BQ): Mr. Speaker, in a letter dated September 29, 2008, the Premier of Quebec called upon the Government of Canada to fully respect Quebec's jurisdiction over securities.

In Calgary last week, the Minister of Finance, the hostile predator of jurisdictions, said that the absence of a national securities regulator was an embarrassment for Canada.

What is so embarrassing about respecting jurisdictions? What is so embarrassing about respecting Quebec's jurisdictions?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, we have respected regional jurisdictions in that regard. It is a voluntary system, a voluntary initiative. Canada is the only industrialized nation in the world that does not have a national securities regulator.

Mr. Daniel Paillé (Hochelaga, BQ): Mr. Speaker, since September 2008, another important issue has been added to the already long list given by the Premier of Quebec, and that is Ottawa's refusal to compensate Quebec for harmonizing the QST and GST. Quebec is being unfairly deprived of \$2.2 billion.

Oral Questions

Under the Conservatives, can Quebec expect all finance-related requests, no matter how legitimate they may be, to be ignored and forgotten?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, we need a fully harmonized system.

[*English*]

The issue is simply this: There needs to be true harmonization of the two tax systems, the two consumption taxes, and that has not yet been accomplished. We have had discussions with Quebec. The discussions have continued between officials, and I hope that over time they are successful.

Harmonization is harmonization. Harmonization is not something else.

* * *

VETERANS AFFAIRS

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, it took a very persistent veterans ombudsman to show the government that it was not practising what it preached, despite wrapping itself in a cloak of virtue about our men and women of the armed forces.

I am a proud ex-naval officer, and I know that actions speak louder than words. I have a very simple question. Will the government make its new policy retroactive to 2006 so that it will not leave behind the wounded veterans of the last four years?

[*Translation*]

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, I would like to remind the member that we made an important announcement on Sunday: we will invest \$2 billion, \$200 million over five years, to protect our modern-day veterans who return from Afghanistan with serious injuries. We will increase the permanent monthly allowance by \$1,000 per month. Those on a lower salary scale will receive a minimum salary of \$40,000 once they have participated in a rehabilitation program. Our government is stepping up to help our veterans.

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, the Prime Minister does not want to renew Pat Stogran's mandate because he was passionate about defending veterans' interests.

Yet our soldiers who return with injured bodies and minds have made the greatest sacrifice a country can ask of its citizens. We owe them the utmost respect. Lip service is not enough.

Did the government really get the message? What will it do about lump sum payments that do not meet people's needs?

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, I want to say that we appreciate the work that the veterans' ombudsman has done to date. We are also in the process of selecting a new person to be the veterans' ombudsman. Our government created this position. Anyone who would like to know more can visit our website.

On Sunday, we announced three important measures to help our modern-day veterans in particular. We will soon be making more

announcements. We are currently reviewing the lump sum payment issue, among other things, and we intend to make improvements.

* * *

● (1455)

[*English*]

ABORIGINAL AFFAIRS

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, first nations are rallying on Parliament Hill and across Canada demanding fair funding for schools in their communities. On-reserve schools are making do with up to one-third less funding than provincial schools. The result is a crisis, including a dropout rate three times higher. The education gap is not only stunting economic opportunities for these children, but harming their communities as well.

Why does the government have billions for corporate tax cuts, but little or nothing for first nations children? When will the government start properly funding first nations education?

Hon. John Duncan (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, this government understands the importance of education and that is why we are committed to improving it in partnership with first nations and the provinces and territories.

Since 2006, our government has invested \$400 million in the completion of nearly 100 school projects. Additionally, our economic action plan and building Canada program provided for 18 additional schools and major renovations.

We are working closely with B.C., Alberta, Manitoba, P.E.I. and New Brunswick and regional first nations on initiatives to improve educational outcomes. It is our priority.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, since taking power, the Conservatives have a shameful history when it comes to first nations education.

Here are some facts. This spring they dithered on whether to support First Nations University, putting the students in limbo for months. The long-promised review of post-secondary supports is still missing in action. Four years later B.C. first nations are still waiting for their agreement on education to actually get funded.

Could the minister please explain his government's failure on first nations education and what it actually plans to do about it?

Oral Questions

Hon. John Duncan (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, we launched two new programs in 2008, the education partnerships and first nations student access. These will help first nation students. Most of this is new money. The moneys we put in place through the economic action plan is also achieving major positive results for first nation education.

* * *

THE ECONOMY

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, our Conservative government is focused on the economy, on jobs and implementing Canada's action plan. The plan is working, creating jobs and promoting growth.

The Liberal Party, however, is out of touch. It talks down Canada's economy and the economic action plan at every opportunity. For Liberals, the only solution is higher and higher taxes.

Could the Minister of Finance please tell us what is wrong with the Liberal plan?

Hon. Jim Flaherty (Minister of Finance, CPC): I would be happy to, Mr. Speaker. Our priority is helping Canadian families, helping Canadian communities and preserving Canadian jobs. That is why we are continuing to implement the successful economic action plan. Canada has created over 430,000 net new jobs since the recession ended.

The Liberals are proposing tax hikes that would wreck our economy. It would kill about 400,000 jobs, according to the experts.

The choice is clear: a Conservative government that creates jobs or a coalition government that will kill jobs.

* * *

AGRICULTURE

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, many western farmers are facing financial ruin due to severe weather. However, government programs are proving to be useless.

Linda Oliver from Mozart, Saskatchewan, states, "We have had over 1000mm of rain here - over 40 inches - and all I am told is [the government] are monitoring the situation....Agri recovery won't even pay on clover - seeded last year...but drowned out. Is that fair?"

When will the minister and the current government actually help farm families who are in severe financial stress?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, we have done exactly that. Working with the farm groups, the affected provinces and territories, we have come forward with the largest, fastest delivered program ever in the history of the country. We have delivered money to top up crop insurance. That is the first line of defence in a situation like that. Agristability will pay out large dollars this year since we are into a new five-year average, losing 2004 the frost year. Therefore, we are looking forward to getting that money flowing to farmers very quickly.

We know we have done a good job because farm groups are telling us and I would be happy to quote some of them back to the member.

* * *

● (1500)

[Translation]

BORDER CROSSINGS

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Speaker, we constantly have to reassure our American neighbours that Canada has rigorous security measures in order to protect the economy and trade, and now the Conservative government has decided to close two border crossings, one in Franklin Centre and another in Jamieson's Line, both of which are in my riding, and to reduce the hours at three other crossings.

Does the government realize that cutting border services will harm tourism, trade, the economy and local life?

[English]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, we examine these issues very carefully and we ensure that the money being spent on border crossings is appropriately done. I know CBSA has made certain recommendations and I believe those recommendations are consistent with both the interests of Canadians who access those border crossings as well as continuing to stimulate trade across the border with the Americans.

* * *

CENSUS

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, clearly the current government believes it is better to make decisions without the facts. On the census, Conservatives are happy to put reason aside, ignore schools, municipalities and hospitals and forge ahead. This simply is irresponsible and is going to cost more money to the taxpayers.

We have learned that over 90% of all correspondence the Conservatives have received is opposed to their changes. Almost all are from individual Canadians, not academics or other elites who make them scared.

When will the minister listen to Canadians and reinstate Canada's long form census?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, it probably should not surprise me, but it still does, to hear how quickly and easily members of the opposition, including the NDP, are approving of jail time or large fines for their fellow Canadians who refuse, out of good conscience, to fill out a 40-page questionnaire with very personal information. It is incredible how they will sacrifice the rights of Canadians on this matter.

We on this side have a balanced proposal that gets usable useful data for those who want it and at the same time protects the rights of Canadians. We are proud to make that balance.

* * *

[Translation]

FIREARMS REGISTRY

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, everyone knows that criminals do not use registered long guns to commit their crimes. We all know that. They use illegal, unregistered guns.

Yet, the Liberal Party and the Bloc Québécois insist on criminalizing honest Canadian and Quebec hunters and farmers.

Could the Minister of Natural Resources explain the government's intentions regarding the long gun registry?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, we too support issuing permits for prohibited or restricted firearms. However, we do not want to unfairly target farmers and hunters. There is a worrisome trend on the opposition side, and that is to be more lenient with criminals and harsher with honest citizens.

The leader of the Liberal Party, who claims to be a democrat, should listen to his party members who represent the regions, because they see the unfairness and the inconvenience of this measure for honest citizens.

There is only one party in this House that takes into consideration the interests of the regions, and that is the Prime Minister's party, the Conservative Party.

* * *

[English]

COMMITTEES OF THE HOUSE

STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY

Hon. John Baird (Leader of the Government in the House of Commons, CPC): Mr. Speaker, first, I should point out that the actions of the Prime Minister and the Leader of the Opposition appointing me and the member for Ottawa South has seen a significant reduction in the heckling in the House. Those two should get some just reward for their actions on decorum. There is leadership.

Mr. Speaker, there have been consultations and I believe you will find there is unanimous consent of the House for the following motion:

That, notwithstanding any standing order or usual practices of the House, during the debate tonight on the Motion to concur in the Second Report of the Standing Committee on Public Safety and National Security (recommendation not to proceed further with Bill C-391, An Act to amend the Criminal Code and the Firearms Act (repeal of long-gun registry)), the Chair shall not receive any quorum calls, dilatory motions, amendments or requests for unanimous consent; at the end of the time remaining for the debate, or when no member rises to speak, all questions necessary to dispose of the motion be deemed put and a recorded division be deemed requested.

The Speaker: Does the hon. government House leader have the unanimous consent of the House to propose the motion?

Some hon. members: Agreed.

Government Orders

The Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

• (1505)

[Translation]

CRACKING DOWN ON CROOKED CONSULTANTS ACT

The House resumed consideration of the motion that Bill C-35, An Act to amend the Immigration and Refugee Protection Act, be read the second time and referred to a committee.

The Speaker: The hon. member for Papineau had the floor before question period. There are five minutes now for questions and comments about his speech.

[English]

Therefore, I call for questions and comments. The hon. member for Trinity—Spadina.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, in 2004 the former Liberal government established a self-regulating body. The body unfortunately did not have the power to regulate any of those consultants. Subsequently we have noticed that little has changed and in fact, some things might have gotten worse and there are more consultants who are unscrupulous and are preying on the most vulnerable.

It led to a series of articles in the *Toronto Star* called “Newcomers bitten by toothless law”. Because this body had no power, it really did not get the job done.

My question for the hon. member of the Liberal Party is, what was the rationale in 2004 in creating such a body that had no teeth whatsoever to ensure that the most vulnerable immigrants would be protected?

[Translation]

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, I was obviously not in the House in 2004, but I know that for many years, since the 1980s, voters have often told members of the House that they were exploited, mistreated, misled and stripped of their savings by immigration consultants who did not do their job very well.

[English]

Obviously, in 2004 there was a desire by the House, by Parliament and by the government at the time to address this issue, which led to the creation of the CSIC. Over the past few years, the CSIC has had some troubles but has improved in its way of dealing with things.

We shall see at the end of the call for bids process this fall whether or not there will be an alternative to CSIC selected or whether a renewed CSIC will continue to regulate immigration consultants in Canada. Until then we will continue to try to make sure that these most vulnerable people are not preyed upon by unscrupulous business people who have no interest in their well-being.

Government Orders

• (1510)

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, I am pleased to speak about Bill C-35, which deals with the important issue of immigration consultants.

This has been a long-standing issue. There are people committing fraud and profiting from others' naïveté, and this has always been the case in all areas. And even though we as parliamentarians or citizens fight daily to lessen its presence, the problem will most likely continue to exist. You only need to watch television shows like *J.E.* or *La facture* to see that this is true. There will always be people who will abuse others to try to make a lot of money in a short amount of time.

That said, there is something different about immigration. The people going through this process are much more vulnerable than the average person, which means that there are many more people trying to take advantage of them. This issue has become very troubling.

MPs, especially those of us from urban areas, have all heard stories about people who have had unfortunate dealings with immigration consultants, with people who defrauded them, gave them bad advice or took their money. I would say that this is the tip of the iceberg because the people living in our ridings are those who have been able to navigate the process and settle in Canada. There are many people living in other countries who were fleeced by such consultants and whose voices we seldom hear. That is just as worrisome.

Why are these people more vulnerable to fraud than the average citizen? Because of their ignorance of the legal system and their rights as citizens. Even though they are not Canadian citizens, anyone who lives in Canada is protected by Canadian law. Immigrants often have a vague idea about the country they are going to. It is often a dream and some people are prepared to make sacrifices to make it come true.

Many people do not immigrate for themselves but do so for their children. They hope to give their children a better life and are willing to make many sacrifices. They find themselves dealing with disgraceful people who tell them that they can easily obtain permanent resident status, a visa and Canadian citizenship, but that it will be expensive. They claim to be good consultants with the necessary contacts and say that they are needed in order to follow the procedures.

That is obviously not true; they are taking advantage of the immigrant's ignorance. In theory, anyone should be able to immigrate to Canada without using a consultant or someone paid to help them. Some people feel reassured. The department probably has some work to do in order to simplify the process and make people feel comfortable navigating the immigration system by themselves.

In general, I tell people that they do not need to spend a fortune on immigration consultants and that they can apply on their own. I often tell them that if they have legal problems or a special legal situation they can see a lawyer or notary, who will be more qualified to help them with the process.

So, lack of knowledge is the first factor. Another factor is often the political culture. Some people come from countries where corruption is common and where many things happen through nepotism or shady deals. Something like that seems to happen here sometimes, even in this Parliament.

• (1515)

Generally speaking, I am sure everyone would agree that we have far fewer problems here than in certain other countries, where that is the norm and that is how things are done, and where one must know a politician to make things happen.

Some people therefore believe that someone from the political sphere needs to intervene directly in order to move their file along. So consultants claim, either truthfully or more often falsely, that they know the right people to help someone get his or her visa and become a permanent resident. Once again, that is obviously absurd, since there is no need to know any one particular person to immigrate to Canada. One must simply meet all of the criteria and make the application. Although the system is not perfect, generally speaking, no matter who examines the application, the decision should always be the same.

In addition to the lack of knowledge about Canada's legal reality and the political perceptions that they may bring from their home country to a destination country, there is a third factor, namely, the bonds of trust that certain consultants abuse when dealing with people of the same ethnic origin. Some consultants will use the fact that they went through the immigration process themselves and will tell their clients that they can do the same thing for them, because they are of the same ethnicity, come from the same country and are now successful immigrants. People will blindly trust such individuals, and that is clearly abusive. We looked at this issue in the Standing Committee on Citizenship and Immigration, because we were told that this is a very common problem. We are therefore very concerned about this issue.

The committee did a comprehensive review and prepared a report with a number of recommendations. The first recommendation made by the committee—not the last or second last—was that in the committee's opinion, consultants working in Quebec who make applications in Quebec should be officially recognized under Quebec laws. Canadian laws should therefore take into account this reality and ensure that a transfer is made to Quebec with regard to regulating the profession, in order to address the specificity of Quebec in terms of its immigration powers under the Canada-Quebec agreement, and because of its specific professional system. Furthermore, Quebec is its own nation with its own particularities and it is important that Quebec has control over this type of tool and the way immigration consultants are governed.

This recommendation exists. I hope that the parties that supported it will continue to defend this same position and defend Quebec's right to govern its immigration consultants. What is more, the Government of Quebec subsequently developed supplementary rules to take these characteristics into account because the need truly exists. Immigration consultants in Quebec need to speak French and must pass an exam on aspects of the immigration process that are specific to Quebec, such as the Quebec selection certificate. They will have to know related standards and how to assess and evaluate individuals in Quebec. It is quite different from the system used in Canada.

• (1520)

When the Quebec government put these regulations in place, it referred to the Canadian Society of Immigration Consultants, which already exists. That was the fastest and simplest option, but we must think seriously and take this opportunity to be even more effective, since this society will probably disappear and be replaced with something else.

In Quebec, there could be an association governed by Quebec laws, and in Canada, there could be another association. This model would be more effective, and would be in line with the recommendations of the Standing Committee on Citizenship and Immigration.

Why am I talking about the importance of giving Quebec control? It is a matter of jurisdiction under the British North America Act. Quebec has exclusive jurisdiction over regulating professional associations. I would like to quote an excerpt of the brief presented by the Barreau du Québec to the advisory committee on immigration consultants:

Although the provisions of the former Immigration Act allowed the federal government to create a quasi-judicial administrative tribunal, and allowed a barrister, solicitor or "other counsel" to represent individuals for a fee, that is not the case with the issue of establishing a college of consultants and establishing strict regulations to govern a profession. The Barreau du Québec believes that the creation of a college of consultants is not constitutionally viable.

Bill C-35 does not change anything. As it stands, the federal government essentially governs those who make representations on behalf of their clients to the federal government, but it does not truly have control over a person's ability to act as an immigration consultant and to provide advice for a fee.

But with Bill C-35, the government wants to take things further. We are not opposed to the intent, because we agree. However, by taking this further, the government is getting very close to creating a professional association. That completely interferes with the Quebec government's jurisdiction.

I would like to quote Quebec's criteria for establishing a professional association or order:

(1) the knowledge required to engage in the activities of the persons who would be governed by the order which it is proposed to constitute;

(2) the degree of independence enjoyed by the persons who would be members of the order in engaging in the activities concerned, and the difficulty which persons not having the same training and qualifications would have in assessing those activities;

(3) the personal nature of the relationships between such persons and those having recourse to their services, by reason of the special trust which the latter must place in them, particularly because such persons provide them with care or administer their property;

Government Orders

(4) the gravity of the prejudice which might be sustained by those who have recourse to the services of such persons because their competence or integrity was not supervised by the order;

(5) the confidential nature of the information which such persons are called upon to have in practising their profession.

These five criteria are clearly fulfilled in the case of immigration consultants. It requires knowledge—point 1—which must be governed by an appropriate order. People who work as consultants are very independent, and it is difficult for an outside person to assess their work if they do not have the same qualifications. The fundamentally personal nature of the consultant-client relationship is obvious.

• (1525)

Clearly, serious negative consequences can befall those who get bad advice. Their lives can be turned upside down and their plans can come to an abrupt halt. Confidentiality is also a factor.

As we can see, this is all about Quebec's jurisdiction, so much so that Quebec felt the need to establish its own regulatory system. The federal system, even with Bill C-35, cannot guarantee that specific elements of Quebec immigration law will be taken into account.

They also use the term "shared jurisdiction" and talk about how this does not fall under federal jurisdiction. Jurisdiction is one thing, but what about competence? Is the federal government competent to do this?

The abject failure of the Canadian Society of Immigration Consultants proves that the federal government does not have the competence to do this because it does not have the necessary expertise. In Quebec, the Office des professions du Québec oversees all professional groups. The regulations are a hundred or so pages long. The laws are substantial and provide real powers to investigate, intervene and sanction. The federal government does not have that. It would have to start from scratch and come up with all-new legislation for something that Quebec is already equipped to deal with. Personally, I do not think that is an efficient way of doing things at all.

The Bloc Québécois is concerned about the transfer of information proposed in the bill. In committee, we will ask questions about whether this bill goes too far in terms of what it wants lawyers and notaries to transfer to the federal government. Does this respect Quebec's legislation regarding confidentiality and the transfer of information? We will take a close look at that.

For all these reasons, the Bloc Québécois will be supporting this bill—at least at second reading—in order for it to be considered in committee. This is an issue we care about. We agree with the government and the other parties that the Canadian Society of Immigration Consultants is not working. It has serious governance and transparency problems. I have seen student associations that were much better managed than this outfit.

Government Orders

I have personally tried to obtain information and have been routinely prevented from getting my hands on it. Members come and see us regularly complaining of the association's exorbitant fees. They also complain of questionable policies, overly bureaucratic offices, outlandishly high fees, cronyism, general meetings where only the chair speaks and folks can only give input by way of email. In short, it is not a glowing record and there is nothing to inspire people's confidence. The association has very serious governance issues and it fails at winning over its members and giving the profession a credible and professional face.

In closing, I would like to talk about the bill's title. The government is carrying on its ridiculous tradition of giving bills ludicrous titles. In this particular case, the title is, "The Cracking Down on Crooked Consultants Act". The title in English is even more ridiculous. That has to stop. They will tell me that what I am saying is of scant importance and that it has no bearing on anything, but as parliamentarians, we pass laws that should be objective and not subjective.

• (1530)

What will the next step be? A good budget and a good piece of immigration legislation? It does not make sense. We will settle this matter in committee, and I hope that the government will stop grandstanding and making grand gestures. Rather than giving bills really menacing sounding names and saying that they are going to stiffen penalties, they need to get out there in the community. Even if the penalties were 10 times stiffer, without people to enforce them and prosecute, there is no point.

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I would first like to congratulate my hon. colleague from Jeanne-Le Ber on his very clear explanation of the situation and on the work to be done in committee.

I wonder if he can explain why consultants in Canada seem to be incompetent, yet those in Quebec appear quite competent. What do they have in Quebec? Can we do something to help those consultants become competent? Is the member suggesting that the other consultants should be allowed to do their own thing, by province or otherwise? I would like to know what he intends to propose in committee.

Mr. Thierry St-Cyr: Mr. Speaker, I thank my hon. colleague for his question and I appreciate his interest, especially considering the blatant lack of interest demonstrated by the Liberals in this issue. They have not asked any questions since this debate began.

To answer the question, honestly, I do not think the committee or any other body has ever taken a close look at the degree of competence of consultants based on what province they come from. What we have noted in Quebec, in terms of numbers, is that there are far fewer immigration consultants, at least those who are officially registered with the association. Does that mean the phenomenon is more marginal? We do not know. Does it mean fewer consultants register because they do not identify with the association?

Some members came to see us, saying that they had difficulty taking the tests and communicating in French. One thing may explain the other; it is difficult to say. There is no doubt, however, that Quebec, with its civil code, has a different legal reality than Canada, with its common law. With the Canada-Quebec agreement

on immigration, Quebec's immigration framework is quite different, so people need to have training that is specific to Quebec, and not Canada, in order to practice in Quebec.

[*English*]

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, particularly in my instance, a lot of immigration work comes through my office in Yellowknife. I have very capable staff there but they are not trained, especially by any organization or agency, to a standard that would perhaps be equitable across the country in how they treat these very sensitive immigration files.

I wonder if my colleague has any comments on how this bill might be interpreted by people who perhaps would not get advice that was perfect from employees of members of Parliament. As we all know, the offices of members of Parliament are often the last refuge of immigration appeal or immigration information. How does this work out there? How do we separate this from the concern that the consulting activities of our own staff are protected under this legislation?

• (1535)

[*Translation*]

Mr. Thierry St-Cyr: Mr. Speaker, that is a very interesting question and all the more appropriate given the lack of questions from the Liberal Party. I get the impression things will go well in committee. There will not be many questions from the Liberal Party because this subject does not seem to interest them since not a single Liberal bothered to stand up. Either that, or my presentation was so clear they did not feel the need to ask any questions.

I want to come back to my NDP colleague's question. Employees in our constituency offices are currently not affected, nor will they be under this bill. We are not paid for our advice, or at least not in my riding. I would hope that my colleague does not send his constituents a bill for his advice. The idea behind regulating those who do give advice is to control those who do so in exchange for payment from their clients.

As far as the advice my colleague gives to his constituents is concerned, I encourage him to tell them that generally speaking, they do not need to pay someone to file an application for immigration. They can apply on their own. If they run into specific legal problems during the process, my colleague should encourage them to talk to a lawyer or a notary who has the necessary training to address legal issues.

[*English*]

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, I listened with interest to the comments of my colleague from the Bloc.

One of the substantial things this bill does is provide for significant investigative measures and outcomes that will enable the regulatory body to pursue crooked consultants.

I point out that the bill authorizes the Governor in Council to make regulations providing for the disclosure of information relating to the ethical or professional conduct of a representative. The governing body could then investigate the conduct and, where appropriate, pursue disciplinary action.

Government Orders

The bill also proposes to extend the time of the investigation from about six months to about five years. The bill allows for the pursuit and, in some cases, the conviction of those who have not been acting in accordance with the law.

I would simply ask the member to comment on both of these points. Will his party be supporting these important additional measures?

[Translation]

Mr. Thierry St-Cyr: Mr. Speaker, I will try to quickly answer in order to allow a Liberal member to ask a question and take some interest in the matter.

We are concerned about the real ability of the government to intervene and to take coercive action that will make people feel they have some support.

Having said that, the measures outlined by my colleague are all in the Quebec Professional Code, legislation that has been developed over the decades, is very extensive and has a very good framework. They are trying to recreate in Ottawa something that already exists in Quebec, where professional orders already have these abilities and powers, and even more when it comes to investigative powers, disciplinary measures, sanctions and court action, and so on.

In my opinion, it would be more efficient and respectful of Quebec's jurisdictions to allow a Quebec body to regulate consultants working in Quebec while recognizing that the rest of Canada may feel the need to create such a tool for itself. We recognized this in our committee report. It was the intent of recommendation 1. We will be studying this issue.

We said that we would support the bill at second reading. We will study it carefully and wait for everyone's comments before forming a definite opinion about the details of each clause.

• (1540)

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, given that there are still no Liberals asking questions, I will ask my colleague a question myself.

I have two points to raise. First, will the committee study the training that consultants receive? Second, will there be resources or methods for monitoring these consultants, not only in Quebec and Canada, but overseas as well?

Mr. Thierry St-Cyr: Mr. Speaker, my colleague is right to bring up the lack of Liberal participation in the debate. However, we were treated to some rhetorical gymnastics by the member for Papineau this morning. We thought that he would be quite actively involved in the debate and concerned by the issue, but it seems that he did not have many points to bring to the debate today other than those in his speech.

The issue of overseas consultants is really quite problematic. Quebec has taken a step forward in regulating consultants by asking people to state whether they paid for consultation services overseas. I can assure my colleague that I will raise this point in committee in order to take the issue of overseas consultants as far as possible.

[English]

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, crimes against immigrants cannot and should not be tolerated. For

far too long, we have been soft on those who prey on the most vulnerable, prey on those who have dreams to make Canada their home. The media is littered with stories of potential immigrants who pay some consultants thousands of dollars, sometimes tens of thousands of dollars, and are taught to lie and end up having their applications destroyed because they were given poor advice. The New Democratic Party of Canada has been pushing for tough and effective legislation to crack down on these unscrupulous and crooked consultants.

Many years ago, in the early eighties, I was an assistant to a former member of Parliament, at that time the NDP critic for immigration, Mr. Dan Heap. During my time with him at the constituency office, I saw a wall of potential immigrants being cheated out of thousands of dollars and having their dreams of being able to stay in Canada destroyed.

Working at that time with the *Globe and Mail*, I had my mother carry a concealed tape recorder to look at some of these unscrupulous consultants. This was in the early 1980s. Subsequently, there were a series of articles in the *Globe and Mail* that documented many cases where she was given the wrong advice or overcharged. Back then, we were hoping that something would be done.

Unfortunately, even in the 1990s, nothing much was done and matters became worse and worse until 2002, when the House of Commons immigration and citizenship committee conducted a study, and then in 2004, when the former Liberal government enacted legislation and set up an organization. Unfortunately, the advice from the immigration department and the community was ignored and the organization had no power to regulate. The agency that was charged with protecting the vulnerable newcomers did not improve the situation. In fact it got worse. The Liberal government just never got the job done.

The bill before us today, Bill C-35, is a step in the right direction. Consultants must be licensed in order to charge fees or act on a person's behalf. The Canadian Border Agency must be given resources to enforce this law. We could have the best law, but if there is no enforcement, it would not be worth the paper it is written on. Immigration officers must be trained to detect fraud. They must be trained so that sufficient information is given to applicants and there is no need to hire an expensive consultant or a lawyer for straightforward immigration applications.

Government Orders

At the immigration committee, we have studied this issue for many months and we have issued two reports. During our travels, we have heard that the existing organization, the Canadian Society of Immigration Consultants, has a lot of shortcomings. The membership fees are too high and membership examinations are prepared and marked in a questionable way. We also heard that CSIC has failed to develop an industry plan. We heard that their decision-making lacks transparency and is not conducted democratically. We heard that the CSIC board of directors is not accountable to anyone. This is the board body that was established in 2004. There is no possibility for CSIC members to call a special meeting of the society. Compensation for CSIC board members, like their spending, is extravagant, ill-advised, and unaccounted for. CSIC board members are in a conflict of interest, because they created and currently serve on the board of the Canadian Migration Institute, a related for-profit corporation.

● (1545)

We heard that many members had little choice but to pay \$800 to buy an outdated educational video in order to obtain sufficient continuing professional development points to maintain a CSIC membership; that the ability of members to voice concerns about CSIC has been limited since the CSIC rules of professional conduct were amended, making it a professional offence to “undermine” CSIC and compelling members to treat CSIC with “dignity and respect”; and finally, that the CSIC website is set up so that members cannot communicate with one another by sending bulk email messages.

These are allegations, complaints that we have heard. The committee, after this long study, decided to take action. We issued a report recommending that we find some ways to protect the most vulnerable; that we establish a new corporation with the power to license its members, examine their conduct, and resolve complaints; and that the Government of Canada remain involved in its affairs until it is fully functioning.

We also recommended that a regulator establish no-cost complaint procedures to support immigrants with precarious Canadian status in lodging complaints. That is important, because some of those who are the most vulnerable feel that if they complain, they will get deported, which means that their case would not be examined by the immigration department. We have to establish complaints procedures for these immigrants. Part of the recommendation said that we have to inform immigrants that their complaints to the regulator will have no negative impact upon their immigration applications.

Moreover, we recommended coordinated investigations and enforcement of the law. We wanted a lead agency to be named to coordinate investigation, communication, and enforcement efforts within four months after the 2008 report. It is unfortunate that this never quite happened, but I sure hope that if this bill passes a lead agency will be named as quickly as possible to make sure that the law approved in Parliament is enforced properly. If not, it would be a real mistake.

We also recommended that the CSIC website should contain a list of authorized representatives practising in this country.

In November of last year, I moved a concurrence motion on these recommendations. The House of Commons supported these

recommendations and supported the concurrence motion, so the intention of this House is clear. We want new regulations, new legislation to protect the most vulnerable. We want clear enforcement guidelines. We also want to make sure that education will continue so that potential immigrants, even if they are overseas, will understand their rights and know how to go about filing a complaint.

The new regulations would provide the minister with the power to designate a new body to govern immigration consultants, and we need to make sure that this body is picked in a way that is transparent, and that this body is legitimate, democratically run, and willing to go after those who are violating the law.

We note that under their rules of conduct, a consultant must never “knowingly assist in or encourage any dishonesty, provision of misleading information, fraud, crime or illegal conduct”. Yet through the *Toronto Star* series, we have noticed that a number of CSIC members allegedly gave wrong information and told people how to make up a story to get into the refugee claimant process, even though they had no such refugee experience. They end up giving the entire immigration system and refugee claimants a bad name.

● (1550)

It is important for the minister to continue monitoring a new body to ensure it behaves in a way that will protect the most vulnerable because if not, lives could be ruined.

One day I hope immigration regulations can be clarified and simplified in a way so potential immigrants do not feel they need to hire someone to submit applications for them. I also hope the laws will be applied in a way that immigrants do not feel is arbitrary. They should be transparent so immigrants know where their applications are. Also the whole process should be on the Internet so applicants can tell how far along their applications are, how much longer they have to wait, what their application numbers are and whether they have submitted all the right documents.

I note the minister has just returned from Australia, which has that kind of processing. Because it is e-filed, immigrants can tell whether all the documents are done in a way that is appropriate. This kind of processing would be transparent and immigrants would not need to hire a consultant, a lawyer, or even come to a member of Parliament to get a status update of their applications.

Also one day I hope visitor visas or refugee claims are done in a way that is clear. Then migrants or potential visitors who want to come to Canada will not feel they need to hire consultants. After all, we are supposed to serve those who want to come to Canada.

Government Orders

Why is this important? It is critically important because we know some of these immigrants have a choice to go to other countries and we want the brightest and the best to come to Canada. If they keep hearing all these horror stories of relatives, neighbours or friends who have been ripped off by the most unscrupulous consultants, they will not have confidence in Canada's immigration system.

I also note that Australia's website shows almost every month which immigration consultants have been de-listed, for what reason and which new consultants have been listed. Those kinds of lists on the Internet are kept up-to-date so any time people want to hire a consultant, they will know clearly who is qualified and who is not. I certainly hope this would be the kind of system we would go toward.

Last, it is critically important that through the Canada Border Services Agency there would be some kind of investigation of the type of fraud now being committed by some of these consultants. Those who are victimized will then feel they have a chance to speak out. If the investigation of their claims proves their case was completely messed up because of bad advice by unscrupulous consultants, their claims should be re-evaluated.

• (1555)

In the meantime, on behalf of the New Democratic Party of Canada I will continue to carefully monitor the progress of the crackdown on crooked consultants and scrupulous consultants so that all crimes directed against immigrants will be severely punished.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I commend my colleague the member for Trinity—Spadina for her thoughtful comments, her work on this issue for many years and, particularly, for her leadership in crafting the 2008 standing committee report from which she quoted.

I will respond in particular to some of her suggestions about operational and administrative improvements that would help to reduce the demand or the need essentially many people feel to hire consultants to simplify the very complex process to apply for visas or immigration to Canada. I agree with her that the CIC could do a whole lot more to improve the process to simplify it and make it more transparent.

I readily admit that Citizenship and Immigration Canada has been significantly behind the curve when it comes to harnessing new information technology that would help to simplify the process in the way that the Australians have. She is quite right that they have a system that works easier to attract applications and reduces a lot of administrative burden because people are able to apply online for most of the business lines in its immigration ministry.

I am pleased to report to her and to the House that we have begun the process of finally rolling out the global case management system, which will, in the not too distant future, create a seamless worldwide electronic management of immigration and visa applications. An increasing number of applications will be able to be done directly online.

I can also report that in 2006 there was a simplification of most of the forms and we continue to look for ways that we can simplify those forms. We continue to look at ways that we can improve service and make things simply more user-friendly, and that is really the objective.

I want to thank her for that. Perhaps this is an area the committee could dig into in greater detail. It could look at the Australian and other reference points.

As a ministry, we are finally beginning to enter the 21st century as it were in terms of facilitating easier client service. She is quite right that this will mean less reliance on consultants, both legitimate and crooked.

Ms. Olivia Chow: Mr. Speaker, I thank the minister for taking this step and introducing the bill in front of us. It has been a long time coming.

A user-friendly, seamless service would be tremendously good news for many of the applicants who are struggling with the paperwork. Members of Parliament have spent thousands of hours trying to get status updates for their constituents. Constituency offices in some urban centres would tell us that 80% of their cases are immigration-related and it really should not be that way. It is costing us time and it is costing the visa office time to dig up these cases every time an MP's office calls. This is not helping the immigrants. It is not helping the department. It is not helping the MP's office.

The Auditor General has been telling us to get this done right, to be user-friendly. It would be really good news if we could get out of the paper-driven process. I cannot wait to see that day arrive.

In the meantime, at committee let us look for the most constructive ways to get this bill through and see if there are ways we can even improve it. Let us work together to provide the best services for potential immigrants.

• (1600)

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I had asked this question earlier of the Bloc member and I want to clarify some aspects of this vis-à-vis employees of members of Parliament who act so many times on behalf of immigrants across the country. In some cases they may give advice that would determine the course of action immigrants would take on whether they would move for one type of visa or the other. According to this situation, exemptions given would be under agreements or arrangements the government has. Does that suggest there would be some training or some understanding of how to apply this?

Right across the country, as every MP will indicate, we are the front line for the immigration services of Canada. Is that going to change or are we going to find some way that we can interpret this law so our people can rest assured that they, acting on behalf of us, are not going to be in contravention of the law?

Ms. Olivia Chow: Mr. Speaker, my reading of this bill is that it is totally legal for any non-profit organization or MP's office to provide as much information or act on behalf of constituents. A lot of immigrant service organizations, non-profit ones, will continue to give that kind of advice as long as a fee is not charged. It is illegal to charge a fee if not licensed. MP's offices will not charge a fee. If no fee is charged, then it is totally legal to provide advice, and that includes relatives, MP's offices, or any immigrant serving agency. I do not think there is any problem with that at all.

Government Orders

MPs' offices should not be a sub-office of the immigration department. Sometimes we feel like we are one. There is no reason why we should be one. However, until the day when we do not need to get status updates, et cetera, we will continue to provide the service to our constituents. I do not think we need to fear that we will be contravening this law because no MP's office is requesting a fee from constituents, at least I hope not because I believe it is illegal.

Hon. Jason Kenney: Maybe Karygiannis.

Ms. Olivia Chow: Some may say that one needs to join a certain party in order to do that. I have actually heard of those kinds of allegations in fact.

Also, I know that CIC does provide training to MPs' offices from time to time so they would be able to give good, sound and wise information to our constituents. I certainly hope that the immigration department will continue to provide this kind of training to all staff of members of Parliament.

Hon. Jason Kenney: Mr. Speaker, to confirm what the member for Trinity—Spadina said in response to the member's question, those who are affected by the bill and the associated regulations are those who provide advice or representation for consideration, which is defined as compensation. Therefore, MPs and non-profit groups will be very clearly excluded so they can continue to provide that advice.

There is another point I want to add about the service improvements. I should have mentioned that I witnessed on my recent trip to Asia that our immigration managers there have been very effective at improving client service. To give one example, in our Beijing office we are processing 50% more temporary resident visa applications this year than last, but we are typically finalizing those applications the day they are received in our office. Therefore, there is same-day service, which is a huge benefit because it means people do not have to call to find out the status of their application. We are seeing that kind of innovation and efficiency happening throughout the ministry, thanks to the very competent public servants working at Immigration Canada.

•(1605)

[*Translation*]

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, I rise on behalf of the Liberal Party of Canada to discuss Bill C-35, An Act to amend the Immigration and Refugee Protection Act, introduced by the government. These changes should tighten the legislation governing the activities of consultants who help prospective immigrants, refugees and other individuals who want to enter Canada and remain here.

[*English*]

First, I would like to congratulate the minister on this initiative. I believe the government's action is laudable and the intent well-meaning. We agree, in principle, that there are people all over the world who prey on unsuspecting individuals, individuals who want to immigrate, or even prospective refugees who want to come to Canada. These people, in retribution for money or other services, act as consultants to these prospective immigrants.

As has been mentioned by my other colleagues, and I am the last in a long list of people who have spoken on this bill, Liberals have

been calling on the government to take action as a result of the 2008 parliamentary report from the special advisory committee.

We know that many prospective immigrants ask for the services of these individuals as they prepare their immigration to Canada and we know that prospective immigrants rely on unregulated global consulting firms. We are not necessarily talking about an individual working from a small office or home. We are talking in some cases of actual global networks of consulting firms that are helping each other and inventing laws as they go. These consulting firms consistently give advice on international laws and specifically Canadian immigration laws for very exorbitant fees.

[*Translation*]

Not only do these consultants provide fraudulent advice but they often make empty, unfeasible promises that cost their clients dearly. When I say these promises can cost their clients very dearly, I mean they can cost a lot of money but also they sometimes cost potential immigrants dearly by inducing them to tell lies that can result in Canada's gates being closed forever to them.

[*English*]

As commendable as the minister has been on this bill, I would like to bring up some specific questions. For example, how does the government intend to control unscrupulous consultants operating offshore without interfering with the sovereignty of the country?

I know the minister mentioned that he just came back from India, China and other countries particularly in Asia and said the government of India was willing to co-operate by amending its laws to regulate immigration consultants. What I worry about, and I would certainly like to hear something from the minister on this, is how the monitoring and evaluation of these consultants can be carried out in countries where there may not be an infrastructure in place.

I read a lot of the ethnic newspapers here in Canada. Many of them are in the ethnic language, but there are also lots of ads that appear in either French or English. I see the number of immigration consultants that proliferate everywhere. I am not always sure there is an infrastructure in place in the country of origin to actually control what is going on over there. That is one question.

The other one is, how many countries are we talking about and is it really feasible for the government of the country of origin to actually control what is going on with these immigration consultants?

The other problem is one that I saw when I visited India many years ago, and that is the proliferation of false documentation. The minister referred to this in his speech.

•(1610)

[*Translation*]

There was talk about birth and marriage certificates, death certificates, professional diplomas and so forth. Sometimes these certificates do not seem genuine, but very often it is virtually impossible for us to tell whether they are genuine or not. So what can be done to prevent this proliferation of certificates?

Government Orders

[*English*]

My colleague, the MP for Papineau, has reminded members of the House about the vulnerability of individuals seeking to enter and remain in Canada. I am not going to repeat his words. These were very important words because it shows us again how unscrupulous people in Canada and elsewhere prey on the vulnerability of people who come to this country wanting to make a better life for themselves, who are not always refugees but people willing to sometimes invest money in this country and yet, because of lack of knowledge, can be preyed upon by these unscrupulous consultants.

I would like to remind the House that the initial initiative came from the former Liberal government, which in 2002 created an advisory committee to identify the ongoing problems within the immigration consulting industry. This committee's task was to identify the issues and propose ways to regulate the industry.

In 2003, there was a very large debate on this subject and a regulatory body was established called the Canadian Society of Immigration Consultants with the mandate to act as a regulatory body for the governance, education and, most importantly, accreditation of immigration practitioners.

[*Translation*]

Bill C-35 suggests creating a designated body. I want to stop right there and say that a basic question remains. Why does the government want to create a new body in Bill C-35 to replace the old one?

We all agree that the old body had some major faults. I will describe them in a few minutes, but the question I want to raise is why can we not just improve an existing institution rather than totally destroying it and replacing it with a new one with all new regulations? Why not try to improve what already exists and take advantage of its institutional memory and the experience of its members to move forward?

There have certainly been some problems with the creation and operations of the Canadian Society of Immigration Consultants. For example, there was the entrance examination for members that was drawn up and evaluated in a way that seems rather dubious. There were also some decisions made by the society that lacked transparency. It was seen to operate in a way that was often not very democratic. There were also some remarks such as the lack of accountability on the part of its board of directors. I would not want the board members to feel individually targeted. I am referring to the way in which the institution operated and not particular individuals. There were also conflict of interest problems with the board, especially with the people who created the Canadian Society of Immigration Consultants and are still members of it.

[*English*]

Certainly, as I see Bill C-35, members who are now coming into the debate ought to step back and ask the questions. One question among many is, how important is corporate memory in the development of an organization and in the development of this particular organization?

It is important that we have corporate memory that we can carry on. At the same time, and I do underline this, I am not saying that

nothing should be done. We should be build on what already exists. It would be fruitful, and I mentioned this, for the standing committee to ask how we can possibly merge the CSIC strategic plan and its original reason for being established in 2003 with the corporate strategic plan and vision of the Canadian Migration Institute, which is actually part of the Canadian Society of Immigration Consultants.

I have other concerns with the CSIC. For example, we can look at the outdated training material. Members of the society have spoken to me about this. It needs to be redone. We have talked about communications in official languages. As the critic for francophonie for my party, I am very aware of the need to do all the work and to publish all the work on the web and elsewhere in the two official Canadian languages.

Another concern that has been raised in the standing committee's report is the limited ability of members to voice concerns about the CSIC since the rules of professional conduct were amended making it a professional offence to undermine CSIC and compelling members to treat CSIC with dignity and respect. We should be allowed to criticize without it being thought that we are undermining.

• (1615)

[*Translation*]

Once again, this government is not known among Canadians for its openness and keen sense of accountability. It cannot be said that it sets an example of good governance.

[*English*]

The government has withheld information from the commissioner of inquiry studying detainee transfers, for example. It consistently blocks freedom of information requests from the public. I do not want to go further in this vein. We need to have more information because other members can certainly share their own experiences of government secrecy and the shutdown of communication.

I want it to be made clear that I am not condoning any alleged concern that members of the public may have with the Canadian Society of Immigration Consultants and the operations of the organization as outlined in the Standing Committee on Citizenship and Immigration 2008 report. I am drawing a parallel.

[*Translation*]

I would like to come back to the fact that we must build on our experience, meaning that in this case we should not be dismantling an institution; rather, we should be using our knowledge of what is working and what is not to keep what works and improve it.

[*English*]

The main problem we may also seem to be dealing with is that the Canadian Society of Immigration Consultants, CSIC, which is a non-profit corporation, has made it mandatory, and I think rightly so, to have those who want to be accredited to go through an education process before that can take place. However, we know from comments we have heard that this education process is incomplete and that it has to be ameliorated, once again, building on what we know, on the weaknesses that people have indicated to us.

Government Orders

There is also, as I mentioned before, a perceived conflict of interest of members of the board.

The Canadian Migration Institute, which is an arm of the society, is the body that carries out the accreditation in order for an individual to be recognized as a certified consultant.

Surely, I think that this is no different from other professional bodies that regulate and certify professionals for a fee.

There are arguments regarding members of the board of the Canadian Society of Immigration Consultants who now sit on the for profit board, the Canadian Migration Institute, the CMI, a wholly-owned group of the not for profit CSIC, as I mentioned before.

[*Translation*]

I would like to say once again that although the Liberals approve this proposed legislation in principal, because we need Bill C-35, there must surely be other ways of resolving some of the issues that I highlighted here today.

I would like to reiterate that it was the Liberals on this side of the House that started investigating and implementing regulations for the immigration and refugee consultant industry. I am speaking on behalf of all the members here as well as those who are not here. We want this endeavour to succeed, and we believe that we are more than halfway to our goal.

We intend to work with the government to ensure that those who want to come to Canada can get the help they need without having to rely on unscrupulous consultants.

• (1620)

[*English*]

We offer our expertise in the spirit of the kind of remarks that I making here in this House.

We would like to see a wider public input into what the accreditation body could look like and how its policies can be reframed. I hope hearings of the legislative committee studying this bill will not be rushed. What I hope, in fact, is that this bill will be accepted by this House, that it will then go on to be studied by the Standing Committee on Citizenship and Immigration, which will ameliorate it, and that while the standing committee is studying this bill, it will take the time to hear from Canadians from all parts of the country.

We must hear from those people who have been used by unscrupulous consultants. The minister asked my colleague, a few minutes ago, whether he had any knowledge of people who had actual experience of being used by unscrupulous consultants. I think that is an important question. It is an important question that the consultative committee will have to ask of the witnesses.

However, again, I ask the question, why do we have to destroy an administrative body in order to re-establish another one? Why not start from what we know of the old one and build on that?

Finally, we would like to hear from Canadians on how we can make our immigration laws simpler. I welcome the intervention of the minister who said just a few minutes ago that he is working on this global approach. I hope that the global approach will not mean

that there will not be a possibility for us to intervene when we think the decision taken is the wrong decision. However, he is working on a global approach and I hope that global approach will make it simple and accessible for those prospective immigrants so that they do not feel the need to go to an immigration consultant, and that they, and here I am in agreement with the MP from the NDP, are not taken advantage of as is the case sometimes. So the recourse to consultants and the recourse to MPs, we hope, will be much less than what it is now.

I also hope that all the concerns raised in the 2008 standing committee report will be reflected in the government's present vision for the re-established body.

So, the process has started. We want to get it right. We feel that we are more than halfway there.

Again, I reiterate that we intend to work with the government to ensure that those who wish to enter Canada can get the assistance they need without the use of unscrupulous immigration consultants.

[*Translation*]

We support Bill C-35. We hope that it will receive the votes needed in order to send it to committee for further study.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I would like to thank the hon. member and congratulate her on her remarks and perceptive questions. I would like to respond to some of them.

[*English*]

The member asked how we can monitor consultants who operate abroad. If a person is representing an applicant for a visa or immigration to Canada anywhere in the world and he or she represents that person to Citizenship and Immigration Canada, it does not matter whether the person is in Canada or India, we will not deal with the person unless he or she is a registered member in good standing of the designated regulatory body.

How do we monitor these consultants? We identify whether they are registered by going to the CSIC website and seeing if they are a member in good standing. What typically happens is that the larger consultancies in Canada, the more legitimate ones, will establish offices in our major immigration source countries and have them register and become members of the regulatory body. The problem is that most of the consulting and representational work done abroad is done by ghost consultants.

The legislative changes here will clarify that acting as a ghost consultant is illegal for Canadian legal purposes. However, the real problem is that most of the really nasty stuff is the production of counterfeit documents and the like where people will never report. They will continue to operate as ghost consultants abroad, which is why we need the co-operation of governments abroad in bringing in legal frameworks and focusing more enforcement resources on this area of exploitation of their own citizens.

Government Orders

The member asked how we will follow up with these countries. There are 180 source countries for immigration to Canada and we cannot realistically expect all of them to have a seamless legal system for the regulation of immigration consultants. I am focusing on, by far, the three largest source countries where we tend to see fairly high levels of fraud, which are China, India and the Philippines.

We had very productive meetings. My officials are now bringing together some of the dossiers on the worst offenders in the industry. For example, we are aware of one guy in India who took at least a quarter of a million dollars from students in one scam alone, producing clearly counterfeit banking documents that he submitted, probably knowing full well that CIC would reject the applications, but he had the cash in hand. We will take that information, put a bow on it, take it to the state police in Punjab and say that we want the guy prosecuted. I got an agreement from the chief minister in Punjab that the police will follow through with enforcement on cases like that. So we are making progress finally.

How do we stop the proliferation of counterfeit documents? It is the same kind of thing. We just need to work with those local governments. I can give the member one case. Our officials in Delhi and in Mumbai brought the local police clear evidence of the counterfeit of Canadian visas that were being sold, if I am not mistaken, for \$10,000 a piece. The Indian police arrested the perpetrators and they are now facing criminal charges. Therefore, by proactively co-operating with local police services we can actually deal with the problem.

I have run out of time to address her questions about the designation of the regulatory body but I would be happy to get into that at committee with our colleagues.

• (1625)

[*Translation*]

Ms. Raymonde Folco: Mr. Speaker, I thank the hon. minister. Of course I had other questions to ask. The only thing I would like to add is that I understand that he chose the following three countries: China, India and the Philippines. Those three countries have huge populations and their citizens often live far from government centres and police services.

I think it is an excellent idea. I have some doubts about the effectiveness of this measure, but I understand we must start somewhere, and this is perhaps a good place to start.

[*English*]

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, at the committee we said that the problem with the CSIC was not just a growing pain. Under the former Liberal government, the legislation was set in a way that CSIC has no power to sanction immigration consultants who are not members of the society and it cannot seek judicial enforcement of the disciplinary consequences imposed on those who are members.

Further, because the CSIC's jurisdiction is not governed by statute, there is no possibility for dissatisfied members and others to influence the society's internal functioning through judicial review.

In the view of the committee, these shortcomings should be addressed by new legislation.

Would the member now be satisfied, given our findings at the immigration committee, that because of these shortcomings we need new legislation and that just patching up the old one will not work? That was in the recommendation from the committee which was endorsed by the House of Commons.

Ms. Raymonde Folco: Mr. Speaker, I understand the words “new legislation” as being interpretable by the new legislation that the government has just put forward with Bill C-93. I welcome the bill because it is an excellent idea but it could very well, as I suggested in my presentation, simply reform the existing body.

I thought I had made it clear in my presentation that I am not in any way saying that the body that did exist and still exists was and is perfect. Far from it. I mentioned many of the weaknesses that it has. I also welcomed the minister's bill.

However, what I queried was the fact that we were going to destroy one institution and the little bit of good that it did as well and replace it by another. My suggestion was that rather than destroy it we should ameliorate what already exists.

• (1630)

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, it seems to me that in the original legislation to set up the CSIC, there was an attempt to professionalize the opportunity, similar to law societies and the Ontario Medical Association, to discipline those among the ranks and to have the legislative capability to sanction those who were outside of the authority. However, the legislation did not give the CSIC that kind of power. In fact, I have heard many who in good faith have become members and who have been very critical, as both my colleagues have talked about.

At committee is it not really a matter of legislative action to empower in a professional way the CSIC and to do that quickly. As long as this exists there will be those who are literally outside the law who are exploiting those who are most vulnerable. Is it not possible for the committee to get on with that very quickly and then come back to the House with a legislative remedy?

Ms. Raymonde Folco: Mr. Speaker, the hon. member has put it much better than I could have. Once again, this is entirely compatible with Bill C-93. What we are asking for and certainly what I am asking for is a modification, as we say in French, une amélioration de ce qui existe déjà. This is the legislation that the consultative committee asked for. We have it before us. We have waited a long time. There is a question of time as well.

The longer we wait for a new body to be created and, once it is created, to have new members, all this time is being wasted as people are waiting and some people are being taken advantage of.

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Halifax, Product Safety; the hon. member for Vancouver Kingsway, Public Safety.

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[English]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to have the opportunity to participate in the debate on Bill C-35, An Act to amend the Immigration and Refugee Protection Act, or, as the refugees from the Hallmark greeting card operation that are in the Conservative caucus call it, the cracking down on crooked consultants act. I do not know where these snappy titles come from but I think the minister is taking direct responsibility for that. It is good to know that the minister has other job opportunities waiting for him should this one not work out.

However, it is important legislation and it is something for which many people in my constituency of Burnaby—Douglas have been hoping for a long time, that government would take the issue of the service that Canadians get from immigration consultants and the service that prospective Canadians get from immigration consultants seriously. There have been very many problems with this over a long period of time, so it is good that there is finally a specific proposal on the agenda as far as that proposal goes.

The bill would amend the Immigration and Refugee Protection Act to change the manner of regulating third parties and immigration processes. Among other things, it would create a new offence by extending the prohibition against representing or advising persons for consideration for pay or offering to do so to all stages in connection with the proceeding or application under the act, including before a proceeding has been commenced or an application has been made.

The bill also would exempt from this prohibition members of a provincial bar or the *Chambre Des Notaires Du Québec* and students at law acting under their supervision. It would exempt member of a body designated by the Minister of Citizenship, Immigration and Multiculturalism and it would exempt entities and persons acting on the entities behalf acting in accordance with an agreement or arrangement with Her Majesty in right of Canada.

The bill would also give the Minister of Citizenship, Immigration and Multiculturalism the power to make transitional regulations in relation to the designation of a body to regulate the process of immigration consultants, to regulate immigration consultants, which is a very important piece of this legislation.

That is more the sort of legal language. The government has proposed that all advice supplied for a fee be provided by an authorized immigration representative. This individual would have to be either a member in good standing of a provincial or territorial law association or the body governing immigration consultants.

Unpaid third parties, as the government points out, such as family members and friends, would still be allowed to act on behalf of an applicant. Furthermore, under the new rules there would be exceptions for certain groups, for example, visa application centres and other service providers, when acting in accordance with an agreement arrangement with the Government of Canada.

The legislation would also provide the minister with the power by regulation to designate a body to govern immigration consultants. Also under these amendments, the onus would be on the current body governing immigration consultants to provide key information to assist in the minister's evaluation of whether the body is governing

its members in the public interest and whether consultants are providing representation and advice in a professional and ethical manner.

There is an attempt to clean up loopholes in the system and to establish a new governing body or an effective governing body for immigration consultants in Canada.

When the government announced these measures, it also announced some non-legislative measures. We have heard from the minister again about those. The government has talked about strengthening public awareness, including raising awareness of the risks of engaging a crooked consultant and updating websites in Canada and abroad to carry warning messages for potential immigrants and various service improvement. Web based tools and videos are also being developed by CIC to make it easier for applicants to independently apply to immigrate to Canada.

The minister has also pointed out and reiterated again today the effort to co-operate with foreign governments to address the issues of fraud that happen not on Canadian soil but in countries, as the minister has indicated, like China, India and the Philippines, and to engage police authorities there to crack down on fraudulent activities by consultants operating in those countries. This is a very important aspect of it and I hope the government puts the appropriate resources toward ensuring co-operation between regulatory bodies and various police agencies to ensure that this kind of crackdown can occur and can occur both here in Canada and in countries where consultants are being hired.

• (1635)

It would be great if in some way we could cut down on the need for this industry, and there are a number of ways we could do that. One of them is by ensuring that we do not have the huge backlog in immigration applications that we currently face. One of the reasons we drive people to talk to a consultant is the fact that their applications take so long. When people see an application sitting for years with no action on it they begin to wonder if they have not done something wrong and begin to think they need assistance through this process. It drives them into the hands of immigration consultants, and often into the hands of an unscrupulous immigration consultant. If we were really serious about ensuring the effectiveness of our system, we would work to get rid of that backlog and to make sure that the system functioned smoothly and effectively.

We should also simplify the forms. We drive people to a consultant when we make the form difficult, when it is hard for them to understand. Maybe we need to make forms that are more appropriate in different cultural contexts and have different forms in different contexts that get us the same information, but we need to make sure that people find it easy to make the application and provide the information that is required. That is something we could do that would reduce their reliance on a third party to assist them.

Another route we could go to ensure that people feel that they have an alternative is visitor visa appeals. Often people apply to have a friend or relative visit them here in Canada and that is turned down with very little explanation. If there were an appeal system in place, people would feel less of a need to approach a third party to help them with that application for fear that they may have done something wrong, that they are missing something in the process, that there is information they should have to ensure a successful application. If they felt as well that there was recourse should they not have a successful application, it would also reduce the number of people who feel that it is absolutely necessary to engage a third party in dealing with their failed application or with an application that they perceive to be more difficult. So there are a number of things we should also be doing, as well as this legislation, and I hope some of those get the attention, and continued attention, in some cases, of the government.

We have looked at this for many years and there have been many attempts to deal with this issue of ghost consultants, of crooked consultants, of unscrupulous immigration consultants. I am glad that the government has apparently taken it seriously.

When the Standing Committee on Citizenship and Immigration looked at the whole question of immigration consultants and studied the situation of the Canadian Society of Immigration Consultants it noticed a number of issues that needed to be addressed about the operation of CSIC, about that body that currently attempts to have some role in the regulation of immigration consultants in Canada. There was a long list of observations the committee made about the functioning of that and we have heard this afternoon in this debate some of those issues that were observed. It noticed that CSIC membership fees were too high and that it was prohibitive and was interfering in the effectiveness of the organization. It said that CSIC membership examinations were prepared and marked in a questionable way, so that there were questions raised about the viability of the examination process. It said that CSIC failed to develop an industry plan, something that is crucial especially in this new and developing industry, this expanding industry where so many people's hopes about their future are caught up and can easily be manipulated by unscrupulous people.

The Standing Committee on Citizenship and Immigration also noticed that CSIC decision-making lacked transparency and was not conducted democratically. So internal functioning of the organization was a concern, as well as the fact that the CSIC board of directors was not accountable to anyone. It noted that there was no possibility for CSIC members to call a special meeting of the society. It said that compensation for and the spending of CSIC board members was extravagant, ill-advised and unaccounted for. It pointed out that CSIC board members are in conflict of interest because they created and currently serve on the board of the Canadian Migration Institute, a related for-profit corporation. So there were many concerns raised about the governance of the current organization, CSIC.

● (1640)

The standing committee also noted that many members of CSIC had little choice but to pay \$800 each to buy an outdated educational video in order to obtain sufficient continuing professional development points to maintain their CSIC membership. Even the upgrading

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of skills, the ongoing professional development of the organization and how it provided that, was a concern.

It noted that CSIC does not communicate with members or provide services to members equally in French and English, which is a very serious problem for any national organization seeking to regulate an industry dealing with immigration in Canada.

The ability of members to voice concerns about CSIC was limited since the CSIC rules of professional conduct were amended to make it a professional offence to undermine CSIC and compelling members to treat CSIC with dignity and respect. Even trying to deal with problems within the organization became a problem in itself, and the ability of members to raise concerns was limited by the operation of the organization.

The Standing Committee on Citizenship and Immigration finally noted that the CSIC website was set up in such a way that members could not send bulk email messages to all other members. The inability of CSIC members to correspond with other members of their profession was limited by the organization itself.

Clearly there are serious problems with the existing organization. I think many people will be relieved that the government is now seeking to establish a different organization and the minister has put out a request for proposals to deal with the establishment of a new regulatory organization, because there are very serious issues that need to be addressed in how such an organization would operate to best serve Canadians who are engaged with the immigration process.

We know the standing committee made recommendations out of its study of ghost immigration consultants. It made nine recommendations and we have heard some discussion of them this afternoon.

Earlier I talked about the need to simplify immigration applications, and that was one of the recommendations of the Standing Committee on Citizenship and Immigration in its report on ghost consultants. The committee recommended that Citizenship and Immigration Canada review existing processes related to the most common types of immigration applications, with a view to simplifying them whenever possible.

That goes hand in hand with making sure that the application forms themselves are easily understood. Again it goes to the hope that most people could engage this process without the assistance of a third party, without the need for some kind of professional to shepherd their application through the process.

Staff in my office have seen many problems with immigration consultants over the years. Like the member for Trinity—Spadina, I spent many years as a constituency assistant before I became a member of Parliament and worked with many people on immigration problems. I was often appalled by the bad advice, bad assistance and expensive bad advice that people had received.

In checking with my office today to ask staff members what was their sense of the problem of unscrupulous immigration consultants or immigration consultants in general, they pointed out many problems that have come up in terms of their work with constituents who have immigration applications under way.

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In terms of some general concerns, they noted that immigration consultants seem to hold on to information until they are paid, sometimes meaning that people miss important deadlines in the application process. My staff has experienced the situation where immigration consultants have asked for additional amounts that they had not indicated earlier, so there were new charges and expenses that had never been explained to their clients.

Staff members noted that sometimes immigration consultants give bad information, sometimes obviously bad information that anyone who was appropriately trained or had even minimal experience with the immigration system would know the answer to. My staff also pointed out that, in their experience, often immigration consultants have delayed relaying information to the embassies and sometimes back to constituents and the people applying.

Staff members noted that they have seen no consistency in the amount that people are charged for the services of an immigration consultant and that there does not seem to be any clear standard. Sometimes people have paid very large amounts of money for very simple services. They particularly note the significant charges that people have paid in a number of cases for assistance with visitor visas, which is a fairly direct and simple process.

● (1645)

My staff have seen a number of cases where immigration consultants have been problematic for people in my constituency and their families and friends who have been engaging with the immigration process. My staff have related some specific stories to me and I will relate them to the House to give some sense of the kind of situation that people are facing.

One of my constituents had a spouse who was a refugee claimant in Canada. The immigration consultant first charged her around \$5,000 to put in a humanitarian and compassionate application and an extension application. When those applications failed, the consultant advised the spouse to fly back to the country of origin and return to Canada by air without actually having an authorization to return, which can take up to a year in any case. Since the person was advised to do this, he tried it and he was deported again from the airport, complicating his case in a very serious way. When the sponsor tried to contact the immigration consultant again, the consultant retracted his original advice, saying he had never advised that. So the situation this family ended up in is a very serious one. Once someone is deported, it is a very serious matter and something that was completely unnecessary. It is very expensive to get this kind of bad advice.

Another story that was important to my staff from their experience of working with people was another couple whose permanent resident application from South Asia was being done through a consultant. The consultant held on to important information because there was a delay in the receipt of a payment.

The applicants' medicals were expiring in three weeks and the embassy asked the consultant if they wanted medicals redone or if it should issue a three-week validity visa in the hope that the people could reach Canada within that time. Because there was a delay by a relative of the couple in making a payment to the consultant, the consultant told the embassy to issue three-week visas, which expired by the time they reached the applicants. This meant that the

applicants had to start the application process over completely from the beginning. It was incredibly frustrating for that family who had gone through a rather lengthy immigration process, successfully as it turns out, only to have it messed up at the end by an immigration consultant who was less than helpful to them when push came to shove, when they really needed assistance from someone who they anticipated knew the Canadian immigration system, had some professional ethics and professional standards, was well trained and could assist them appropriately in this process, a process that is so crucial to so many families and to our communities and our society.

There is a lot that we could be doing, and I am pleased that we are debating this bill today. I am glad that it is going to go to committee where witnesses can be called and where further discussion can be had about it. It is absolutely crucial that we get our act together on this. The situation with immigration consultant regulation in Canada has gone on too long and it has caused too many problems for too many people. So it is good that the government has placed this on the agenda.

I hope that through the process of committee hearings and continued debate on this legislation we can end up with a bill and a regulatory body that will serve the needs of Canadians and the needs of those people who want to come to Canada to start a new life and contribute to the building of this country.

● (1650)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I would like to commend the member for Burnaby—Douglas for his very constructive remarks and for his intimate awareness of the challenges many of our constituents face in dealing with this industry.

He has raised a number of good points. One I thought I would respond to is his commendable suggestion that accelerating the process for processing applications at CIC would reduce, to some extent, the demand for the services of consultants, both legitimate and unscrupulous.

I agree with him. Our ministry has taken some really significant steps in that direction. To give the member an example, three years ago it was taking five to six years to process applications for the federal skilled worker program, our core economic stream of immigration. Five or six years was completely ridiculous.

As a result of our action plan for faster immigration, over the past two years we have been processing new applications we receive in that program within several months. We have gone from several years to several months. Six to 12 months is the range, but in most missions it is happening in about seven or eight months. That is great news. The credit goes to our officials as well as to the additional resources voted by this Parliament.

Second, the provincial nominee program has grown substantially. He will know that in British Columbia it may have outstripped the federal skilled worker program as a source of permanent-resident economic immigrants. It operates on a priority processing basis. Usually those applications are processed in a matter of a few months.

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In most missions, we are keeping on top of priority processing of what we call priority family class. Family class one or spousal sponsorship applications are typically being processed in a matter of about four to five months.

Finally, many of our missions have significantly improved the processing times for temporary resident visas. I can report, based on my recent visit last week to Beijing, that they are processing temporary resident visa applications on the same day they receive them in the mission.

A lot more could be done. There are certain streams that are not moving as quickly, but we are making progress. I just want to point that out.

We always look forward to advice from parliamentarians on how we can make further progress to speed up the process.

• (1655)

Mr. Bill Siksay: Mr. Speaker, I want to thank the minister for being part of the debate on this legislation. I know that it has been his practice for other legislation he has brought to the House. I appreciate that he uses his time in that way. I think it is a very important contribution he makes to the discussion this afternoon.

While I appreciate that steps have been taken to improve processing in some of the categories he mentioned, he does downplay a little bit the frustrations people have with the delays in family class applications. Certainly for people in my constituency, that is the point where they are most frustrated.

That has been one of the strong points of Canada's immigration system. That is the part of our immigration system that has a built-in settlement program. The family helps people settle into Canada. That is one of the points of our immigration process. We promised people that if they came to Canada, they would be able to bring family members after them. That is one of the places where we are still messing up. People are still very frustrated about the length of time it takes to have a family member join them here in Canada.

There is still work to be done. I am glad that there is progress being made in some of the categories, but if the minister talks to the people who contact my office, they are still waiting. I am sure that the folks who contact the minister's office and his constituency office are still waiting for action in those areas as well.

There is a lot more to be done on this very crucial aspect of Canadian policy when it comes to our immigration program.

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I would like to thank the hon. member for his great speech and presentation on this subject.

My riding of Sudbury seems to be the hub for northern Ontario when it comes to immigration cases, and we need to thank the Sudbury Multicultural & Folk Arts Association for the great work they have done for decades and the YMCA for the work being done on this file now.

I have to commend my staff for the number of cases we are dealing with in relation to immigration. I also want to commend the minister and his office, because when we have to make that call, when I have to call the staff there to get some support on a case, they have been nothing but superb.

When we look at cases that come into my office, and I have had people across from me crying because they have spent thousands of dollars on crooked or unscrupulous consultants to get a family member over, we want to do everything in our power to help them. We have been able to do that in Sudbury with some great staff and with support from the ministry. I think we also need to tip our hats to the work that has been done by this committee to try to end this.

There are several recommendations coming from the committee. One of them that I would like to point out today and ask my hon. colleague about is recommendation number seven.

The committee recommends that Citizenship and Immigration Canada review existing processes related to the most common types of immigration applications with a view to simplifying them whenever possible. That comes back to what I was saying at the start of my statement about the work we are having to do in our offices. Sometimes, as I heard from my hon. colleague from Trinity—Spadina, the constituency office ends up being more of an immigration office.

I would like to ask my hon. friend from across the way what he thinks some of these simplified processes would be.

Mr. Bill Siksay: Mr. Speaker, I am a little distant from my own personal experience of looking at immigration applications. I used to do that as a staff person, and now folks do that work for me, and I want to pay tribute, as the member mentioned, to the people who do that work for us in probably all the constituency offices of all members of Parliament.

Certainly in my office, and I suspect in most urban offices, immigration casework is probably the largest piece of work our staff do in terms of helping constituents with specific programs. I know that the circumstances of those cases are often the most difficult cases my staff deal with. I have great staff in terms of caseworkers who work on these issues for me. Ayesha Haider, Caren Yu, and sometimes Jane Ireland do this important work for me. They sit with people who are trying to figure out the immigration process. Often, even with their many collective years of experience, they are baffled by something that has happened in this process.

There is a lot of work that could be done to make the process simpler, to make it clearer to people, and to make it possible for them to understand exactly what the requirements are so that they can meet those requirements themselves, without the assistance of a third party, such as a constituency office or some kind of professional immigration consultant or lawyer or notary or those kinds of people. It would be really nice if our system could function so that people could make those applications directly, using their own skills and abilities. They would only engage those people in situations that were infinitely more complex or particularly special in some way.

Right now, too many people feel the need to seek out assistance, because the system is cumbersome in some way for them. I think we could make significant progress in simplifying both the requirements of the system and the basic forms and other information people are required to fill out and provide.

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•(1700)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member will well know that there have been recent developments in terms of calls for open government and proactive disclosure. It would seem to me that it is incumbent upon governments themselves to identify areas in which a public education mandate should, in fact, be incorporated into the work of all the ministries and commissioners who serve us.

I wonder if the member would care to comment on whether the kind of information he has shared today with the House is the kind of information that, in fact, should be on the minister's website.

Mr. Bill Siksay: Mr. Speaker, of course this kind of information would be helpful to have on the Citizenship and Immigration website so that we could be doing a better job of providing people with helpful information about the process they are engaging in and what that process requires. I think that we can always do a better job on that front.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, I am delighted to engage in this particular debate.

I want to pay tribute, first of all, to all those members of Parliament who have already intervened. Some of them were critics of mine when I was the minister of immigration. I know that the current Minister of Immigration will relish the thought of having a former minister make some submissions. He will probably say that nothing has changed.

However, people have made some pretty insightful suggestions. The people who come to mind, of course, are the member for Laval—Les Îles, the member for Burnaby—Douglas, who just spoke, the member for Vaudreuil-Soulanges, who has yet to speak but who was an ardent critic of mine and of immigration, and of course, all other members of the Liberal Party who used to be the greatest critics of the system and the substance of the system, as we have gone through. I doubt that there is another topic, another department, that has more experts in this House than this one.

I am going to add my voice, humble though it may be, on this issue, simply because I agree with the member for Papineau, our critic on this matter, that the bill should go forward to committee, where it will get the appropriate scrutiny from all those people who have a wealth of experience and expertise. That will give the Canadian public a feeling of comfort that what they are getting is a bill that has really received the scrutiny of this House and Parliament.

I know that the Minister of Immigration has counted on the support of members of Parliament from the official opposition to get some of his issues through the House, and I know that he looks forward to continuing that kind of relationship. I am sure that other members on this side of the House will be only too happy to collaborate in a fashion that will produce a desired outcome.

Many of us here have a tendency to be academic or expert on some things, because that is the way we are in this House. We stand here and we pontificate on things.

I would like to give members a bit of a human element.

I have a young grandson. He is probably watching right now. If he is, I want to be able to point to him. I do not know if he is or not. That little boy, who is going to turn five tomorrow—his name is Stefano—had the good fortune of having, and still has, four grandparents who were born abroad. Each and every one of those four had the kind of difficulties we constantly debate in this House with respect to immigration. Their issues were, and continue to be for those who are like them, issues not of process but of substance. They want to know that the current government, the Government of Canada, actually seeks them out and wants them to come here.

Stefano and his brother—I think they are watching this right now; I hope they are, because I want to say happy birthday to Stefano—have the good fortune of having grandparents who had the good fortune of being able to come to this country to be part of the building of everybody's dream. That is what immigration is. It is not a process. It is about the realization of an ambition and a dream that individuals and their families have for fashioning a future not just for themselves but in co-operation with and in collaboration with a collective in another place, a place that they will turn into their home. Canada has become a home for so many people from so many other places.

I am one of them. I had the good fortune of having parents who had the wisdom to move. They wanted to move. It was a challenge for them. They had to deal with consultants. I did not know. They did not call them consultants then. It was just somebody who gave them a hand who said, "If you go to the Canadian Embassy, you might be able to go to Canada, because they want people. They want people who are going to build Canada. They want people who want to become part of a country that is going to be something more than what we have here, no matter where 'here' is." Along the way, there were people who took advantage of their desire to have a better life for them and their kids.

•(1705)

We do not want people to take advantage of those who want to come and build this country. The reason we do not want that is not because we have compassion for people in need. It is not because we feel sorry for those who are victims of the unscrupulous. It is not because we think it is wrong for someone to take advantage of another. It is because we think that is inconsistent with those values that make us Canadian.

We do not want people's first experience with this country to be one where they come into contact with those who profess to be expert on how to enter this country and make those people pay dearly to come here.

We do not want our offices to turn into nothing more than processing centres for those who would sell expertise whether real or not as the one expression of Canada that they must then overcome when they come here.

I said a few moments ago that I agree with my colleagues that the bill should go forward and let the committee deal with this. I know that the minister will be happy to hear this.

However, I look at the bill and we have now had four and a half years of a government, some of whose members had become the same kind of experts that I talked about a moment ago. If there was a problem in the process, we have had this amount of time to actually deal with correcting the measures in process. This House cannot simply be one that is dedicated to process. This House has to be representative of the collective ambition of the Canadian public for its country.

For all those who were born here or who came here, we used to call them naturalized Canadians, we have evolved. We do not call them that any more. For all those who were born Canadians and those who have become Canadians, they are all part of that collective ambition that wants a place in the world in which all Canadians can feel they have a portion, a stake, a share in the country that everybody would like to emulate or be a part of.

We need to discuss in this House what that immigration plan is for Canada, how it fits in with the industrial strategy, the social strategy, the political strategy of a country that is evolving, that is developing, that is still becoming. It is not just being. It is not just there. Every day brings a new challenge. Every day brings a new goal. Every day brings a new struggle for people to identify with, to overcome and then to reap the satisfactions associated with saying that we have accomplished something for ourselves and with and for our neighbours.

The bill says that we are going to take care of those people who abuse the system by giving bad advice.

• (1710)

It seems to me that a former minister, the Hon. Elinor Caplan, used to be criticized a lot by her own caucus colleagues when we were on that side of the House some 12 years ago. She talked about this precise matter. She said, “We have to stop those snakeheads, those human smugglers from abusing people abroad and from abusing relatives of those people here in Canada. I am going to travel abroad. I am going to go to Beijing”. That was becoming a big source area for many of our immigrants. She said, “I am going to go to other places, like India and the Philippines, because that is where most of the people are coming from. I am going to see if I can get the co-operation of those governments in order to pursue those who are so unscrupulous that they would take advantage of their people”.

Keep in mind this is about taking advantage of people who would become part of Canada but who are not yet a part of Canada. This is about dealing with people who would try to abuse or take undue advantage of a Canadian system in order to abuse people who are outside our borders even more.

I noted that the minister agreed with that, in essence, in response to a question from my colleague from Laval—Les Îles. He said that we have to co-operate with foreign authorities in order to pursue and prosecute those who take undue advantage of others, even if it appears to be more acceptable in other places than it does here, because, of course, we have the rule of law. It is one of the values that draws people to this place. In other places that particular value is less ingrained and so people work within different parameters.

We say we are going to get rid of unscrupulous consultants. Some of my predecessors and some of the current minister's predecessors

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tried the same thing. One of the measures undertaken at the time was to provide educational material to those who would have become consultants, in other words, have them work with the department and the legal societies in order to come up with a body of expertise that would be acceptable to our functionaries abroad and in Canada.

We even went so far as to give them their own regulatory authority. Do you know what that means, Mr. Speaker? I know you relish this sort of thing. What happens is governments say that they have to put together an organization, but people are mature enough, educated enough and responsible enough to make the decisions to make that organization function properly, in other words, for their members but also for the people that they would serve.

Why do we say that? We say that because there is a basic principle of law in all western societies that is called *caveat emptor*, buyer beware. But we try to make sure that all the vendors adhere to a particular policy, a particular set of standards that make us proud but reinforce as well all of the values that we build as a society as we invite more and more people, like Stefano's grandparents, to come to this country and to build it. That is what we do.

We established a set of laws to make sure that nobody contravenes Canadian legislation, but we give them regulatory authority so that they can govern themselves. That is what they wanted and that is what we gave them. We worked with them.

The law societies, of course, were not completely sure that they wanted to have the consultants in place. However, there is a fine line between accepting the criticism as valid from one group against the other. It must be recognized there is a competitive spirit between the two of them. What they need to do is look at that market. I think last year some 230,000 people were given their permanent residency to this country and there were tens of thousands more who had to go to those people for the expertise to develop their applications for other types of visas. One can understand there is a commercial issue here.

• (1715)

I listened to the debate this morning on Bill C-17. I listened to it yesterday as well. There are those who are still following the debate. I see there are some very hardy folks in the gallery and my compliments to them for trying to fashion out what it is that parliamentarians do when they talk about building laws that fashion this country and give us a Canadian identity. My compliments to them for spending at least a few minutes to hear what it is that we have to say.

Bill C-17 talked about building a new regulatory framework in order to make sure that we could fight off the terrorists that we see everywhere. As one member of the NDP from Vancouver indicated, it was in essence beginning to limit the civil liberties in order to fight off the perceived evil that is out there. The Minister of Justice said yesterday that it was not all that bad because it is the law the Liberals had when they were in government after 9/11 and which lapsed in 2007.

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If one wants to accept there was a crisis that created a need for legislation, that crisis must have lapsed by 2007 because there was a sunset clause built into the bill. It is now three years later. One is tempted to ask what the crisis is. The crisis is that the government needed to give an impression that notwithstanding all the other economic and social difficulties in this country, its priority would be the creation of a psychological environment that says we are under threat and these tough guys are going to put in legislation that lapsed some three years ago.

It might offend some people who think that civil liberties should be maintained, but after the \$1.2 billion boondoggle at the G20 summit and the turning of Toronto into an armed fortress for the sake of a 72 hour photo op, the Canadian public is right to be skeptical about whether this is the message to have.

Some might ask what that has to do with this bill. For those people who are still watching, they should think about what the bill says. It is no longer about the process that I talked about a moment ago. This is Bill C-35, which means there has only been 34 other bills presented since the government got elected in 2008. Imagine that. For all of that time we have been dealing with legislation that did not come from the government. Where is the government's vision of Canada? However, the title of the bill is the cracking down on crooked consultants act.

What are we doing now? We are trying to consolidate all of the issues associated with process under the direction of the Minister of Immigration .

I know that the minister's heart is in the right place when he wants to talk about reforming the entire system, but please, this sort of thing makes it absolutely difficult to take the government's initiative all that seriously. It brings all of those functionaries who are outside the bureaucracy into an ambience where they are responsible to the Minister of Immigration for the kind of livelihood they earn. What is even worse is it tells everybody they represent that the ultimate person, the ultimate individual that controls what happens with their applications is actually the Minister of Immigration.

How can we have any kind of confidence in the independence of representation when everything they do is dependent upon the Minister of Immigration? That is like going to a different set of bureaucrats. That is a little like asking CRA officials to authorize who will fill out our income tax forms, and if we want to do it ourselves, we really cannot.

We need to make the process more fine tuned. But the biggest issue here, and I hope that my colleagues will keep this in mind, is what is it that the government of the day proposes for immigration other than nipping and tucking at some of the processes and procedures that have already been nipped and tucked to death?

● (1720)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I also want to compliment the member. He always talks about his family when he gives a speech here. It is Stefano's birthday, so happy birthday Stefano.

This is a former minister and the last point that the member raised is extremely important. I want to give him the opportunity to amplify on how this has been not just about immigration matters but

generally in terms of an approach to governing. Rather than dealing with the important issues in a substantive way, we continue to have bills which are regurgitated, re-introduced and somehow put through so that we can continue to repeat a message rather than to deliver important legislation.

This is very significant in terms of the characterization of the government. I think the member will have some comments.

Hon. Joseph Volpe: Mr. Speaker, I want to thank the member for Mississauga South. He is one of those members who actually critiqued all of the work that I used to do. I think he has developed an expertise of his own and he does not need anybody else to say that he has done a good job.

I am sure the member felt at least as offended as I did that all of those people I mentioned here on this side of the House who had developed an expertise and who were genuinely trying to make the system function better for the purpose of developing an understanding of what immigration does in the development of this country, in other words how we pick the next people we are going to call Canadians, how we get them here quickly, how we essentially make them work for us, and how we do that in the most responsible and Canadian of ways.

They actually did all of that, and they want to make those representations yet again. The problem is that we are talking about "yet again". All of those yet again suggestions focused on what we must do, the substantive issue of immigration. What is the vision that we have for this country?

Please do not tell me that in talking about road building we have to use this quality of asphalt and it has to be this many lanes and it has to be such and such. No, do we want to build the road? Do we want immigration here? Do we want consultants, lawyers who are responsible to their clientele? Do we want to be able to say that we have people who can fashion a regulatory body that works for them and works for the clientele that they need to serve?

In order for us to do that, we have to have confidence in our own vision and our own ideas. On this side of the House we have developed those over time and we would still like to be able to present them to the Canadian public. They will agree with us.

● (1725)

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, for 13 years the Liberals have promised to crack down on unscrupulous consultants.

During that time in 2004, the former minister of immigration had a unique opportunity to really set the legislation right, to make sure that there was a legislative body to regulate consultants. They chose not to do so.

Instead, the Liberals set up a body that was bound to fail because CSIC never had the power to sanction immigration consultants who were not members of the society. It cannot seek judicial enforcement of disciplinary consequences it imposes on those who are members. Further, because CSIC's jurisdiction is not governed by statute, there is no possibility for dissatisfied members and others to influence the society's internal functioning through a judicial review.

*Private Members' Business***PRIVATE MEMBERS' BUSINESS**

[English]

CRIMINAL CODE

Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC) moved that Bill S-215, An Act to amend the Criminal Code (suicide bombings), be read the second time and referred to a committee.

She said: Mr. Speaker, I am indeed pleased to rise and express the government's support for Bill S-215, An Act to amend the Criminal Code. This bill is identical to Bill S-205 which was passed by the other place on June 10, 2009 and debated at second reading in the House of Commons last November. Bill S-205 was then referred to the Standing Committee on Justice and Human Rights in November 2009, but died on the order paper in December.

Please allow me to provide an explanation of the contents of this bill for the benefit of all hon. members.

The bill seeks to explicitly include the act of suicide bombing within the context of the Criminal Code definition of "terrorist activity".

Suicide bombing is a monstrous way to wreak havoc because it shows the utmost contempt for human life. Suicide attacks are committed with the intention to kill and maim innocent people and inflict extensive property damage with the attackers prepared to die in the process. The damage from a suicide attack can be devastating, as demonstrated by the September 11 attacks on the World Trade Centre in New York City, killing nearly 3,000 people.

It is also clear that suicide attacks are becoming an all too common terrorist tactic. The July 7, 2005 London bombings, the 2008 attacks in Mumbai, India, and the most recent bombings in Moscow, Dagestan and Afghanistan are part of a world trend of terrorizing ordinary people.

The definition of terrorist activity is currently defined in paragraph 83.01(1)(a) and (b) of the Criminal Code. Bill S-215 seeks to amend section 83.01 of the Code by adding the following after subsection (1.1):

(1.2) For greater certainty, a suicide bombing is an act that comes within paragraph (a) or (b) of the definition "terrorist activity" in subsection (1) if it satisfies the criteria of that paragraph.

To begin with, the first part of the definition of terrorist activity incorporates, in part, criminal conduct as envisaged by the International Convention for the Suppression of Terrorist Bombings; one of the United Nation's counter-terrorism conventions.

Further, the general definition of terrorist activity found in the second part of the definition includes terrorist activity which intentionally causes death or serious bodily harm or endangers a person's life. Thus, it could be argued that a suicide bombing committed for a terrorist purpose already falls within the definition.

This is what the immigration committee's report said, that it was not done properly in 2004 and as a result matters got worse. More immigrants got ripped off because they thought there was an organization that could protect them, that if they registered there was some kind of legislation that would govern the consultants. Little did they know that there is really nothing because half of the people do not register and the other half register with a body that has no power.

How can we say that this is not a crisis? It is a crisis. How could the former immigration minister justify that this is not a problem and not a serious situation that we must deal with in the House of Commons?

Hon. Joseph Volpe: Mr. Speaker, I try to be truthful on all occasions, so I am going to tell the member that she is absolutely wrong in both cases. I have not said that we should not do this. I have asked, what is the crisis? The definition for a crisis for me is something that bubbled up there that was not there before and that we have to deal with right now.

Second, in 2004, I was not the minister and when this was put together it represented all of the issues that everybody wanted.

Third, there are immigration lawyers, some more competent than others, and what is the recourse for satisfaction? That was the question that everyone wanted to have addressed by my predecessors. So many of the consultants at the time were actually lawyers. In fact, the first president of the immigration consulting group was a lawyer. As I said earlier on, the very first thing is *caveat emptor*. If one is in need and goes to where the price point satisfies, that is the kind of advice one is going to get.

I am not sure that one can make decisions for everybody. As I said, what happened at the time was that my predecessors, in their wisdom, put together an educational system in place for licensing that satisfied what committees in the House were telling them needed to be done and what stakeholders in the community wanted to have done. But I go back to the point that was most important. It was not that the process required the greatest urgency. The process represented what the substance; that is, what immigration was supposed to do for people. Was it going to lead out an opportunity for hope, for improvement for those who would immigrate, and was it going to provide an increased enhancement of a Canadian experience for those of us who were already here?

That is what everyone wanted to discuss. They did not want either the issue of consultants or of lawyers, or of anybody else doing things secretly outside the law or under the table. All of those things take away from that big experience, the experience of holding out hope to new Canadians, or those who would be Canadians, and greater ambition for those who already are through that process.

• (1730)

The Acting Speaker (Mr. Barry Devolin): It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

Private Members' Business

While a general definition of terrorist activity, which encompasses suicide bombing, would be sufficient for the purposes of prosecution, distinguished Canadian criminal lawyers told the Senate Committee on Legal and Constitutional Affairs that explicitly covering suicide bombing in the Criminal Code can help prosecute and punish the organizers, teachers and sponsors of suicide bombing.

Explicitly including “suicide bombing” in the definition would also serve to denounce this horrendous practice and to educate the public that such suicide bombing is repugnant to Canadian values.

In addition, by passing this bill, Canada would show international leadership by likely being the first nation in the world to adopt this reference in its legislative definition of terrorist activity.

For these reasons, I agree that there are benefits in making an exclusive reference to suicide bombing in the definition of “terrorist activity”. However, it is also important in doing so not to adversely affect the current definition of terrorist activity. Fortunately, this bill has been drafted with precision in order to address this concern.

As mentioned earlier, the proposed amendment involves a “for greater certainty” clause that when added to 83.01 would state:

(1.2) For greater certainty, a suicide bombing is an act that comes within paragraph (a) or (b) of the definition “terrorist activity” in subsection (1) if it satisfies the criteria of that paragraph.

• (1735)

The bill expressly states that it is only seeking to include within the definition a suicide bombing in circumstances that satisfy the criteria for terrorist activity as stated in the definition of a terrorist activity. In this way the wording of this provision ensures that any other type of suicide bombing with no connection to terrorist activity is not included in the definition.

To be clear, the proposed amendment is a definitional clause intended to make clear that suicide bombing is included in the definition of terrorist activity only when committed in the context of a terrorist act.

The amendment is designed to provide for maximum precision to make certain that suicide bombings unrelated to terrorist activity are not caught by the definition, by ensuring that it is not overly broad or vague but still fulfills its intended purpose.

The changes brought by this bill to the definition of terrorist activity would continue to give Canada the necessary tools to prosecute persons for terrorist suicide bombings, the suicide bomber himself or herself where there has been an unsuccessful suicide bombing, as well as persons involved in the preparation or counselling of the terrorism offence.

The bill also provides that it would come into force on a day to be fixed by order of the Governor in Council. This provision would allow for maximum flexibility and would provide the government with an opportunity to notify the provinces before the bill comes into force.

In my view, this bill merits support. It is pursuing a worthy aim. It is seeking to denounce an abhorrent practice, one that is becoming a scourge throughout the world.

This bill is precise and circumscribed in its application. Making the legislative amendment would show that Canada is taking a strong stand in denouncing suicide bombing in the context of terrorism.

This bill has a lengthy history. It was originally introduced as Bill S-43 on September 28, 2005; reintroduced as Bill S-206 on April 5, 2006; reintroduced yet again as Bill S-210 on October 17, 2007; and reintroduced a fourth time as Bill S-205 on November 20, 2008.

Previous versions of the bill all died on the order paper. The present version was introduced on March 24, 2010. It was reviewed by the Standing Senate Committee on Legal and Constitutional Affairs, reported without amendment, and passed without amendment.

The Toronto-based group called Canadians Against Suicide Bombing supported previous versions of this bill and created an online petition in favour of them.

Prominent Canadians who have supported previous versions of Bill S-215 include former Prime Ministers Kim Campbell, Jean Chrétien, and Joe Clark, as well as former NDP leader Ed Broadbent, former Chief Justice and Attorney General of Ontario Roy McMurtry, and Major General Lewis MacKenzie.

No other country is known to include suicide bombing specifically in its definition of terrorist activity. So Canada would be the first to signal to the rest of the world our abhorrence of these heinous and cowardly acts by adopting this bill.

The House of Commons has an incredible opportunity to be an example to the world. Bill S-215 promotes a worthy aim and I urge all members of the House to support it. By supporting and passing this bill we can ensure that anyone who organizes, teaches, or sponsors suicide bombing is criminally liable in Canada. The time has now come for the House to take action in support of this bill.

• (1740)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member is quite right. She has well expressed what the bill is. Members and the public should know that this particular bill occupies about 10 sentences in total, as an amendment to the Criminal Code. Bills S-205, S-206, S-210, and S-215 were iterations of this same bill, the same debate that has come time and again. It is as a result of things like prorogation. The member knows that the last time we did this, we all agreed that this was an important bill. The senator was sitting in the gallery. He was retiring and we wanted to get it through the House so that it could get royal assent and be proclaimed.

If the member is so consistently supportive, and the House is so consistently supportive, why is it that we have continued to have these delays and frustrations, and have not had the necessary co-operation? I am going to ask the member directly. Will she seek the support of other parties to be able to allow this bill to pass this time, so that we are not here again in another Parliament debating the same 12 sentences?

Private Members' Business

Mrs. Kelly Block: Mr. Speaker, I would like to reflect upon an experience that I had this past summer, when I had an opportunity to visit two sites that were devastated by suicide bombings: ground zero, and the Dolphin disco in Tel Aviv. At the Dolphin disco, 21 people were killed and 120 wounded when a suicide bomber blew himself up while standing in line. The explosive charge contained a large number of metal objects, including balls and screws specifically designed to increase the extent of injuries.

While we are familiar with the events, one cannot begin to explain the effects of standing at those sites, seeing the devastation, hearing the stories, and coming to understand the impact that these and many other tragic events have had on their communities, their cities, and their countries.

This is why I am here today introducing this debate for a second time; I am committed to doing whatever I can to ensure that this bill passes.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I know of no other Parliament or government that has passed this type of legislation. I heard some rumours that other governments were considering doing it, rumours of pending legislation. I just wonder if my colleague from the Conservative Party would be able to indicate whether she is aware of any others that are pending at this point.

Mrs. Kelly Block: Mr. Speaker, I am not aware of any other country that has put forward any kind of amendment or plan to address suicide bombing in its legislation. That is why it is really important for us as a nation to seek to include this clarification as the first nation to designate suicide bombing as a terrorist act. It will demonstrate that Canada is a leader in condemning suicide attacks.

• (1745)

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I commend my colleague from the Conservative Party and I would like to repeat the question asked by my colleague from my own party.

When the member says that she will do whatever she can to see that this bill is passed, will she actively seek the consent of all of the parties to see this bill adopted at all stages by unanimous consent?

Mrs. Kelly Block: Mr. Speaker, I believe I answered the question already. I will do everything I can to ensure that this bill is passed.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I am pleased to take part in this debate on Bill S-215, introduced by Senator Grafstein, who has since retired from the Senate. The bill would add suicide bombing as an offence in the Criminal Code.

Like my colleague who just spoke on behalf of the Conservative government, all Canadians have been witness to numerous suicide bombings that have been committed in many places around the world.

I would like to give some examples. In May of 2010, Colonel Geoff Parker was killed in a suicide car-bomb attack, which also killed 18 other people in Kabul. He was the highest ranking Canadian to be killed in Afghanistan since the mission began in 2001.

Furthermore, also in May of 2010, another suicide bombing was attempted near a Canadian military base, but the attempt failed. Last week, a suicide bomber killed 16 innocent civilians and injured about a hundred others in southern Russia. Suicide bomb attacks are becoming increasingly common as a terrorist act.

[*English*]

A study completed in 2005 by Scott Atran in the United States declared, "Suicide attack is the most virulent and horrifying form of terrorism in the world today. The mere rumour of an impending suicide attack can throw thousands of people into panic".

His study also noted the massive rate in which suicide bombing worldwide has taken place. During the 1980s, there were five suicide attacks each year. In the 1990s, there were on average 16 attacks a year. Then, in the five-year period between 2000 and 2005, there were an average of 180 suicide bombing attacks in each of those years. Clearly, this is a global problem that keeps on growing.

Bill S-215 would add to the Criminal Code the act of suicide bombing as a type of terrorist activity. I will not go through the relevant clause in the Criminal Code, because this has already been done by my colleague on the Conservative side.

Although the current definition of "terrorist activity" does catch the act of a suicide bombing, it does not explicitly list "suicide bombing" within the definition of a terrorist activity.

[*Translation*]

As the justice critic for the official opposition, I am pleased to say that I support this bill and I recommend that my colleagues also support it. It is a Senate private member's bill, and now a House private member's bill, unlike another bill which was supposedly sponsored by an MP even though we know very well that it was really an official government policy. But I will not say anything more about that.

The bill further clarifies the Criminal Code. As the Liberal justice critic, I support it wholeheartedly.

It does not create new legislative provisions. It only reinforces the basic principle that Canadians abhor these types of acts.

Some would argue that a suicide bombing is an act that is already covered by the current definition of terrorism in the Criminal Code. That is true. However, we must not forget that one function of criminal law is also to represent Canadian society and values.

Including suicide bombing in the list of terrorist activities would clearly indicate to everyone that Canada is irrevocably opposed to this type of violence. It would let Canadians know that our country does not tolerate this type of violent behaviour and would unequivocally convey our position on this matter to the world.

• (1750)

[*English*]

The former Senator Grafstein championed this bill after much input from former Justice Reuben Bromstein, who is now the head of the organization called Canadians Against Suicide Bombing.

Private Members' Business

Justice Bromstein said that the bill, if passed into law, would:

—help build and strengthen the consensus in Canadian society on this issue; it will serve as a clear deterrent for those among us who might not be committed to this consensus; and it offers an opportunity for Canada to take the lead...to further international commitment [to outlaw suicide bombing].

As the colleague across the way mentioned, Canada would be the first country to include a specific reference to suicide bombing in its criminal law if the legislation is adopted, and I hope it will be.

Some have expressed concern that by including the words “suicide bombing” in the Criminal Code that would lead to absurd consequences. I can give an example. Some feel that the words “suicide bombing” are open to interpretation, which would make cases difficult for prosecutors.

However, today, we use many common definitions to describe acts. We use the words “hijacking” and “street racing” in some of our laws. If I refer back to Justice Bromstein who stated:

—the term “suicide bombing” is in common parlance...The term triggers an instantaneous response in your head. You do not have to describe it. People know what it means.

He also went on to say:

Passing the legislation would send a signal about our values domestically, that we are a mixed society and we cannot justify martyrdom to legitimize it.

[*Translation*]

The concern has been raised that including this expression in the Criminal Code will mean that acts not usually considered to be terrorist acts will fall into that category in future. For example, a suicide bomber who detonates an explosive in a vacant field will be labelled a terrorist.

When drafting the bill, care was taken to avoid expanding the definition of what constitutes a terrorist attack; the current definition was fine-tuned. Thus, someone who commits suicide by detonating a bomb on vacant land will not be covered by the definition of suicide bombing. His action shows that he did not intend to create other victims and it does not correspond to the original definition of what constitutes a terrorist activity.

[*English*]

Let us look at some stakeholder reaction.

[*Translation*]

The bill has the unwavering support of the RCMP, which believes that it will not hinder its investigations. The RCMP believes that the bill will be very useful.

[*English*]

Patrick Monahan, the dean of Osgoode Hall Law School, is also supportive of the legislation and has made a number of arguments on this. I will not be able to elucidate all of them, but let me cite one of them. He said:

First, Parliament, in my view, should adopt Bill S-210 because it would signal Canada's unequivocal condemnation of suicide bombing as the most virulent and horrifying form of terrorism in the world today.

Dean Monahan has made a number of other points, but I will stop here because it has been pointed out to me that my time is virtually up.

I strongly support the bill and I advocate for it. I call on each and every member of the House to support the bill. I call on my colleague opposite to seek the unanimous consent of all members of the House to see the bill adopted unanimously at all stages.

● (1755)

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, this could be the shortest speech I have ever made.

It seems clear to me that this bill should be passed quickly. It should have been passed in 2005. There is one restriction that we should examine, and that is the opinion of the Barreau du Québec, which has already written to the Senate, although the Senate did not feel the need to consider this opinion.

The Barreau du Québec pointed out that the French version of the bill uses the term “attentat suicide”, while the English version uses the term “suicide bombing”. There is a difference. Generally, when legislation has different effects on the guilt of someone accused of a crime, jurisprudence dictates that the less serious provision applies, the provision that would have fewer consequences for the accused.

We should perhaps look into this. I will admit that “attentat suicide” and “suicide bombing” can have different meanings, but I would not be able to say which one is less serious. I think that really depends on the circumstances. It would be a good thing if the committee could study this issue that the Senate seemed to want to avoid.

All members of my party, the Bloc Québécois, will vote in favour of this bill. This is one of many bills that we have supported for a long time, but for various reasons, the government has seen fit not to introduce them, and has then accused the opposition of delaying passage of its bills.

That tactic is well known to those on the other side of the House. The Conservatives' main concern when introducing Criminal Code amendments is not whether the amendments can have a positive impact on legislation as a whole, but whether the party can benefit politically by passing itself off as the only party that is tough on crime and wants to do something about it.

We often hear Conservative ministers say that while they are in favour of punishing criminals, the opposition is defending criminals' interests. That is not even an exaggeration; it is simply not true. They need to understand that in a democracy there are people who stand up for individual rights and who feel it is important to follow correct procedures in criminal law. It is not about defending the rights of the accused or of criminals. Quite the opposite. It is about defending the rights of any citizen who might one day face criminal charges.

Private Members' Business

Let us look at the bill itself. Like many others, I think that if there were suicide bombings in Canada, there would need to be proof that someone helped plan them. If a suicide bombing is successful, then the outcome for the person who committed it is clear. Here we do not convict people post mortem, as was previously the case in other jurisdictions. However, here, the definition is important when it comes to punishing those who prepare or contribute to the plot, who threaten to commit suicide bombing, who are accomplices after the fact and who encourage the perpetration of suicide bombing. These are punishable acts. It has to be clear in the legislation that these offences have to be prosecuted.

• (1800)

This is an improvement to the legislation. I wonder why, for something so simple that was first presented in 2005, we are discussing this issue here five years later? How is it that a government that has been in power all this time still has not introduced a bill that all members unanimously agree should be adopted?

This same government keeps blaming the opposition for holding up the government's legislative agenda and for defending the rights of criminals. The government claims to be defending the rights of honest people, as we often hear in their propaganda, but people will see that the government is responsible for slowing down anti-terrorist provisions so they can take up to five years to reach Parliament.

What more can I say? Obviously the Bloc Québécois agrees with these provisions. However, I do think there needs to be some thought given to reconciling the French and English wording.

[English]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rise in support of the bill, as does my entire caucus support the bill.

We have heard arguments and I want to address those. We have heard that the bill is not necessary in that there are a number of other sections in the Criminal Code that would prohibit suicide bombings and that that should be sufficient. We do not need to address it. I think that is part of the reason that we have not seen legislation in other jurisdictions of similar backgrounds as Canada's.

However, that argument misses an essential point of why we should pass the bill. The use of criminal law is not just for the purposes of creating a crime and providing a penalty for breach if conduct amounts to that crime. Criminal law generally also has a role to play in expressing society's condemnation and denunciation of that particular conduct. That is why the bill is so important that in fact suicide bombing be included in the Criminal Code as a specific offence.

As a lawyer who has practised law for a long time and as the justice critic for a number of years, one of the reasons I would like to see the bill go to committee is to see if there are some additional provisions in terms of giving our prosecutors in particular tools that would help them in prosecuting should they be confronted with this kind of criminal conduct. I must say that I am skeptical that in fact that is the case but I would like to hear that at committee.

The other reason I would like this matter to go to committee is that there is an educational value in debating this legislation. Our

committee structure within our parliamentary system is certainly one of the ways of doing that.

Part of what might come out at that point would, which I did not see come out in the Senate hearings, is that we need to look at the history of this kind of criminal conduct. It is not new to the 1980s, 1990s and 2000 period. It was quite a common criminal conduct device used by the anarchists, as they were described at that time, starting in the early 1900s right through until the 1930s. In fact, during that period of time we had various pieces of legislation passed in response to that conduct. However, bombings, including suicide bombings, not exclusively but including suicide bombings, were quite common. They were very common in Russia prior to the revolution in 1917. They were fairly common throughout western Europe during that same period of time with democratically elected governments being oftentimes the targets and royal families more commonly being the targets by anarchists.

They were fairly regular in the United States at that time. I am not aware of any in Canada but they were fairly common in the United States, but less so than what we saw in Europe. There was a response by our legislatures at that time. The historical material that I have read suggests that the response was not very effective but that eventually they stopped into the 1930s.

We now see them coming back. It is interesting because most people think of the suicide bombers in the Middle East, whether it be in Palestine, in Iraq, in some of the Middle Eastern countries. The reality is that they started back in Sri Lanka. The Tamil Tigers and the leader of the Tamil Tigers initiated the use of suicide bombings in the modern era, if I can put it that way. They were used very commonly. Then we saw them spread, particularly into the Middle East, but, again, they are quite common in a number of countries in Asia. However, they have generally been restricted to that area of the world. We can think of some notable exceptions but they have generally been restricted to that area of the world.

• (1805)

Part of the reason I support this legislation is that whether it was the anarchist who justified the use of suicide bombings on an ideological philosophical basis as a way of undermining the capitalist societies and the democracies as they saw it at that time or whether it is, as is more common today, being based on religious arguments, we as a legislature must say that whatever the argument is and whatever the fanaticism is that the argument is based on, we condemn that. There is no justification, philosophically, religiously or on any other basis, for this type of criminal conduct. The results have been seen in so many horrendous scenarios with huge losses of life.

Private Members' Business

I believe that kind of information needs to come out in more detail than I have been able to give today. It is important for us to hear that this legislation will be useful but, more important, we need to understand those people who counsel and advocate suicide bombings. I think that may be one of the advantages that we will get out of this. These people, interestingly, never perform the bombings themselves. Those who do that kind of work are basically cowards. Oftentimes they will find people who are of limited intelligence, have mental health problems or who are so fanatical, whether it be on an ideological basis or a religious basis, that they do not think clearly and can be manipulated into sacrificing themselves.

I can remember being at events where people have talked about this conduct as being a form of martyrdom. We have to condemn that. It is not that. This is purely a criminal act resulting in injury and so often in death. That is the way it has to be portrayed.

I am quite satisfied to support this bill, even though I recognize that it may not in any way increase our ability to fight this kind of conduct in the courts, and I am leaning toward believing that, but in the court of public opinion, it will be the first time a government and a legislature has done this. It will provide leadership, hopefully, for other democratic governments to follow suit. Perhaps there are ways of strengthening this bill.

I am quite supportive of the bill going to the justice committee to be dealt with as expeditiously as possible. If there are amendments that will improve it, I am assuming everybody in the House and everybody on that committee would support those amendments and would get it back here quickly to get it passed, have it completed and on our books both for the message that it sends to the perpetrators of these types of crimes and to the rest of the world. This will say that this is leadership, that this is a way of denouncing this type of conduct and that everyone should be looking at doing the same.

● (1810)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to add my voice to the debate on Bill S-215. We have had the bill for some time, as was articulated earlier. In fact, the bill has had four other bill numbers in previous sessions and previous Parliaments even though it is a very short bill.

The bill is an amendment to the Criminal Code and it seeks to clarify that suicide bombings fall within the definition of a terrorist activity. That is ostensibly what it says. The bill itself is only a few lines long and it has been through the Senate process a number of times already. The last time it came out of the Senate was on May 11. It now has made its way to the House and we are starting again at second reading.

I must admit, in listening to the debate, that some interesting points have been raised. One point raised by the member from the Bloc was with regard to the French translation. He said that “attentats suicides” was not the literal interpretation for suicide bombing, that it was suicide attack. The question is whether in law that may have some impact on the application of the law depending on the jurisdiction that might be.

The member for Windsor—Tecumseh also had some interesting points about the possibilities that, as time goes on and the bill does not pass, it gets to the point where we need to ask the same questions again to find out whether there have been any developments or

whether the bill can be enhanced even further to take into account the importance of the objectives of the bill in terms of its being passed into law in Canada and to take this lead role.

It is a bill that has received the support of, I believe, every speaker who has spoken to this, all six versions of the same bill. I believe that even now it is still uncertain whether everyone understands why the bill is happening. I looked back at some of the speeches that have been given. At least a dozen speeches have been given on this and a couple of the speeches raised some points that, were they to be on the record, would probably get carried forward.

The former member for Winnipeg North addressed the House on this. She first wanted to acknowledge and thank former Senator Grafstein who promoted and initiated the bill many years ago. I, too, would like to express my sincere thanks to the former senator. He brought a lot of wisdom to Parliament over the years and took great pride in his work.

After looking at the definition, the member said that suicide bombing was already there and wanted to know why we were putting it in. The member noted that if someone were to commit a suicide bombing how would we prosecute them. However, that is not the point. The point is worth repeating and it comes from Senator Grafstein in a speech he gave in February 2009. The way the senator articulated in his speech, he said:

Small text block: Suicide bombing has become an all too frequent practice in many countries throughout the world. Thousands of civilians are killed and maimed to advance a cause based on falsely implanted expectations of glory and martyrdom. We say no cause can justify suicide bombing.

● (1815)

The senator went on to say that Bill S-215, which was formerly Bill S-206, “aims beyond those who strap explosive to their bodies”. This is not talking about the suicide bombers, but rather “where they can cause maximum pain, suffering, death and dismemberment”. This is the important aspect of it. He said:

Small text block: It will help focus on those who promote terrorism by teaching, organizing and financing the killers in the name of ill-conceived ideology, distorted belief or abhorrent political conviction. The amendment will assist law enforcement agencies to pursue the individuals promoting this heinous act.

That is the essence and the substance. Bills have words and those words have to have meanings. It is not simply an amendment to the Criminal Code to make suicide bombing an element in the definition of a terrorist act. The process and the mechanics are one thing, but the objective of the bill is to have us represent our concern and abhorrence to that act. In fact enshrining it in our legislation is to secure its place so that if those matters should ever occur, no matter whether they are within Canada or around the world, others can draw upon the values that have been placed in our society for the protection of the public and the abhorrence of heinous tactics.

Private Members' Business

I spoke briefly on this bill about a year ago. One of the points I raised, and I made it in good faith, is that the bill has had at least five iterations. It has gone through the Senate five times. It has gone through this House to various extents. It is not being very helpful to the House, I would suggest, to have us continue to go through an extensive process.

A member had suggested previously that when the House has a strong consensus on a matter, it is not necessary to go through the full legislative process. There are tools and mechanisms to deal with this bill. There was an urging, and it is an urging that I made the last time I spoke to this legislation and it is being made again this time, for those who are interested in this bill and the representatives of each party to come together and say that they are comfortable at this point and that they want to accelerate the process.

It is appropriate when all parties agree. It is not something that has to be done during the debate on the bill. It can be done virtually any day we sit in the House, to fast-track the legislation and pass it at all stages. I would like simply to be on record as supporting the call that this bill not die yet again on prorogation, or dissolution of Parliament and an election, only to have this legislation come up again for a sixth time and go through both Houses. It does not make a lot of sense. Members know it is a distinct possibility; it has happened before and there is some concern about that.

I appreciate the member taking on the responsibility of sponsoring this bill, which was Senator Grafstein's. When he left, another senator picked it up and the member, for the second time, has sponsored it in this chamber. It is important. I think members will agree that we may miss the opportunity to have this bill actually come into law and be able to reap the benefits of playing a lead role in it. I am concerned about that as, I think, are most members.

I hope that we will take the necessary steps to ensure that Bill S-215 does become law this time around.

• (1820)

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, I am pleased to speak to Bill S-215. It is an amendment to the Criminal Code and a very important one.

The brevity of the bill is a reflection of its accuracy in addressing a particularly critical situation which is relatively new to us but of which we are painfully aware. The bill would amend the Criminal Code to clarify that suicide bombings fall within the definition of terrorist activity.

Not very many years ago suicide bombings were not something we would contemplate or even consider on North American soil, or in any first world democracy. Of course, they are very real and they are ever present as a threat against us.

Suicide bombings are a new tactic. They are a very real tactic and a very dangerous one. Not too long ago it would never have been considered that someone would cause self harm in inflicting a criminal activity to endanger or to harm others. In fact, our whole civil society is predicated on a belief of effective policing and effective enforcement, which is centred around the assumption that those who would commit a crime would take whatever steps are necessary not to impose harm upon themselves, just on others. However, suicide bombings have changed the rules on that. Because

of the fanaticism which is implied by a suicide bomber, reasonable thought gets thrown out the window.

Now we have circumstances in which our safety and security and the very stability of the institutions around us are indeed threatened by this very, very real act that has been imposed and has caused such harm to others. Our objective is to prevent that, to minimize it and to take specific proactive actions to allow our justice system to deal with it in an effective way.

In essence, the bill reflects the growing need by law enforcement agencies and by the justice system to accurately target, label and prosecute what exactly is a suicide bomber. In so doing, by this legal change in terms of definition, inclusion of the term and supplied definitions, it would allow authorities to take certain actions based on statutes that are already in place.

Our terrorism provisions are very strong and robust, but they are very specific. This particular legislation allows for certain courses of action to be taken, by labelling, by actually targeting, by describing what this Parliament will not tolerate. We will actually enact legislation, amend legislation, to provide definition and accountability for suicide bombing and those who would perform that act, as has been pointed out by other members, to include in that set of legal mechanisms, provisions to actually stop the propagation through coaching, counselling and other measures. That seems to be a worthwhile activity for this Parliament to pursue.

I cannot begin to describe how victims of this horrendous tactic feel about this. Obviously they are very encouraged by the fact that Parliament is debating this legislation with the intention of adopting it, I assume, and that we recognize not only their pain and suffering, but as well that this Parliament needs to take specific action to deal with the issue in a proactive fashion.

I believe the crafters of this legislation from the other place did their job and did it well. The bill itself is extremely brief, but its brevity reflects its accuracy in dealing with the issue at hand. I think we can take full charge of the fact that as we debate this it would be very helpful to continue the debate around it. However, we have to be resolved in the notion that by defining this horrendous, almost insatiable, act of terror, we help to defeat it. By describing it within the confines of the Criminal Code, we do not allow any language to be used that glorifies it, that allows it to be portrayed in any other manner. It is a criminal act. That is an important step forward in providing some definition and context to this act.

• (1825)

As I said earlier, it was almost unheard of that someone would actually cause self-harm in order to impose harm upon others. If we look at all the systems of our society, we make general, broad assumptions that the car going down the highway in the other lane is not going to purposely and wilfully move into our lane as we move down that same highway, and cause harm to themselves in order to cause harm to us.

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The rules have changed and that is a reality in terms of the enforcement. The vigilance of our safety and security is a reality that we face. There are those who are motivated for various reasons and feel as though they are accomplishing something, however horrific or morose, by harming themselves in the effort to harm others. That has to be dealt with in the context of the Criminal Code.

I support this legislation because it does, indeed, empower law enforcement agencies and our judicial system to deal with it effectively. Where it was not dealt with before because it was a vague issue which we had not encountered in many respects very often, the threat is ever present around us. It behooves us to deal with it and there have been pleas for us to deal with it in that kind of proactive fashion. I cannot see why any member would have an issue with this particular legislation on the basis that it seems to resolve a long-standing issue, a vacancy within the act that now is being filled.

I applaud the representatives in the other place in their efforts to bring forward this legislation after significant study in their own respects as to what exactly is required. Their accuracy in dealing with the matter is reflected in the bill because it does not touch on other areas. It deals strictly and solely with the issue at hand. That is very appropriate. It allows our discussions in this House to be very focused and concentrated on the issue at hand. The issue at hand is to provide proper definition and labelling to a very serious criminal activity, which is the act of suicide bombing.

We are blessed in this country that we do not face the actual manifestation of these circumstances, but it is ever present in our society. We are under constant vigilance and threat, but we do not buckle under that threat. We do not change our ways because of our need for vigilance. We encounter it. We take it head on and deal with it in a straightforward manner. I believe that is exactly what is required of us now. Failure to do so would be an admission that we have not done our work.

I applaud the drafters of the bill and hope the House passes it forthwith.

•(1830)

[*Translation*]

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.

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

PUBLIC SAFETY AND NATIONAL SECURITY

On the Order: Concurrence in Committee Report:

June 9, 2010—That the Second Report of the Standing Committee on Public Safety and National Security (recommendation not to proceed further with Bill C-391, An Act to amend the Criminal Code and the Firearms Act (repeal of long-gun registry), presented on Wednesday, June 9, 2010, be concurred in—Mr. Holland.

The Deputy Speaker: Pursuant to Standing Order 97.1(2) the motion to concur in the second report of the Standing Committee on Public Safety and National Security (recommendation not to proceed

further with Bill C-391, An Act to amend the Criminal Code and the Firearms Act (repeal of long-gun registry) presented on Wednesday, June 9, 2010 is deemed to be proposed.

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, it is a great honour for me to rise on this motion. This matter has been dealt with for some time by the House. Tomorrow it will come to a vote, and it is going to be a very tight vote.

I had an opportunity recently to travel with women's caucus across the country. We talked with groups representing women, police and emergency physicians. We heard from them just how essential the registry is, both as a tool for police and for saving lives.

It is worth mentioning just some of the many organizations that have come out and said that the registry is essential: the Canadian Association of Chiefs of Police, which has more than 430 chiefs of police across the country and of them only three chiefs oppose the registry; the Canadian Police Association, which represents police across this country with more than 160 police associations and of those, only six are opposed and many are reconsidering based on the facts that have been presented over the last number of months; the Canadian Association of Police Boards; Fédération des policiers et policières municipaux du Québec; the Canadian Association of Emergency Physicians; the Canadian Association for Adolescent Health; the Canadian Paediatric Society; the Canadian Public Health Association; the Canadian Federation of Nurses Unions; the Alberta Centre for Injury Control and Research; Association Québécoise pour le prevention du suicide. The list goes on. I am just giving highlights.

Other groups include the YWCA of Canada; the Canadian Federation of University Women; the National Council of Women of Canada; the National Association of Women and the Law; the Coalition of Provincial and Territorial Advisory Councils on the Status of Women; the Canadian Council of Muslim Women; Jewish Women International of Canada; Fédération des femmes du Québec; Alberta Council of Women's Shelters; Manitoba Association of Women's Shelters; Regroupement de maisons pour femmes victimes de violence conjugale.

There are also many governments, the governments of Quebec and Ontario among others; family members of victims or the countless victims who survived the events at l'École Polytechnique and Dawson College; the Canadian Labour Congress; Canadian Auto Workers; the Public Service Alliance of Canada; le Barreau du Québec; the Coalition for Gun Control; Amnesty International. I could spend the full 10 minutes just reading the names that are on this list.

These groups have said clearly that the gun registry is needed and they are asking members of Parliament to save it. The reasons are clear.

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I was talking to an inspector in Mississauga who told me a story of being called into a domestic violence situation. He knew that approximately nine guns were registered in that home. The situation was broken up and the man was removed. When he returned to the home the police were assured those guns had been removed, that he was not going back to guns. In the minds of that officer, in that situation the registry saved lives. If that individual had gone back into that home and guns had been there, the officer feared death would have ensued, either for the woman or for the man himself.

In countless other situations, as we travelled across the country we heard individual stories just like that one. We heard of an instance where somebody was suicidal. A family member called in and said the situation had become unstable. The individual called police and said the guns that were in that home needed to be removed. In the minds of the officers we spoke to there was not a doubt that lives were saved by removing those guns from the home and making sure the person did not commit suicide. They would have had no idea of how many weapons were there. Because of the spontaneous nature of crime, because it is in the heat of the moment, because of the fact that suicide often can come out of nowhere, they would have had absolutely no idea that guns were in that home or that something could have been done.

Clearly in these examples the registry saved lives.

When we were in Halifax, an officer spoke to me about how much the registry did to promote accountability in ownership. Just in the same way when we register our car, it gives us a sense of responsibility for owning that car. If something goes wrong, we know instantly that the police would be able to find out exactly what went wrong and who was responsible. Gun ownership is no different. Registration of guns promotes accountability back to the owner of the guns.

We also heard from officers about when weapons are stolen, taken from a home. The registry makes it easy to return those weapons to the rightful owner. In a criminal investigation it can be very useful to know from where the gun was taken, and what time it was taken. It helps to establish where that individual was and at what time the gun was taken.

● (1835)

We also know that, aside from knowing exactly where the weapons are in those situations for crime, it also is a vital tool in solving crime. When we were in Toronto with the women's caucus, we heard from somebody who talked about an inquiry in Collingwood. The inquiry clearly said, if it had not been for the gun registry, they would not have been able to solve that homicide, period. So people can look at this, and I encourage them to look at that inquiry and others. The one in Collingwood could be no more clear that the registry in that example led directly to a conviction.

Here is a reality. In the vast majority of crimes, because they are spontaneous in nature, that means that registered weapons do get used and it does give us an opportunity to trace back ownership and help get convictions.

As well, we know that in situations that are heated, such as in domestic violence, when somebody knows their gun is registered it

perhaps gives them pause for thought to know it is going to be a lot harder to get away with a violent act.

All of this, all of this value and so much more, enforcing prohibition orders and others, costs us about \$4 million a year, the RCMP says. So, to delete all of that, it would cost about \$4 million a year. To put that in context, a complex murder investigation undertaken by the police costs \$2 million. If we want to consider some of the spending the current government has undertaken, the fake lake and accessories cost \$2 million. So \$4 million dollars for that? Come on.

We hear the government say about prison spending, the \$10 billion or more, that there is no price too high for public safety. Yet apparently when it comes to protecting women and dealing with things that prevent suicide and something that helps get convictions, \$4 million is just too high a price.

I had the opportunity to sit through committee with other members and listen to the families of victims from École Polytechnique. It was painful to watch as they came and fought this battle yet again. They thought they had won. They thought they had gotten through this. For them to come back before committee and be dragged through this process yet again was extraordinarily painful and unnecessary.

However, if there is a silver lining in this debate, I hope, and in fact polls showing increasing support for the registry actually illustrate, that this is a chance once and for all to explain to Canadians why we need the registry, a chance once and for all to put this debate to rest so we can say to the families who suffer because of what happened at École Polytechnique, "Not again; you are not going to be dragged through this a third time". This debate will be done, here, now. All these national associations that have stood up and said this registry saves lives, all the facts and information that have come out of the RCMP internal report and from others, will end this debate.

The RCMP report, as I said, that just came out stated:

81% of trained police officers supported the statement, "In my experience, [the registry] query results have proven beneficial during major operations."

When I get the opportunity to look at how our caucus has handled this issue, I am profoundly proud.

About a year ago, we got together and said, "How can we get on one page? There are some concerns about the registry. How we can make it stronger?" With our colleagues, we were able to make a number of suggestions and get to a unified position.

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However, I will tell the House that, as I have travelled the country, when I am in places such as Quebec and I talk to the citizens there about their members of Parliament who are voting the other way, against their constituents' wishes; or Kitchener—Waterloo, when the region passes a nearly unanimous motion with constituents pleading with their MPs to support a registry to save lives and their MPs say no, they won't listen to their community; or Mississauga, or out in Vancouver and Richmond, when I hear their constituents overwhelmingly say, "Please support the registry," and they turn their backs, they got nothing for their constituents.

Instead, we stood together. We got a unified position. We are here in the House to say we are going to make sure that this registry is saved.

Now it comes down to the NDP. A year ago, I wish that party's members had done the same. I wish they had worked with their caucus to get a united position. Right now, this vote is on the razor's edge. NDP votes will determine whether or not it goes through. This is a matter of principle.

• (1840)

It is imperative that all NDP members stand up and vote for something they know as clear as day works.

Therefore, we are calling upon the NDP members to do exactly what we did and get that consensus, not try to have it both ways, not have some of their MPs vote for and some against.

When the time of decision comes tomorrow, they should do the right thing.

Ms. Candice Hooppner (Portage—Lisgar, CPC): Mr. Speaker, I rise today to speak against the motion that is before us today. It is not a complicated motion, but it certainly is a misleading motion. It really runs counter to the testimony that we heard before the Standing Committee on Public Safety with regard to Bill C-391.

There are a number of reasons that I believe this motion needs to be defeated. The primary reason I am going to begin with is the need for my bill and this issue to come before members of Parliament, who represent Canadians.

This is an issue that Canadians have been watching for the last 15 years and we know that even over the last several months and weeks Canadians have been, on both sides of this issue, looking to see what the arguments are for registry and against registry. However, it is time for members of Parliament to stand in their place and to vote either to scrap the long gun registry or to keep it.

What this motion does is actually stop debate on the long gun registry. Therefore, the first reason that the motion needs to be defeated is so that we can proceed with the bill and it can be voted on by all the members of Parliament and they can represent their constituents' wishes.

As I have been travelling around the ridings throughout north-western Ontario, throughout the Yukon, and throughout Canada, and as I listened to testimony at the standing committee, there are a number of myths that have been perpetuated in regard to the long gun registry. Those myths thankfully are being dispelled and have been dispelled through testimony we heard.

One of the first myths is that police officers check the long gun registry 11,000 times a day. There are the facts, but sometimes the facts do not actually tell the truth of the story. The fact is that the registry, the entire Canadian firearms database, is checked probably between 8,000 and 11,000 times a day, but that does not constitute police officers purposely going in to directly check the long gun registry.

What that means is that police database systems are set up to automatically check the registry any time they even pull someone over to check a licence plate. If someone is speeding, if a tail light is broken, if they have to pull someone over, across this country what happens when they put in the vehicle licence plate is that it automatically hits the firearms registry.

If there is any kind of activity going on, if someone purchases and registers a firearm, if staff go into the registry, it registers a hit.

So the truth is not that police officers are looking at the registry and making tactical decisions based on the information, because it is happening automatically.

I am going to quote the chief of the Ottawa Police Service, Vern White. He said about the automatic checks:

To me, that's not an actual check of the system.

I think it is important that police realize that. Why do we not actually speak truthfully about what police are doing and if they are using the registry?

One of the reasons they told us that they do not use it is because they actually cannot depend on the information in the registry. According to the RCMP evaluation that has been quoted and discussed, of all the firearms that are acquired and confiscated in the commission of a crime, only 46% of those long guns are actually registered.

We know there are about 6.5 million long guns registered right now in the database. There are probably twice that amount of long guns in Canada. Therefore, we know and police officers have told us that when they go on a call they do not believe the information in the registry.

They believe the information in the licensing part of the database. If they see that someone has a possession and acquisition licence, or a possession-only licence, it gives them an indication if there possibly could be firearms.

One of the important things to note is that if a person has a licence to possess a firearm and they have registered long guns, they do not have to store them at their house. They can legally store them somewhere else.

Police know that. Perhaps some members of Parliament do not know that, but police know that. Therefore, when they go on a call, they are not looking at the registry and believing that if the registry says there are two firearms, then there are two firearms and if they find those two, they are safe. Absolutely not.

I will quote Chief Constable Bob Rich, of the Abbotsford Police Department:

[I]t's my firm belief that the registry is horrifically inaccurate. I talk to my investigators and I talk to my gun expert, and in story after story, whenever they've tried to use it, the information in it is wrong. [...] So I find my investigators actually don't rely on the registry. [...] I think a flawed system is worse than any system.

● (1845)

Sergeant Duane Rutledge who is head of emergency response in Nova Scotia said:

It's an unreliable system....In other words, I have no hesitation in saying that in my opinion, the long-gun registry does not help police stop violence or make these communities safer from violence. And there's no evidence that it has ever saved a single life on its own merits.

We heard from the chief of police in the Calgary Police Department. Calgary is one of the major cities in Canada. It has a lot of challenges in the things its deals with in gun crime. The chief of the Calgary Police Department, Rick Hanson, said unequivocally that he did not support the long-gun registry.

Again, police officers cannot count on the information. It is a partial database and it is an unreliable one. What they are looking at is the licensing information. Does somebody have the potential to own a firearm?

That myth has been dispelled. We know front line officers do not use the registry. They have overwhelmingly flooded all of us with emails and phone calls. Some of the strongest supporters of my bill, I am proud to say, are front line police officers.

Another myth is the cost of the long gun registry. We know the Auditor General told us that it cost almost \$1 billion to set up. Some of the estimates are upwards of \$2 billion. Let us just look at the current costs.

We know that right now the cost to implement the registry is about \$68 million and that only takes into account the federal portion of the costs. One of the things nobody talks about is the cost to provincial and municipal governments. Now provinces are the ones left administering police services, unless it is the RCMP.

Police officers in provinces and municipalities are the ones who have to go out and ensure that the registry is actually complied with. They are the ones who are using their resources to compile the information such as who has a licence, who has a registration, cross-reference, did someone miss filling out a paper somewhere. Then they have to go, knock on people's doors and tell them that they have broken a paper law.

What they are not finding are drug dealers, gangsters or people who are committing crimes with firearms. They are spending their precious time and resources tracking down people who are using their firearms for legitimate purposes.

What is the cost to those police officers, municipalities and provinces? The Canadian Taxpayers Federation says that just to maintain the registry is approximately \$106 million.

If we look at what it would cost to register the 7 million-plus long guns that are still out there, I am worried that if it cost \$2 billion to register 6.5 million long guns, what is it going to cost to register another 7 million long guns?

Back 15 years ago we heard that the long gun registry would only cost \$2 million, and it cost \$2 billion. Now we are hearing only \$4

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million. Does that mean it might cost \$4 billion to actually carry it out and make it accurate? I think Canadians overwhelmingly want to see the money go towards fighting crime, criminal activity and putting criminals in jail.

The other myth is that the long gun registry protects women and it stops domestic violence and suicide. That is one of the most misleading and inaccurate statements that has been used in this argument. Emergency doctors are dealing with suicide and they are dealing with people who are coming to the hospitals wounded, sometimes by accident. Police officers are dealing with issues of domestic violence.

Where we can actually have an impact to ensure that people who should not have guns do not get guns is in the licensing process. That is where they are screened and are stopped from getting a gun. They go through a background check.

This is an important process and we need to ensure it is strong, but once people have a gun, spending between \$106 million and \$2 billion to count their guns does nothing to stop violence. We need programs in place to help families. We need programs in place to help men and women who are dealing with depression, with family crisis, with young people who are at risk for drug and gang activity.

I ask all members of the House to vote against this motion. I ask members from the NDP to stand on principle, to stand on what they have said to their constituents time after time again. I ask that the member for Yukon stand up for his constituency.

I ask members to vote against this motion and let Bill C-391 go through. Let us kill this long gun registry.

● (1850)

[*Translation*]

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, we are here today to discuss the Standing Committee on Public Safety and National Security's motion that recommends not proceeding further with the study of Bill C-391.

I would like to begin by saying that we heard from over 30 witnesses between May 4 and May 27. In a way, all of the angles in this debate have been covered. We heard from victims' groups. We heard from women's groups. We heard from as many supporters of the bill as detractors. We heard from spokespeople, such as chiefs of police. We even heard from the gun lobby. We heard from a lot of people. Of course we also heard from the Fédération des femmes du Québec, Quebec's public safety minister, and many others. More than 30 people came to share their opinions with us.

Routine Proceedings

I will try to share some of the committee's more interesting moments with the House, the moments I found to be most extraordinary. One such moment occurred when the bill sponsor came to testify. In a nutshell, she said that stoves are as dangerous as firearms. Everyone knows that stoves are meant for cooking food and that guns are meant for killing living things during a hunt or under other circumstances that can prove tragic.

So she said that a stove is as dangerous as a gun and gave us some interesting statistics from a report written by a professor who appears to be the Conservatives' expert and that of the member introducing the bill. According to this professor, people who have firearms permits are two times less likely to commit a gun crime than those who do not. I asked her where that statistic came from, and she told me that it came from a report by the great professor, Gary Mauser. This gun-toting gentleman is the Conservatives' expert.

So this gentleman—

•(1855)

The Deputy Speaker: Order, please. The hon. member should know that she is not permitted to use such things in the House.

Some hon. members: Oh, oh!

The Deputy Speaker: I do not know what the photo shows, but I would ask the member to please refrain from doing that.

An hon. member: It is her photo album.

Mrs. Maria Mourani: Mr. Speaker, I met this Conservative expert in committee and I asked him whether the handgun he was carrying in the photo was his. I showed this photo because the discussion revolved around it. He answered yes. I asked what kind of gun it was, and he said that it was a Smith & Wesson revolver. I asked whether it was registered, and he replied that it was, of course. I asked him how many weapons he owned, and he said that he was not sure, that it varied.

So I repeated that he did not remember how many weapons he owned and asked if he had any long guns. He said that he was not sure; it varied. I repeated that he did not remember. He said that he was getting old. Fortunately we have a firearms registry for those who are getting old and who have forgotten how many guns they have in their home. I mentioned this only to show the absurdity.

Another thing I found extremely striking was when Mr. Cheliak, the former director of the Canadian Firearms Program, appeared before the committee. I say former director because unfortunately, he has been sent to complete other tasks, namely to learn French. After nearly a year, people suddenly realize this man is not fully bilingual and he is removed, in a matter of speaking, a few weeks before the major debate we are having here.

What he said that was so disturbing is that in 2009 alone, 7,000 registration certificates were revoked for public safety reasons. I asked him whether the certificates were for handguns. He told me that registration certificates for 7,000 long guns were revoked for public safety problems. This might come from judges, spousal violence complaints, or simply a school reporting a slightly disturbed young person in order to have the police check whether the parents own a firearm. This can save lives.

We have clear evidence that 7,000 firearm registrations were revoked in 2009 alone for mental health reasons or reasons directly related to public safety.

The registry clearly saves lives.

I would like to talk about something that came to light on September 15, 2010. Heather Imming said that the gun registry saved her life. The registry helped in removing guns belonging to her violent ex-husband. She survived a final savage beating. She truly felt that the only reason she was at the conference was because the registry made it possible to remove the guns belonging to her ex-husband. Otherwise she would not have been there to talk to us.

As for Mr. Vallee, author of *Life with Billy*, he said that according to research, a gun in a house increases the risk of women being killed. He has travelled across the country and has heard horror stories from women in rural areas who have been terrorized and mistreated by men with permits to own rifles and shotguns.

He is talking about a gun in a house and not an oven in a house. Having a gun in the house is not the same thing as an oven.

These are established facts. We are not inventing or massaging the numbers, as the government seems to think, as it does any time something does not go its way. There is no conspiracy.

These are the facts. In 2009, the registry cost \$4.1 million to administer, a little more than 12¢ per citizen. That is \$4.1 million, not billion. They need to stop lying to the public.

•(1900)

A long gun can be registered or the possession transferred by phone or online in a couple of minutes. It is free to register or transfer a long gun. In addition, there is another important statistic related to preventing crime and protecting police officers: of the 16 officers killed by guns in Canada since 1998, 14 were killed with long guns. Police across Canada consult the registry 11,067 times a day. Of those requests, 2,842 are linked to public safety.

I could also talk about suicide. There is very relevant information that shows the usefulness of the registry. The public health department stated the following:

...suicide is by far the leading cause of death by firearms in Canada and, in the majority of cases, the gun used is a non-restricted one such as a hunting rifle...
Members of a household with a firearm are approximately five times more at risk of committing suicide...

It is a firearm, not an oven. And while you can attempt to commit suicide with an oven, there are more risks with a firearm.

I could continue, but the important part of this debate is tomorrow's vote. I wholeheartedly hope that all of my colleagues from the Liberal Party will be here—

The Deputy Speaker: Resuming debate, the hon. member for Windsor—Tecumseh.

Routine Proceedings

[English]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, we are here this evening, in larger numbers than we usually have at this time of the evening, to debate this procedural motion, the effect of which, if it passes tomorrow evening, will terminate Bill C-391, which deals with provisions to terminate the long gun registry.

It is quite obvious to most of us now that, in fact, this motion is going to be successful tomorrow. Therefore, this issue with regard to terminating the long gun registry will end tomorrow, at least for this session of Parliament, because it cannot be brought back in this session as a private member's bill.

There is certainly a valid debate, from a democracy standpoint, as to whether we should be dealing with this issue as a procedural motion or whether we should be dealing with the merits of the bill. I have to say that overall, in terms of my love of democracy, I would prefer to be dealing with the merits of the bill and to defeat it on its merits. It does not have many.

The reality is that the government, through a private member, chose to go the private member's bill route. The way to deal with a private member's bill is to, in fact, defeat it tomorrow through this procedural motion.

We had nowhere near enough time to deal with this issue because of the constraints the private member's bill procedure imposed on us. We had eight days of hearings, two hours each time. We had from the opposition parties something like 275 to 300 witnesses, either groups or individuals, who wanted to testify, and we were able to hear about 30 to 35 of them in total. We have not had anywhere near the information or education that would have come out had we had a government bill to deal with fully over a much more extended period of time. Therefore, it is appropriate that this bill be killed tomorrow by way of this procedural motion.

The other reason we are going to see it killed tomorrow is the way the government has conducted itself. For example, it hid until the last minute reports that showed the viability and validity of the long gun registry. There was the dismissal of Chief Superintendent Cheliak, who did a great deal to improve the usefulness of the long gun registry while he was superintendent and was responsible specifically for the administration of the Firearms Act.

We have repeatedly heard attacks on our police chiefs and police forces by members of the Conservative Party. At times they were almost saying that they were liars because they stood up and said that this is a viable investigative tool for them and that they use it. They use it extensively, and they use it to protect their members and communities. Because of that, they have been castigated repeatedly by the Conservatives to, I think, their eternal shame.

An interesting thing did come out of those hearings. We saw it sometimes juxtaposed very clearly. On one occasion, the chief of police from Calgary, one of the few chiefs of police in the country who is opposed to continuing the long gun registry, was confronted by the chief of police and the officer in charge of the firearms division of the Toronto police force. The question was put to him: "You don't have anywhere near the investigative tools used by the Toronto police when you take into account the difference in

population between those two cities". Ultimately, Chief Hanson of Calgary had to admit that they basically were not trying to use it.

This is where I would be critical of the former Liberal government when it instituted this. There were all sorts of problems with the system. What happened, in particular, when the RCMP took it over, but it had started to happen even before that, was that the administration had begun to clean it up.

What happened was that a number of police forces were so jaded about the system, they stopped using it. As we moved into the period from 2005 to 2009 and the system became much more efficient, they did not follow it. One of the shames of losing Superintendent Cheliak was that one of the things he did quite successfully was go across the country to educate individual police forces, one at a time in some cases, about how to use it and how to use it effectively.

• (1905)

After he did that, they responded affirmatively, and the usage of it went up dramatically. The use of it as an investigative tool went up dramatically. It is to the shame of police officers like Chief Hanson that he did not learn that lesson. He was given the opportunity. His force was given the opportunity, and he did not take advantage of it. Yes, there are a lot of "ifs" about the role the police have to play in this, but the reality is that police officers who have used the system and know how to use it know that, in fact, it is a tool they have to have.

The other point I want to make is that tomorrow, when this motion is passed and Bill C-391 is defeated as a result, we cannot let that be the end of it. This government, since it has been in power, has had the opportunity in a number of ways to improve the system. They have had recommendations from officers within the system to improve the system in a number of ways and to get rid of some of the irritants. The most dramatic one is the one we are proposing. The Liberals support us. We propose to decriminalize the first offence in this regard, to take away the stigma that has been attached to honest gun owners, legal gun owners. It would take that away from them.

There are a number of other amendments and changes to the system, both at the regulation level and at the policy level, that would improve our firearms controls in this country. A great deal of the opposition from individual gun owners would be taken away if we proceeded. The government has intentionally avoided doing those things it could do without legislation so that the irritants would remain and it could then continue to try to justify getting rid of the long gun registry.

We, as a party, have proposed a number of amendments. Decriminalization I have already mentioned. We have proposed annual audits by the Auditor General to make sure that the cost controls are still in place; ensuring that aboriginal rights are guaranteed, as protected under the charter and the Constitution; protecting the information within the registry from being released at all, ever, where individuals could be identified; toughening up the screening process, and on and on. The bill is going to be fairly lengthy, because there are reforms and fixes that need to be made to the system. We are going to need to continue to do that, and I am asking all parties, including the government side, to support that private member's bill when it comes forward.

Routine Proceedings

I want to make one more point before I conclude. The point I heard from the member for Portage—Lisgar was about how much it costs. Talk about another myth. The vast majority of the costs in the present system for licensing, for registering restricted weapons, including handguns, and for registering in the long gun registry, a significant portion of that budget, of the expenditures every year, are on the licensing side.

When I listen to the member's argument, one of the fears I have is that if the long gun registry goes down, what is going to go down next? Will it be the registration of restricted weapons? Then are we going to move to the U.S. style of minimal licensing? The only way we are going to save any money is to get rid of licensing to any reasonable degree. That is very much the intention of some of the really fanatical gun owners in this country.

We are faced with this decision as parliamentarians. Our responsibility is to protect our citizens, our societies. If we are right, the position of those of us who support the registry is that we are going to save lives and we are going to give our police officers an investigative tool that is useful. If they are right, and those of us who support the registry are wrong, the worst is that we have inconvenienced gun owners, and we have cost Canadians somewhere between 10¢ and 12¢ a day. As parliamentarians, are we prepared to take that risk? I do not think so.

• (1910)

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, one of our responsibilities as members is to debate bills whose objectives we either support or oppose. I already spoke to this bill at another stage, at second reading, I believe. I very clearly expressed my support for maintaining the firearms registry.

I will not repeat the reasons I support it. Anyone interested can simply consult Hansard and read my speech, or visit my website, where my speech is posted.

This evening I would like to talk about the cynicism of one political party and one member in particular. I am referring to the member who sponsored the bill, trying to pass the bill off as a private member's bill, although everyone knows that this is a government bill. The government has deployed all its weapons, political as well as financial, to defend this bill. This government is not at all interested in the facts, the science or the empirical data, which all show that the firearms registry saves lives and that the majority of Canadians want the registry to be maintained.

I will list a few organizations that support the firearms registry, starting with our national police force, the Royal Canadian Mounted Police. There is also the Canadian Association of Chiefs of Police, the Canadian Police Association, and the Canadian Association of Police Boards. All of these associations are strongly urging us to keep the registry. The Ombudsman for Victims of Crime has just announced that she has recommended that the government maintain the firearms registry for long guns.

A number of stakeholders have submitted a lot of data on the frequency with which the police query the firearms registry database and it turns out that they do so several thousand times a day.

In April, 28 medical organizations, including nurses, paramedics and suicide prevention agencies, as well as 33 professionals working in those fields sent an open letter to members stressing the importance of the firearms registry in preventing domestic murders, accidents and suicides.

In 2006, 774 Canadians were killed by firearms and 70% of these cases were suicides. And yet, all the data and studies show that the number of suicides using a firearm has dropped substantially since the Firearms Act came into force. We cannot turn a blind eye to the fact that the majority of wives and women who are murdered are killed by long guns.

Emergency doctors have confirmed that 26% of all murders in 2008 involving a firearm were committed using rifles and shotguns, whereas long guns were used in 72% of domestic murders where a firearm was involved.

I listened to the member for Portage—Lisgar make several observations and assertions, many of which were dubious. I simply want to point out to her that she and her colleagues, and even the Prime Minister, clamour to have members listen to their fellow citizens and to listen to the constituents in their ridings. I would like to ask her why she does not listen to the women who reside in her riding of Portage Lisgar.

When you look at the number of incidents across Canada involving a firearm, most of which involved the use of a long gun, the data are very interesting—and I have not fabricated the data. The statistics are sourced directly from Statistics Canada.

• (1915)

In Toronto, there were 95 incidents involving firearms resulting in deaths, attempted murders and suicides.

In the riding of Portage—Lisgar, there were 115 incidents involving firearms. This riding has the highest rate of incidents that involve firearms, including long guns, and endanger lives. The member for Portage—Lisgar does not seem to be aware of this fact. Why is she not listening to her own voters, the women who live in her riding and whose lives have been threatened by people armed with long guns?

In the past four years, the number of on-line queries of the Canadian firearms registry by police officers from the Portage—Lisgar riding has doubled. These were not automatic queries. The Conservatives keep saying that when a police officer checks a vehicle's licence plate, the query is automatically linked to the firearms registry.

The number of queries by Portage—Lisgar police doubled when deliberate queries of the registry were tallied. However, the member is not listening. She even denies the fact that the police in her riding of Portage—Lisgar is responsible for the majority—two thirds—of all registry queries from Manitoba for the purpose of obtaining court affidavits.

The registry has made it possible, for police working in the Portage—Lisgar riding, to track 70% of the firearms that are confiscated for reasons of public safety.

Routine Proceedings

I am asking the member to stop spouting purely ideological arguments, to look at the statistics for once in her life, and to listen to the women who live in her riding of Portage—Lisgar. From the number of crimes committed with firearms in this riding, it would seem that the women living there are in more danger than women living in Toronto and Montreal.

• (1920)

[*English*]

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, I am very pleased to have the opportunity to join in this debate on the motion before us today. I am especially grateful for the chance to speak on behalf of tens of thousands of law-abiding constituents in my riding who have already made their views known on Bill C-391, as well as millions of law-abiding Canadians in ridings across the country who have done the same. They have told us loud and clear that they are in favour of effective gun control, which is why they are opposed to the long gun registry. They have told us that the long gun registry does nothing to prevent crime and that even worse, it forces law enforcement officials to focus on the wrong people when trying to fight crime.

It criminalizes law-abiding farmers, duck hunters, and sport shooters, rather than ensuring that guns do not fall into the hands of criminals. It creates the illusion that something is being done to crack down on gun crime, when in fact the resources used to run it could be better spent on measures that are really effective.

Most of all, what Canadians across this country have told us is that we should work together to make sure that Bill C-391 is passed into law, so that law-abiding citizens are no longer penalized according to where they live or how they make a living. I am confident that hon. members will do that and vote to defeat the motion before us today, which clearly ignores the will of a majority of voters, as expressed in this place last fall.

The motion before us today suggests the Standing Committee on Public Safety and Security has heard “sufficient testimony that Bill C-391 will dismantle a tool that promotes and enhances public security and the safety of Canadian police officers”.

What it fails to point out, however, is that the standing committee heard from scores of witnesses who testified that Bill C-391 should be passed in the interests of doing away with the long gun registry, which does nothing to prevent gun crimes, nothing to promote and enhance public safety, unnecessarily targets law-abiding citizens, and is a waste of money.

The committee heard from front-line officers that the long gun registry is at best an ineffective and at worst a dangerous tool to use, since the data contained are not accurate. Relying on the data, in other words, could in fact put the lives of inexperienced front-line officers at risk, should they choose to base their decisions on the registry alone. As a former police chief, I know that the long gun registry is ineffective and that front-line police officers do not rely on this information.

In my very riding, these concerns have been raised. Listen to what the president of the Woodstock Police Association had to say. He said, “The inconsistencies, inaccuracies and obscene expense of the registry make it a farce. To say an officer is safer for it is unrealistic

at best. Any street officer who would rely on the registry as a safety umbrella is only fooling himself into a false sense of security. Officer safety, safe and responsible firearm ownership, has absolutely nothing to do with this registration”.

The opposition continues to push the misleading headline that all police are united in supporting the long-gun registry. This is simply not true. The statement I just read could not be clearer. The testimony we heard at committee could not be clearer.

The committee heard from Chief Constable Bob Rich from the Abbotsford Police Department, who testified that it was his firm belief that the registry is horrifically inaccurate. Chief Constable Rich testified that in conversations with his investigators and gun experts, and in story after story, whenever anyone has tried to use the registry, the information they received was wrong. His conclusion was that a flawed system such as the one currently in place is in fact worse than no system at all.

The committee also heard from Detective Sergeant Murray Grismer of the Saskatoon Police Service. Detective Sergeant Grismer was a team leader at the Olympic security force and had the opportunity during the 2010 Olympic and Paralympic Games to speak with police officers from across Canada. His testimony during committee hearings was that the vast majority of officers he spoke with did not support the continuation of the registry. Why? It was because, in his words, they did not trust the information it contains and they see it as a waste of money. Detective Sergeant Grismer added that police across Canada, in his words, cannot and must not place their trust and risk their lives on the inaccurate, unverified information contained in the registry, and that if doing away with the long-gun registry saves even one life of Canada's front line officers, then it is worth it.

With that in mind, I have to wonder how the motion before us today can even suggest that the existing, ineffective registry promotes the safety of Canadian police officers. The testimony of front-line officers, as heard by the committee, in fact suggests otherwise. It suggests that the existing registry actually puts front-line officers in harm's way. Why then do some hon. members wish to keep it?

Here again the motion before us suggested that the registry promotes and enhances public safety. What the committee heard, however, is that the existing wasteful and ineffective long gun registry does no such thing.

• (1925)

Chief Rick Hanson of the Calgary Police Service testified at committee hearings that in his opinion the registry only marginally addresses the broader issue of gun crime and violence in Canada. The real need, he said, was for governments to deal with the criminal activity of individuals who possess and use guns in the commission of offences. Our government agrees, which is why we have introduced and passed measures to crack down on crime, violent gun crimes in particular.

Adjournment Proceedings

The committee also heard from Dave Shipman, who served for 25 years with the Winnipeg Police Service and spent nearly 19 of those years investigating violent crimes in the homicide robbery division. He asked the same question that many law-abiding Canadians are asking: How does the gun registry assist the police in preventing gun crime? His answer was that it does not. In fact, he said that it offers nothing to protect our citizenry from being victims of gun crimes perpetrated by well-armed criminals.

Those were his words, and they are words all of us heard time and time again at committee hearings and words all of us have heard from our law-abiding constituents with regard to the wasteful and ineffective long gun registry. They are also the words all of us have heard from the Auditor General. In the Auditor General's report from both 2002 and 2006, she noted that the Canadian Firearm Centre was unable or unwilling to provide information to substantiate the need for a long-gun registry as a public safety tool. She stated, "The centre does not show how these activities help minimize the risk to public safety with evidence based on outcomes such as reduced deaths, injuries and threats from firearms".

The bottom line is that if the long gun registry fails to do what it intends to do, then any amount of money spent on it is a waste. As the Yukon minister of justice wrote, "Canadians would be better served if the funds invested in this program had been spent on increased funding for violence prevention initiatives or more enforcement personnel. Yukon's position is that the registry does not deliver positive results at a realistic cost to taxpayers".

The government could not agree more. We can and should put those resources to better use in funding programs and initiatives that actually have an impact in targeting gun crimes. Our focus should be on getting tough with gangs and crime guns, not on turning goose hunters into criminals.

I must say that I am often saddened and even shocked by what is happening in some of our communities. Blatant acts of violence committed by gun-toting criminals all too often make the headlines. There are many perpetrators and too many victims. We hear of gang members gunning down their rivals on the sidewalks or in parking lots, or even in local parks where children play. Don Morgan, Saskatchewan's justice minister has noted that Saskatchewan is investing in programs to combat gang activities, assist victims of crime, and put more police officers on the street.

• (1930)

The Deputy Speaker: It being 7:30 p.m., pursuant to an order made earlier today, all questions necessary to dispose of the motion are deemed put and a recorded division deemed requested and deferred until Wednesday, September 22, 2010 immediately before the time provided for private members' business.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

PRODUCT SAFETY

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, better product safety legislation is needed in the country. It seems like every few weeks there is a new report about some dangerous or faulty product. Many of these products are products for children. In 2010 we saw children's toys, cribs and medications all being subject to safety concerns.

Unfortunately Health Canada does not have the tools it needs to ensure the safety of the public. For example, it cannot issue mandatory recalls. In 2009 Health Canada posted more than 300 voluntary recall notices, a third of them for children's products. Lots of these products were not made in Canada, but still the government did not have the power to make the recalls mandatory.

The Hazardous Products Act of 1969 has not been effective in identifying or removing dangerous products. This has meant in the majority of cases Canadians have been dependent on the product alerts and recalls issued by the U.S. Consumer Product Safety Commission instead of Health Canada. In 2005 and 2006 more than 40% of product recalls were ordered as a direct result of U.S. initiated action.

Successive Canadian governments, this one included, have been happy to promote and applaud corporate trade over the last few decades but not to police it. This is unacceptable. It is putting people at risk.

We need Health Canada to be taking the lead in these instances, identifying and removing dangerous products in a timely fashion. This is why I have asked this several times in the House since becoming health critic for the NDP, just as my colleague Judy Wasylycia-Leis asked before me. When will the government get serious about product safety legislation?

We have been asking and asking and finally the government did introduce Bill C-36 last spring. What an amazingly drawn out process. Delays have been due in part to the government's habit of proroguing when it suits its needs. It has been repeatedly terminating legislation designed to keep Canadians safe.

Here is a summary of what we have gone through. The first attempt was Bill C-51 in 2008. The NDP opposed Bill C-51 because instead of strengthening safety, it was a continuation of the previous Liberal government's interests and permissive attitudes toward big pharma. Fortunately Bill C-51 did not become law, but this was not due to political courage or insight from the government but because of Conservative prorogation after the federal election of 2008.

Adjournment Proceedings

The next attempt to respond to the needs and requests of Canadians came when the government introduced Bill C-6, the Canada consumer product safety act in February 2009. Again, Bill C-6 did not survive because of prorogation in December 2009.

We have this current legislation, but we have seen more delays. The House convened on March 3 and Bill C-36 did not have its first reading until June 9, three months later, despite the government's repeated statement that the legislation was as important to it as it was to Canadians. Bill C-36 does not seem to be on the House's legislative agenda for the next few weeks.

My question to the government is this. When will the government continue the legislative process for a bill for which so many Canadians have been asking? Will there be more delays?

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, I welcome the member on her return to the Health committee and I am looking forward to working with her over the next few months.

I am pleased to rise this evening to discuss the government's commitment to consumer safety and specifically to address Bill C-36, An Act respecting the safety of consumer products.

On June 9, as the member said, the Minister of Health introduced Bill C-36 and, as members opposite know, it now awaits second reading. The government has made important improvements to what was previous Bill C-6 and we are looking forward to support from our colleagues when the bill begins its progression through Parliament.

Bill C-36 fulfils a promise made by the government in our 2010 throne speech. Many Canadians believe that the consumer products they purchase every day are safe when used as directed. We know that businesses in Canada want to ensure the products they sell are safe. It has been estimated that up to one-third of Canadians have at least once bought products that were later found to be unsafe.

Each year, millions of Canadian consumers are affected by recalls. In 2009 alone, Health Canada posted over 300 recall notices. One-third of these recalls were for children's products. This statistic alone underlines the importance of the work the department has done to regulate products for vulnerable populations.

However, the regulation of consumer products has been done in the context of the Hazardous Products Act legislation which is now over 40 years old. While that legislation may have served Canadians well in the past, it is now out of step with market globalization and out of step with the legislation of our major trading partners. Clearly, it is time update and modernize our consumer safety regime. Bill C-36, the proposed Canada consumer products safety act, would modernize and strengthen Canada's product safety legislation.

What is our goal with the bill? Bill C-36 is part of the government's comprehensive food and consumer safety action plan and targets three areas for improvement. The first area is active prevention. We want to prevent problems with consumer products before they occur. The second area is targeted oversight. By having better information, such as through mandatory incident reporting, the government will be able to better target products with the highest risk. The third area is rapid response. The legislation would give us the tools we need to act swiftly when we required

Right now our legislation supports only a reactive approach. The vast majority of consumer products are unregulated by the Hazardous Products Act. This essentially means that for the vast majority of consumer products we are very limited in the actions that we can take when a consumer safety issue is identified. Even for regulated products, like toys, children's jewellery and cribs, we are limited in the actions we can take when a safety issue is identified.

Arguably, the most significant gap in our ability to respond to safety issues is the absence of any authority to issue mandatory recalls for consumer products. This means that when a safety issue is identified with a consumer product we have very little options other than to ask the industry to recall its product voluntarily.

We will always favour a voluntary approach with industry and we believe industry will usually respond favourably. However, Canadian consumers should not have a lower standard of protection than consumers in both the United States and Europe. The need for government to have new authorities has grown in concert with the dramatic changes we have seen in the global marketplace.

The marketplace of 40 years ago when the Hazardous Products Act was introduced was very different from that of today. Products sold in Canada now come from all over the world and there are new materials, new substances and new technologies. There are new products and more products from a multiplicity of sources all around the globe.

In Canada, these are found in post-market regulatory regimes. That means that, despite what many Canadians might think, producers, importers, distributors and retailers are not required to certify or otherwise verify the safety of their products with government before they are offered for sale in this country.

Bill C-36 would not change the fundamental nature of a regulatory regime—

• (1935)

The Deputy Speaker: The hon. member for Halifax.

Ms. Megan Leslie: Mr. Speaker, while the NDP is pleased that Bill C-36 has finally been introduced, we do have a few questions about the bill that we hope the government can answer. We do see it having a few deficiencies, for example, the lack of a comprehensive labelling system for products that contain hazardous materials. People need to know what is in the products they are using. There is no acceptable or convincing reason not to inform people of what is in a product.

Adjournment Proceedings

There is too much discretion in some pieces of the bill. I believe that if human health is at risk Canadians should know about it. However, the government is not required to inform consumers of safety issues that have been identified. This really needs to be tightened up, hopefully through amendments at committee.

I am also left wondering about enforcement resources. The bill would require significant government performance in order to achieve the level of proactive product safety needed.

I am wondering if the parliamentary secretary has answers to those issues.

• (1940)

Mr. Colin Carrie: Mr. Speaker, as the member says, I am looking forward to the bill going to committee.

The health and safety of Canadians is very important for our government. The proposed Canada consumer product safety act would modernize and strengthen Canada's product safety legislation and would provide new ways to quickly and effectively protect the health and safety of Canadians. By modernizing our consumer product safety law, we are seeking to better protect the public by addressing or preventing dangers to human health or safety posed by consumer products.

In most cases, companies co-operate with the government and take voluntary action quickly to pull unsafe products from the shelves. However, there are exceptions when this does not happen. By collaborating with manufacturers, suppliers and retailers and backed by strong legislation, we will help improve the safety of consumer products in Canada.

As part of active prevention, the proposed act would institute a general prohibition against the manufacture, importation, advertisement or sale of consumer products that pose an unreasonable danger to human health or safety and packaging or labels on products which are false, misleading or deceptive as they relate to health and safety would be prohibited under the proposed legislation.

As part of improved targeted oversight, compliance and enforcement would be strengthened through maximum fines of up to \$5 million for some offences. This change would put us in step with our major trading partners.

In the U.S. and EU, for example—

The Deputy Speaker: The hon. member for Vancouver Kingsway.

PUBLIC SAFETY

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, last May I asked the government to justify the \$1 billion cost of security at the G8 and G20 summits. At that time, it said that this spending was necessary to ensure a safe and secure summit that would protect participants and protect the rights of Canadians to demonstrate their views.

I would like to quote a member of the government, the member for Edmonton—St. Albert, who stated:

—these allocations will not be used only to ensure we protect the safety and security of visiting heads of state and their delegations. Indeed, they are being used to protect the safety and security of all Canadians, including those who wish

to engage in peaceful protests during those summits. Clearly, our government believes in freedom of expression.

He stated that on June 1.

He went on to say:

We believe that everyone has the right to be heard. That is why the community relations group within the G8 and G20 integrated security unit has been proactively reaching out to individuals and groups who may wish to protest in order to ensure their needs are accommodated and also to ensure that we can facilitate peaceful and lawful protests at both summits.

Once again, that was the member for Edmonton—St. Albert, speaking on behalf of the government and a member of the public safety committee on which I sit.

Those lofty promises were betrayed. Instead, the \$1 billion in summit security did not prevent violence or property damage and resulted in the largest mass arrest in Canadian history. More than 1,100 individual Canadians were arrested over a 36-hour period in Toronto. Those arrested included journalists, human rights monitors, lawyers, protesters and even innocent passersby. More than 800 of those arrested were later released without even being charged and 58 more had their charges dropped later.

The government criticizes previous governments for wasting \$1 billion setting up the gun registry, but it managed to squander \$1 billion in 72 hours alone on the G8 and G20 summits.

Over the summer, the public safety committee was recalled to study this issue. Yet instead of voting on the motion to launch a federal inquiry into what went wrong, the Conservatives defended the mass arrests and the violations of the rights of Canadians. They filibustered the debate and accused those who supported a federal inquiry of promoting “the agendas of the violent mob made up of thugs and hooligans”.

I met two of the G20 protesters and I think Canadians would be interested to hear their stories. They are not thugs or hooligans. They are law-abiding Canadians who were exercising their freedom to peacefully assemble and express their views. Their names are Kirk Chavarie and Grayson Lepp.

Kirk and Grayson are students at the University of British Columbia's Okanagan campus. They are leaders in the student movement, serving on the executive of their student society and on the provincial executive of the CFS. They were in Toronto representing their student union to attend rallies in support of strengthening public education in Canada and around the world.

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They told me that they were transported to a makeshift detention centre and detained there for 24 hours. These are the conditions that they described to me: holding cells cramped full with 30 to 35 people in them, with concrete floors and a steel bench; women forced to toilet themselves in front of other detainees and police officers with their hands still zap-strapped behind their backs; requests for water repeatedly denied; requests for toilet paper repeatedly denied; hundreds of detainees forced to sleep on bare concrete floors; diabetics refused insulin and others refused needed medication; detainees left with hands zap-strapped for up to 16 hours at a time; leaking porta-potties in cells, garbage and unsanitary conditions; abuse, profanities and open threats of violence, sometimes imbued with racism from police officers; and mass arrests of innocent people who committed no crime at all.

• (1945)

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, I am pleased to have the opportunity to speak to the success of our front line police officers who were able to protect the safety of visitors and delegates during the G8 and G20 summits.

I just heard my hon. friend talking about lofty promises. I would just remind him of a lofty promise that came from him in this House on April 21, 2009 when he said:

I am particularly proud of our leader, the leader of the New Democrat opposition, who has freed all MPs to vote at their conscience and as their constituents dictate.

We will see how that pans out tomorrow.

I would like to remind the member opposite of the Auditor General's observations from May. She said, "Obviously \$1 billion is a lot of money, but I think we have to recognize that security is expensive. There are a lot of people that are involved over a long period of time. We may think that the meetings only last for a few days [as my friend suggested], but all the preparations involve extensive planning, extensive coordination for months before that and I think we have to be really, really careful".

The notion that these events, which represented the largest security undertaking in Canadian history, were restricted to a 72-hour period is not an accurate reflection of reality.

The simple fact is that security planning began well over a year and a half prior to the summits and involved the coordinated participation of several federal security partners, including the RCMP, Public Safety Canada, the Department of National Defence, the Canadian Border Service Agency, CSIS, as well as several other departments, not to mention our provincial and municipal security partners who were crucial to the provision of security for these events.

This extensive security planning process was indicative of the complexity and scale of hosting these events. Unlike the Olympics, the summits were a security event that had 38 world leaders in attendance, as well as 5,800 delegates and 2,600 journalists.

Canadians can be proud of how our security partners were able to protect the safety of Canadians, delegates and visitors to the city of Toronto and the town of Huntsville, working in what were exceptionally difficult circumstances.

Canadians can be proud of the progress that this government achieved during these meetings on global governance and opportunities for emerging economies.

The G8 was successfully refocused on its strengths: development, peace and, of course, global security challenges.

The G20 summit resulted in an action plan for entrenching the global economic recovery, including reducing global deficits, financial sector reform, progress on anti-protectionism and debt relief for Haiti. As well, it set the stage for an enhanced level of discussion that will occur at the G20 summit in South Korea this November.

Unfortunately, there are those who seek to disrupt and prevent these summits through unlawful activities. Consequently, a large scale and world-class security plan was necessary to deliver the security required.

This government has been transparent in representing the costs of hosting these important events from the outset and will continue to be. Full co-operation was granted to the Parliamentary Budget Officer to review the security cost estimates. After his assessment, Mr. Page concluded that the government had been transparent in representing the cost estimates and that they were within the range of security costs for recent G8 summits.

The government has also invited the Auditor General to review the security costs and is co-operating fully with this process. The Auditor General's report is scheduled to be released next spring.

In the meantime, as stated before, final security costs will be reported once they have been finalized.

Mr. Don Davies: Mr. Speaker, Grayson and Kirk, along with dozens of other students, were awakened at gunpoint, kicked in the stomach and arrested for unlawful assembly early on the morning of June 27 while they were sleeping at the University of Toronto. I wonder if that is the enhanced discussion my friend just talked about.

It is outrageous that these conditions were allowed to take place in this country.

Tonight, I want to ask the Conservative government if it will join with New Democrats in our efforts to give Canadians accountability for the \$1 billion that was spent on summit security but, more important, will it join with us to get to the bottom of the serious violations of Canadian civil rights that occurred in Toronto?

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A full public inquiry has been supported by a wide array of groups and individuals, including the Toronto deputy police chief, Keith Forde; Canadians Advocating Public Participation; the Canadian Civil Liberties Association; Amnesty International Canada; and the Southern Ontario Newsmedia Guild which is demanding an independent federal inquiry into police actions at the G20 summit. That includes 34 media workplaces, including the *Toronto Star*, *The Globe and Mail*, *Toronto Sun*, *London Free Press*, *Ottawa Sun*, *Sing Tao*—

• (1950)

The Deputy Speaker: Order, please. The hon. Parliamentary Secretary to the Minister of Public Safety.

Mr. Dave MacKenzie: Mr. Speaker, as I have already indicated, my friend opposite talks about lofty promises. I just gave him one that came from him in this House. Let us see how that pans out for him tomorrow.

I would like to take the opportunity to remind the member opposite that Canada has an obligation to protect visiting heads of state in accordance with the United Nations convention that was adopted in 1973 to provide security to internationally protected persons.

The 38 world leaders and 5,800 delegates who arrived in Canada for the summits were all covered under the security provisions that were delivered. Clearly, their security was critical to the success of the summits.

The responsibility that comes with hosting events of this magnitude and the corresponding risks cannot simply be dismissed due to monetary reasons.

Security experts, the Auditor General and the Parliamentary Budget Officer have all confirmed that the security costs were reasonable and direct cost comparisons that the media and the opposition have made to other summits have been disingenuous and false.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7:51 p.m.)

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