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OFFICIAL REPORT
(HANSARD)

Thursday, December 9, 2010

—
Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Thursday, December 9, 2010

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1005)
[English]

AUDITOR GENERAL OF CANADA

The Speaker: I have the honour to lay upon the table the special report of the Auditor General of Canada to the House of Commons on the Public Sector Integrity Commissioner of Canada.

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GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to two petitions.

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COMMITTEES OF THE HOUSE

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

Mr. Bruce Stanton (Simcoe North, CPC): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Aboriginal Affairs and Northern Development entitled, "Northerners Perspectives for Prosperity". This has been a great body of work that the committee has completed and we are delighted today to present it to the House.

FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Foreign Affairs and International Development. This report is as a result of the study done by our Subcommittee on International Human Rights and it is entitled, "Ahmadinejad's Iran: A Threat to Peace, Human Rights and International Law".

Pursuant to Standing Order 109 the committee requests that the government table a comprehensive response to this report.

I also have the honour to present, in both official languages, the fourth report of the Standing Committee on Foreign Affairs and

International Development in relation to its study of the effectiveness and viability of public service partnerships between nations and is entitled, "Public Service Partnerships: Strengthening the Canadian Model".

Pursuant to Standing Order 109 the committee requests that the government table a comprehensive response to this report.

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[Translation]

CRIMINAL CODE

Mrs. Maria Mourani (Ahuntsic, BQ) moved for leave to introduce Bill C-602, An Act to amend the Criminal Code (trafficking in persons).

She said: Mr. Speaker, today it is my great pleasure and honour to introduce this bill on trafficking in persons. This bill has the support of many women's and victims' groups. My Bloc Québécois colleagues will be pleased to support this bill.

I hope to have the support of all members of this House because this bill is so important. It was developed together with the police officers on the street, both those in the morality squads and those who deal with the sexual exploitation of children.

What does this bill seek to do? First, it introduces the notion of consecutive sentences for both trafficking in persons and procuring. It will allow for exemplary sentences. Second, it clarifies the definition of trafficking by adding the notion of the domestic or international context, thereby recognizing that trafficking does not just happen internationally, but also within Canada, domestically, from one city to another, one neighbourhood to another.

The bill also provides a clearer understanding of the word "exploitation" by distinguishing between labour exploitation and sexual exploitation. We have kept the notion of exploitation for the purpose of organ removal, of course.

This is a very important bill because it gives tools to the police and permits the confiscation of the proceeds of crime, from both trafficking and procuring, a power that does not currently exist.

Routine Proceedings

Lastly, it adds another important point. Unfortunately, since 1995, there have not been a lot of charges because of the way the law is written, but during hearings, the victim is largely responsible for both the accusation and the burden of proof. What we are doing here is adding presumption, which means that the person exploiting the victim will have to prove that he is not living off the proceeds of that exploitation. This provision already exists for procuring, but not for human trafficking. That does not make sense because 80% to 90% of human trafficking is for the purpose of exploitation.

I invite all hon. members to support this bill, which will give tools to the police and which was drafted with the help of police.

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

* * *

● (1010)

[English]

PETITIONS

THE ENVIRONMENT

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I have three petitions today. The first one deals with the issue of global warming and climate change and has about 200 signatures. It calls on the government to sign onto the international agreements that are being proposed across the globe to deal with that issue, but more specifically, to bring into place a standard so that all countries would work toward reducing the amount of carbon dioxide in the atmosphere to a level of 350 parts per million. That is the international standard that most scientists have indicated would be the target.

I would ask that we take that into account in our international agreements and in the standards that we are creating here in Canada on behalf of the petitioners.

STATUS OF WOMEN

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, the second petition is with regard to generally domestic violence but, more specifically, to the issue of the number of women in this country who still are murdered or suffer severe violent crime perpetrated against them, oftentimes in the situation where the perpetrator of that violence has been charged and then released when the person probably should have been kept in custody.

The petition calls on the House of Commons to analyze the situation but to put into place, as quickly as possible, measures both with regard to judicial sanctions and law enforcement services to protect women from domestic violence. I would estimate that there are 300 to 400 signatures on the petition.

AGRICULTURE

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, finally, I am amazed that this is still the case and I was surprised when I received this petition, but it is about BSE, or mad cow disease, which struck this country as early as 2003. It certainly became quite a dominant issue in the agricultural sector in 2004. There have been ongoing negotiations from 2004-05 with regard to compensation for our farmers, specifically the cattle industry, and it still has not been settled.

The petition calls upon the government to appoint the hon. Mr. Justice Frank Iacobucci as a mediator to facilitate settlements. Again, there are a number of signatures on this petition.

VALE INCO

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, it is an honour to bring forward the voices of the people of Thompson in northern Manitoba.

Today I would like to present a petition on their behalf calling for the federal government to stand up for Canadians and Canadian jobs. On November 17, Vale announced the devastating news that it was planning to shut down the smelter and the refinery in Thompson. This announcement means the loss of over 600 jobs and a devastating impact on the community, on our northern region and our province of Manitoba.

The people of Thompson are saying that the federal government must stand up for them. Not only did the government allow the foreign takeover by Vale, it also gave it a loan of \$1 billion just over a month ago, this just weeks before such devastating news.

The people of Thompson and Manitoba ask that the federal government stand up for Canadians and work with all stakeholders to save the 600 jobs in the Thompson Vale smelter and refinery.

AFGHANISTAN

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, my petition has been signed by dozens of Canadians to end Canada's involvement in Afghanistan.

In May 2008, Parliament passed a resolution to withdraw forces by July 2011. The Prime Minister, with agreement from the Liberal Party, broke his oft repeated promise to honour the parliamentary motion.

Committing 1,000 soldiers to a training mission still presents a danger to our troops and an unnecessary expense when our country is faced with a \$56 billion deficit. The military mission has cost Canadians more than \$18 billion so far, money that could have been used to improve health care and seniors' pensions right here in Canada. Polls show that a clear majority of Canadians do not want Canada's military presence to continue after the scheduled removal date of 2011. Therefore, the petitioners call on the Prime Minister to honour the will of Parliament and bring the troops home now.

* * *

● (1015)

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, if Questions Nos. 519 and 521 could be made orders for returns, these returns would be tabled immediately.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

Business of Supply

[Text]

Question No. 519—**Mr. Paul Szabo:**

With regard to Recreational Infrastructure projects in the riding of Mississauga South, what is the total number of jobs created or sustained by each project, according to reports submitted to the government pursuant to Schedule "H" of the Recreational Infrastructure Funding Agreement?

(Return tabled)

Question No. 521—**Mr. Paul Szabo:**

With regard to Recreational Infrastructure projects in the riding of Mississauga—Erindale, what is the total number of jobs created or sustained by each project, according to reports submitted to the government pursuant to Schedule "H" of the Recreational Infrastructure Funding Agreement?

(Return tabled)

[English]

Mr. Tom Lukiwski: Mr. Speaker, I ask that the remaining questions be allowed to be.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

BUSINESS OF SUPPLY

OPPOSITION MOTION—CHARTER OF RIGHTS AND FREEDOMS

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.) moved:

That the House recognize the vital role played by the Charter of Rights and Freedoms in ensuring justice, liberty, equality and fairness for all Canadians and call on the Government to reject the views expressed by several members of the Conservative Party of Canada that belittle and criticize the Charter's impact on Canadian society.

The Deputy Speaker: Since today is the final allotted day for the supply period ending December 20, the House will go through the usual procedures to consider and dispose of the supply bill.

In view of recent practices, do hon. members agree that the bill be distributed now?

Some hon. members: Agreed.

Mr. Brian Murphy: Mr. Speaker, on April 17, 1982, after years of lengthy debate and strenuous negotiation, our country adopted a charter that would bring transcendent change to Canadian life.

The Charter of Rights and Freedoms enjoys a very high level of support in Canada today. Canadians do not only agree with their charter, they cherish the protections it offers, and for good reasons: they are morally sound, they are necessary and they are a reflection of who we are as a people.

The citizens of every country in the world hold their own constitution in high esteem. They are documents, traditions or customs embedded in history and tradition. Even every good Conservative Republican wraps himself or herself in the American constitution. It allowed William F. Buckley to express himself and for Sarah Palin to defend things like gun control or not.

Only in Canada do we hear politicians criticizing the constitutional documents that have founded a country and made it flourish.

Thirty years ago, we had an uneasy relationship with our constitutional past because Canada was in the process of superseding colonial links and affirming its own identity. It was time, more than ever, to part with some of our past links and bring the Constitution to our own country. We wanted to demonstrate to ourselves and to others that we had grown up and that we were a strong country. We wanted to assert our convictions, our principles, everything that distinguishes us as Canadians, and we wanted to declare those principles to the world.

We Canadians appreciate the charter because of its protections and the rights that it provides but Canadians also cherish the charter because it is a reflection of who we are as a people. The Canadian Charter of Rights and Freedoms embodies the character of the Canadian people. The charter inspires us and appeals to the best of us as Canadians.

[Translation]

Unfortunately, the government tends to discredit the Canadian Charter of Rights and Freedoms, but this charter is so Canadian that one has to wonder whether the government is not too fond of Canada. The principles of democracy, equality, freedom and protection of minorities are not very important to the Conservatives. They perhaps want to find ways to avoid complying with this charter. During a trip to northern Canada, the Prime Minister said that he calls the shots, but I think it is time to remind him that he is not the king. The Canadian Charter of Rights and Freedoms had been around for 20 years before this government, and it will still be around 20 years after this government is gone.

In this country, there are rules that apply to everyone, even to those who disagree and even to the government.

[English]

When Pierre Elliott Trudeau spoke on the need to celebrate the renewal and repatriation of our Constitution in 1982, we were not witnessing the mere act of another government enacting another law; we were witnessing the birth of a document that was the product of broad political discussion across the country. The product is a reflection of ourselves as a country that we can be proud of. As Pierre Elliott Trudeau said:

I speak of a country where every person is free to fulfill himself or herself to the utmost, unhindered by the arbitrary actions of governments.

The Canadian ideal which we have tried to live, with varying degrees of success and failure for a hundred years, is really an act of defiance against the history of mankind. Had this country been founded upon a less noble vision, or had our forefathers surrendered to the difficulties of building this nation, Canada would have been torn apart long ago.

However, the Conservative Prime Minister has had a very hard time accepting a higher power for himself and sometimes seems to think he is king and not elected by the people of Canada and subject to our law, our Constitution, our founding principles. The Conservatives do not want to live in a world that was the vision of someone like Thomas Jefferson or Nelson Mandela. They want to live in a world without a charter to restrict their power and impose their every will on the public.

Business of Supply

The world the government on the other side wants to live in is the world of Robert Bork, which is a world, to quote the late Senator Edward Kennedy:

...in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizens' doors in midnight raids, schoolchildren could not be taught about evolution, writers and artists could be censored at the whim of government, and the doors of the federal courts would be shut on the fingers of millions of citizens for whom the judiciary is often the only protector of the individual rights that are at the heart of our democracy.

Senator Kennedy concluded with a comment for President Reagan that applies to this government today as well in that it should not be able to impose its "reactionary vision of the Constitution on the Supreme Court and on the next generation of Americans. No justice would be better than this injustice".

Let us remember the past, for in remembering the past we might prevent repeating it. In the early 1900s, women were not people in Canada. It took a decision by a court of law to declare that women are people in Canada and that they should have the right to vote. We only need to go back 50 years to the decision in *Roncarelli v. Duplessis*. We can be glad that Canadian courts had the power to overrule a premier who was using his powers on an arbitrary basis for a personal agenda against the rights of an individual.

Governments are sometimes wrong. Government has to follow a set of rules set out in a constitution and when it does not abide by those rules, modern democracies have given courts the law, the role to decide when the government crosses those lines of unconstitutional behaviour, that they should choose to protect the constitution as well as the citizens from abuse by the government. Every democracy is based on a desire to be, as any founding father or mother would say, a country of laws, not of men.

• (1020)

[*Translation*]

In our Constitution, we chose to include principles that represent the basis of the Canadian identity. The Canadian Charter of Rights and Freedoms protects the right to equality for all Canadians, the right to freedom, the linguistic duality of this country and the civil rights that protect us against mistreatment by police forces. These protections have enabled us to build schools for minorities across the country, provided services to persons with a disability who needed them, prevented Canadians from being unjustly detained and protected minorities against discrimination. These are the principles that Canadians decided to impose on this government.

[*English*]

Because it is the people's government, they choose the rules that the government should live by. This government, however, has a hard time understanding that the people choose the laws.

This government does not see a problem with the arbitrary detention procedures in Bill C-49, for example. The detaining of an individual by an agent of the government or at the minister's will for 12 months is against the charter. The Supreme Court said so only three years ago. The government does not understand that, but the Canadian people do. They said so in their charter.

The government never saw a reason to protect Omar Khadr from the abuse he suffered abroad, but the Canadian people did because it is in their charter.

The government has cut the budget of groups that have advocated for minority rights, but the Canadian people understand that is wrong. It is in their charter.

This is a government with many members who feel that criminals reap the greatest benefit from the charter. This has to be balanced with the myriad court decisions that say, on the contrary, the Canadian people have a charter.

The immense powers of government over an individual have to be balanced with principles. Where these principles can sometimes impede the effectiveness of police forces, the charter has the override provision in section 1 to provide a reasonable limit to rights and freedoms, but we will not hear the Conservatives talk about the section 1 override provisions of the charter. We will not hear it because they do not want people to know. But the people know that they have a charter. They know that there are protections. It is in the charter.

Tom Flanagan, a well-known Conservative, wrote that courts of law in Canada are often an innovating force ahead of public opinion. Even the Prime Minister has expressed concern that a recent decision of the Supreme Court enforcing the protection of minorities should have been, rather, taken by Parliament.

That is also the view, to bring it full circle, of Robert Bork today. When he was bounced from his nomination from the Supreme Court of the United States, he decided to get some print in Canada. In 2002, he said that courts throughout the world, including Canada, are enacting an agenda.

Robert Bork and the Prime Minister of Canada: very similar.

• (1025)

[*Translation*]

On the contrary, modern democracies have mechanisms to protect minorities from being abused by the majority. In Canada, this mechanism is the charter, and there is nothing more democratic than a court of law that forces a government to respect a charter of rights and freedoms that was the result of a democratic process.

[*English*]

The Canadian Charter of Rights and Freedoms is a constitutional document that can only be amended by consent of Parliament and of every province. It could never have been the intention to set inflexible rules and principles in stone, fixed in time, that could only be changed by constitutional amendment. Instead, Canadians created a document that would be adaptable and therefore remain relevant to the needs of a rapidly changing society.

Business of Supply

The late Supreme Court Justice Antonio Lamer wrote in 1985, when the charter was new and being decided upon that it was a living tree planted by the Canadian people. Supreme Court Justice Dickson wrote the same thing in the case of *R. v. Big M Drug Mart Ltd.*, worrying that “the living tree”, which is the charter, “will wither if planted in sterilized soil”.

[*Translation*]

The comments by the Conservative government do not represent the Canada that we know. The comments by Tom Flanagan do not represent the Canada that we know. They defy the values that Canadians chose to define as their own in the Charter of Rights and Freedoms.

[*English*]

As two modern examples of how the charter lives, General Roméo Dallaire and General John de Chastelain were exporting democracy and the values of the charter to the world. Long before this debate here today, General de Chastelain in Ireland and General Dallaire in Rwanda, these military giants, walked among divided combatants, dressed as men of war but sounding like men of the charter. It is to Canada's credit that they did so. They exemplified charter values and gained respect around the world.

Today we are here to remind the government that it does not get to choose the world we live in. This is Canada, and Canadians have created a Charter of Rights and Freedoms that reflects their ideals. This charter binds every government to come with respect to these ideas, whether governments like it or not. The protections in this charter are cherished by Canadians for good reason. They are certainly morally sound, as I said at the beginning. They are a reflection of who we are as a people, and they are necessary.

Exercising the protection of a right for one person does not take away the right of another person. That is a very important comment to make. It seems that every distinction made by the government is that in the application of the charter for the protection of a right, someone else loses something. It is a fundamental principle that the protection of one right that is enshrined for one person does not take away the pile of rights that all of us have.

Every court decision grapples with the issue of the individual right and the collective right. This is never mentioned by the Conservative justice team or the Conservative government, ever, or any of their columnists who write daily on these issues. It is never mentioned that there is a collective right. The collective right is enforced by the fact that government does not invade the secure, the privileged and those in positions of power and comfort who do not need the charter to enforce their rights. That is the protection of the collective right. Within the charter is section 1, which provides for the collective right, the right of override. The protection of the single individual right might be overridden by the collective right for the protection of society.

The second point that is important to remember is that, in common sense terms, we could look at the Charter of Rights and Freedoms as insurance. Insurance is a great comfort to those who do not need to use it. It is illogical to say that we like to have insurance because we use it so often. We want to have insurance and never have to use it. Who wants to have a car accident? Who wants to have a fire? Who

wants to lose his or her life or be dismembered and use insurance policies for protection?

Why is that not unlike having the charter as protection for everyone in this House and everyone outside this House who is a Canadian? We can have the Charter of Rights and Freedoms which protects us, but we hope we never have to use it. We hope that we are not one of those litigants who has to go to court to ensure that a right is being protected. Who wants to go to court and use the charter?

The Conservatives, on the other hand, should know that we are a far less litigious society than our neighbours to the south. They should know that the charter is being used by people who have to use it, people who have to apply for the protection of their rights. Of course, the great stopgap in this free and democratic society is that our courts have the discretion to determine whether in fact a right has been abridged.

The concept is very simple. The Charter of Rights and Freedoms is for everyone, not just for the people trying to use the charter to gain benefits that are secured for them. We hope, as individuals, that we never have to use these provisions in the charter, but they are there for our protection.

The other thing that I would like to say about the comments made by various individuals in the public is that it is an attack on Canada when they attack our constitutional documents, and it should not be permitted by a political party, let alone a party that is ruling.

• (1030)

It is one thing to have a political point of view that does not believe that the Constitution, as contemplated, protects these rights. That is one thing. But when they say that the whole baby with the bathwater syndrome should be thrown out because the Conservatives do not like how it is applied, the inference to be drawn is that they do not trust judges. That inference has been veiled in the last few years but was not very covered up in the first few years of the government's regime.

The government does not trust judicial discretion. It does not trust the good common sense of Canadian people who wanted this charter and will see to its enforcement. The government does not trust judges to take a common sense approach on the Canadian Charter of Rights and Freedoms, which Canadians believe in, to interpret rights appropriately.

The Conservative government should be ashamed that it lets elected officials, some of whom serve in this House, and unelected officials, who have undue influence on the Prime Minister's cabal, to make statements that denigrate our Constitution, denigrate the opposition, denigrate the points of view of members of Parliament and denigrate columnists. That is what we believe in. We will defend its right to say whatever it wants to say, but the government should not attack the very root of our community, the very basis of our civilization, which is the Constitution of Canada and the Charter of Rights and Freedoms as it exists today. Shame on the Conservative government.

Business of Supply

We call on the government to ask for formal retractions from its spokespersons, because this is egregious. It is an awful day in Canadian history when the governing party says that the hall in which we govern, the land that we govern, partially, is governed by a document that it does not believe in. How close is that to anarchy? It is too close.

We in the opposition call on the government to look into the recesses of its soul and say it is wrong, say that it is sorry and admit that it believes in Canada, that it believes in the Constitution, that it believes in the Charter of Rights and Freedoms.

●(1035)

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I have many of the same opinions as the hon. member who just spoke. I would like to ask him whether he is prepared to acknowledge that the circumstances under which the charter was adopted are perceived far differently in Quebec. The charter is being used to keep Quebec from exercising its full authority when it comes to language. In the long term, this language is threatened by the vast anglophone ocean of North America that surrounds it.

In addition, why does his resolution not acknowledge the negative effect of the Canadian Charter of Rights and Freedoms, which I am sure is still a model worldwide, save for the provisions that were written specifically to break the language laws that Quebec was and will always be in need of?

Mr. Brian Murphy: Mr. Speaker, I have a lot of respect for my Bloc Québécois colleague. Perhaps he will propose an amendment to our motion concerning Quebec and its areas of jurisdiction, including its ability to protect the French language. I obviously have a lot of respect for that position.

However, it has to be said that during the time the charter has existed, many Supreme Court decisions have been very good for linguistic communities across the country. Take the *R. v. Beaulac* decision, for example. It was similar in that it clearly stated that language rights guaranteed by the Canadian Charter of Rights and Freedoms need to be protected.

I am a francophile, married to a francophone from New Brunswick, so I believe it is very important to have the charter in order to protect language rights across the country, including in Quebec. In my opinion, Canada includes Quebec. That means that the charter applies in Quebec to protect language rights in Quebec and the rest of the country.

[*English*]

Hon. Lisa Raitt (Minister of Labour, CPC): Mr. Speaker, I listened with great interest to the comments from the hon. member. However, at the very end he seemed to go into an area that I found kind of surprising, and I just wanted to bring something to his attention.

In his remarks he indicated that he thought the government should be doing something to prevent other people from saying certain things, that we should limit one's freedom of speech.

I just want to bring this to the attention of the member and ask the following question: Given that section 2(b) of the charter itself says everyone has freedom of thought, belief, opinion and expression,

which is only limited by section 1 of the charter that talks about whether there is a reasonable limit prescribed by law that can demonstrably be justified, what justification could he possibly give for having a government tell an individual citizen not to say certain things?

Mr. Brian Murphy: Mr. Speaker, if it was not clear I will say it again. I certainly said in my speech that we defend to the death the right of an individual, an elected official or otherwise, to say what he or she wants to say, absolutely.

What we are decrying is the policy of the government. What we are saying, and this is why we are having the debate, is that the government allows its spokespersons, elected and non-elected, to say the charter is not being used properly, or it is not a good instrument. There are all kinds of quotes from elected, recently elected and unelected Conservative spokespeople, who have gone uncriticized by the government, as to the instability of the charter.

We need to remember that it is the government. The government, by being silent on the policy aspect, is saying to Canadians by inference that it does not really believe in the charter. That is the message. That is what I want to hear. I want to hear somebody from the other side get up and say, "We completely, unreservedly support the Charter of Rights and Freedoms. We completely and unreservedly support our judges and their discretion to enforce the Charter of Rights". I hope it is the Minister of Labour who says it, because she is a good east coast Canadian by roots and she understands fairness, so I look forward to that comment.

●(1040)

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, the charter says very clearly in subsections 2(c) and (d) that people of Canada have the freedom of peaceful assembly and freedom of association. Section 8 says, "Everyone has the right to be secure against unreasonable search or seizure". Section 9 says, "Everyone has the right not to be arbitrarily detained or imprisoned". Section 10 says, "Everyone has the right, on arrest or detention, to be informed properly of the reasons therefor", et cetera.

I can actually cite many other sections, sections 11, 12, 14 and 15. All of these rights were violated during the G20 in Toronto, where protesters were supposed to be at the designated demonstration site at Queen's Park.

On Saturday, June 28, there was dispersal and arrest. Then there were massive arrests on the Esplanade on the night of Saturday, June 26, and there were police actions outside the Eastern Avenue detention centre on the morning of Sunday, June 27. In the evening of Sunday, June 27, there were mass arrests and kettling of people on Queen and Spadina, and lastly, the conditions of detention at the Eastern Avenue detention centre were terrible.

My question to the member is, given all the mass violation of people's rights given to them through the charter, does the member support calling for a full public inquiry by the government?

Mr. Brian Murphy: Mr. Speaker, it is a very interesting question and a very interesting topic. I certainly think, and this is where the member and I will agree, that the courts of this land can deal with cases such as this. The case she makes is compelling for a royal commission, a royal inquiry for sure. That is a governmental decision. That is not what I am here to argue about.

Business of Supply

I am here to argue that she and I, the member for Trinity—Spadina and myself, can at least agree that the charter is a good thing, that it should be used properly, that it should continue to flourish and that judges have the discretion to properly implement it. That is what she and I can agree on.

What she and I probably do not agree on is perhaps whether today it had to be us bringing this motion to bring the government to heel when comments like this were made by the government. This is from the Prime Minister:

I agree that serious flaws exist in the Charter of Rights and Freedoms, and that there is no meaningful review or accountability mechanisms for supreme court justices.

That is not a vote of confidence in the charter. Why is it that we are standing here finally bringing the government to account on its inability to stand up and say, “We believe in the charter. We believe in our judges”?

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, the member for Moncton—Riverview—Dieppe has given an excellent overview of the charter. He has made it relevant to the circumstances, the living tree, and part of that living tree in terms of human rights and universal human rights has international implications.

In its protection in a broader sense of those who are not even Canadians, does the charter have relevance, and is that a guide in terms of today's global society? Is it a guide with respect to issues applying fundamental human rights to those who would seek to come to this country, and is it a guide that the government can use in order to apply an equitable application to immigrants who aspire to come to Canada? Is the charter relevant to those kinds of global decisions?

• (1045)

Mr. Brian Murphy: It is an excellent question, and the charter has been exported through persons and through practices. I drew upon the example, and I would like to expand, of General John de Chastelain in Northern Ireland, a country that had been racked by violence and a lack, frankly, of a written constitution. That man along with Justice Bill Hoyt, another Canadian jurist, really laid down the tracks of a model for a constitution and a bill of rights, which brought together two divided communities.

Therefore we can export this charter. We have exported this charter. The charter is welcomed across the country and across the world to new Canadians.

[*Translation*]

Mr. Daniel Petit (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I would like to begin by thanking the hon. member for Moncton—Riverview—Dieppe for having given the House of Commons the opportunity to address the crucial role that the Canadian Charter of Rights and Freedoms plays in terms of good governance in our beautiful country.

As we are all aware, the charter is part of Canada's Constitution. The charter is the highest legal expression of a number of fundamental national values that have been crafted with pride throughout our history. The most fundamental of these values is the rule of law, in the name of which a good many sacrifices have been made.

Specifically, the charter guarantees the right to liberty and security of the person; freedom of conscience and religion; freedom of expression, including freedom of the press; freedom of association and assembly; the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein; the right, for persons who have been charged, to due process of law and to fair treatment; and the right to equality. Each of these guarantees is crucial in a democratic state founded on the rule of law and is inextricably linked to Canada's social and political development.

These guarantees were far from being new legal concepts when the charter was adopted in 1982. In fact, they were the result of other great moments in the history of our Parliament and of our provincial legislative assemblies. In 1960, the Progressive Conservative government of Prime Minister Diefenbaker adopted the Canadian Bill of Rights, the federal government's first-ever comprehensive Canadian human rights instrument. The bill contains many rights and freedoms guaranteed by the charter, including freedom of expression, of religion and of assembly, legal guarantees for persons accused of an offence, as well as equality rights. The 1960 bill also contains the right to the enjoyment of one's property and rights of a general nature to impartial hearings, which is very important. These rights go beyond the guarantees set out by the charter, so they are still relevant today.

Legislators had already passed a large number of equality rights, in addition to the bill, prior to the adoption of the charter. At the federal level, the Canadian Human Rights Act guaranteed Canadians would not be subject to discrimination in the area of employment or in the provision of goods and services, on the grounds of race, national or ethnic origin, colour, religion, age, gender or disability. Every territory and province enacted similar guarantees. Given their crucial importance for Canadian society and for the expression of key Canadian values, the courts determined that the Canadian Bill of Rights and human rights codes, such as the Canadian Human Rights Act, were quasi-constitutional instruments.

Furthermore, Canada played an active role in concluding international human rights conventions that support Canadian values and reflect the concerns regarding individual dignity, justice and democratic governance that underpin the charter. From the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948 to the International Covenant on Civil and Political Rights, which Canada ratified in 1976, to the Convention on the Rights of Persons with Disabilities ratified by the Government of Canada in March 2010, Canada has always promoted and defended all charter rights and freedoms. Thus, it should come as no surprise that they made their way into the Constitution of Canada.

It is important to note, however, that the rights and freedoms guaranteed by the charter are not absolute. The first section of the charter guarantees the rights and freedoms set out in it, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Business of Supply

•(1050)

This compromise is essential to the charter. It guarantees Parliament and the other legislatures in Canada vast sovereignty so that they can continue responsibly defending the collective interests of Canadians, even though they may infringe on individual rights. I will come back to this important point before the end of my presentation here today.

Generally speaking, the role of the Constitution, including the charter, is both to establish how the legislative and executive branches shall exercise their powers and to impose limits in order to ensure good governance of Canada in accordance with the rule of law. That is important. It means that when they are passing legislation, legislators and the various legislatures in this country must ensure that all provisions of the legislation respect the rights and freedoms guaranteed by the charter. It also means that when interpreting and enforcing legislation, the federal and provincial governments have an obligation to respect all rights and freedoms guaranteed by the charter.

When people feel they have been wronged by the government, or by the application of its laws, the charter includes methods for ensuring its own application in order to make certain that the various legislatures and governments always adhere to the rule of law. The best-known way of doing this is for Canadians to seek a remedy before the courts if they think government action or legislation has violated their rights and liberties. Most importantly, the Constitution Act, 1982, recognizes the ability of the courts to strike down laws or actions that do not comply with the charter.

Despite its deep roots in Canada's political and social traditions, the charter has clearly brought about some major changes in the 28 years since it became law. It has prompted debates, discussions and controversies over its interpretation and effects and over the advantages and disadvantages of the changes it has wrought. These debates crop up around kitchen tables, in courts of law all over the country, in the universities, within government and in the legislatures. The discussions had already commenced while the charter was being drafted and continue to this day. These kinds of debates are healthy in a democratic society and I am delighted to be able to continue them in this most august of forums. A critical theme for discussion is the way in which the charter has clearly redefined and brought about a new balance in the relations between the legislative, executive and judicial branches of Canada's democratic system.

Over its short history, therefore, the charter has made a major contribution to the ongoing discussion in Canada about the core values that shape us as a nation. The least controversial of these values is probably the commitment to the rule of law, as enshrined in the preamble to the charter.

The Minister of Justice plays a role in advancing the rule of law within the federal government: he or she is responsible under the Department of Justice Act for ensuring that "the administration of public affairs is in accordance with law". The minister is the official legal counsel to the Government of Canada and the legal member of the Queen's Privy Council of Canada. The minister is also the Attorney General of Canada, and in these two roles, the minister generally advises all departments and ministers on the legal

obligations of the federal government, including the legal methods of administering public affairs in the public interest.

In addition to the responsibility for ensuring that public affairs are administered in accordance with law, including with the charter, the Attorney General of Canada is responsible for all legal actions brought by the Crown or brought against it. This includes defending the laws of Parliament and the actions of the Government of Canada against challenges brought before the courts under the charter. As we all know, the charter is often invoked in attempts to question the constitutionality of federal legislation and challenge the actions taken by the Government of Canada under such legislation.

•(1055)

As a general rule, the Attorney General of Canada mounts a vigorous defence. As I said earlier, the charter guarantees rights and freedoms that are subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. A vigorous defence of our laws in charter challenge cases makes at least two things possible.

First, it makes it possible to ensure that the meaning of the rights and freedoms guaranteed by the charter is not tainted nor is it extended beyond what Parliament intended, and that those rights and freedoms are consistent with the role assigned to them in Canada's democratic system. Second, it makes it possible to ensure that the maximum reach of those reasonable limits is preserved and clearly defined. In turn, that reach makes it possible to ensure, now and in future, that Parliament, which acts on behalf of Canadians and in full compliance with the values expressed in the charter, has the broadest possible latitude in the responsible exercise of its powers.

I am certain that the other members of the House will agree that a vigorous defence by the government is in no way disrespectful of the charter. The important aspect of the charter, which other nations have copied in drafting their own constitutions, is the balance it expressly establishes between the guarantee of rights and freedoms for everyone and the recognition of the supremacy of the public interest over those rights and freedoms in certain circumstances. When the government mounts a vigorous defence in charter challenge cases, it constantly champions the predominance of the public interest in appropriate and justifiable cases.

Even in cases where the government is not successful, it often gains useful information and experience from the process that enable it to pursue the same objectives on behalf of Canadians but use a modified strategy that still abides by the charter.

Before concluding, I would like to point out that the opposition motion introduces the notion that it is somehow inappropriate or even sacrilegious to express one's opinion on the charter.

While it undeniably encompasses and reflects the fundamental values of Canadian democracy and society, the effect on our constituents and our democracy would be negative if we could not express our opinions.

Business of Supply

The charter is—and I do say is—the supreme law of the land, and the Government of Canada is obviously committed to respecting the rule of law. That commitment is entirely to the credit of Parliament and, through Parliament, of the citizens of Canada.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I appreciate the parliamentary secretary's comments.

Does he support the following comments, which were made in English?

• (1100)

[English]

Yes...I agree that serious flaws exist in the Charter of Rights and Freedoms, and that there is no meaningful review or accountability mechanisms for Supreme Court justices.

Secondly, he said:

We're concerned and we think Parliament, not the court, should be making these decisions.

Thirdly, he said:

I consider the notwithstanding clause a valid part of the Constitution.... It's there to ensure that the courts themselves operate within the Charter and don't become a law unto themselves.

Does the member agree with those comments? Would it surprise him to know that those comments were made by the Prime Minister? Will the Prime Minister come in the House and say the very eloquent things that the parliamentary secretary was told to say today in support of the charter?

[Translation]

Mr. Daniel Petit: Mr. Speaker, the fact that we can express ourselves is one of the freedoms we have under the charter. Freedom of expression ensures that no matter who we are, we have the right to express ourselves. Our opinion, whether it is for or against something or causes harm or not, is interpreted by the courts. However, I would point out that the hon. member, who works with us in the Standing Committee on Justice and Human Rights, has indeed shown through this motion that the charter is there simply to allow an expression of opinion and of freedom, and that is very important. Having the right to freely express oneself and express an opinion is what it means to live in a democratic country. That is what democracy is all about.

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, I listened to the hon. member's speech on the Canadian Charter of Rights and Freedoms. When we look at the Conservative Party in action over the past few years, it is not the charter that bothers that party so much, but the issue of rights and freedoms. For example, when the Conservative Party attacks francophone minorities and abolishes the court challenges program, it is attacking rights and freedoms. When the Conservative Party attacks homosexuals regarding the possibility of same-sex marriage, it is attacking right and freedoms. When the Conservative Party attacks women's right to abortion, it is once again attacking rights and freedoms.

I would like our colleague to explain why the Conservative Party's positions are often inconsistent with our rights and freedoms. How can he defend the charter so fiercely?

Mr. Daniel Petit: Mr. Speaker, the questions asked by the hon. member from the Bloc Québécois raise some good points. I would like to point out to him that he has the right to ask his questions

because he has the right to free speech. Members of the public make many different requests by virtue of this right. A balance must then be found between governance and the public's requests. We are elected officials and we choose whether or not to support certain requests made by the general public. This is the right to freedom of speech.

We are not taking away any rights; all the rights remain. The only thing that is different is that certain rights have been codified at some time and made law, while others have not. It is through parliamentary balance, here in the House, that all parliamentarians can choose whether to pass a bill or not, depending on a vote by a majority. In each case, we respect the public's right to freedom of speech. That is the right given to us by the Constitution.

[English]

Mr. Scott Simms (Bonaville—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I am pleased to see that the hon. member from the government is standing to debate. We do not often get to see members of the government debate on certain issues, whether it be an opposition day or whether it be government legislation, or even private members' bills. So I congratulate him for doing so. To say it is gutsy perhaps is a bit of an understatement.

Nonetheless, there was a comment the other day. This is from December 6, 2010, on CBC's *Power & Politics*. When asked about Mr. Fantino's outlandish comments, the current Minister of Public Safety and former attorney general admitted that the charter protects individuals who are falsely accused. Here is the quote, "The charter application is an application that applies generally to those who are falsely accused".

I would see this as being somewhat of a narrow-minded opinion of what this is. Maybe he meant more than that and maybe I am overreacting to a comment. Maybe I am just taking one part of a comment and not the whole comment in and of itself. Maybe he meant more than that. Maybe he did not mean that.

Perhaps the member would have more information about what he actually meant when he said that.

• (1105)

[Translation]

Mr. Daniel Petit: Mr. Speaker, that is a very interesting question. The charter is so open-ended that it covers everyone. For example, a law-abiding citizen can turn to the courts if his provincial or federal government has taken away any of his rights.

There is also the other side. Anyone in jail or accused of any criminal offence also has the right to invoke the charter. For example, someone could say that he was searched without reason, that he was deprived of the right to a fair and reasonable trial, or that the court was not impartial. All these rules are in the charter, and according to these rules, everyone—myself, my colleagues, the people we represent—has the right to go before the courts. The most important aspect is the rule of law. A democracy that operates without law is not a democracy.

Business of Supply

In Canada, democracy has been in place for a long time. At some point we codified our customs pertaining to laws and the rule of law. As society evolved, or as particular circumstances arose, other rights were added. The Constitution protects freedom of expression and our rights, but it is the rule of law that is most important.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, the member for Charlesbourg—Haute-Saint-Charles surely knows that all Quebec governments, whether federalist or sovereigntist, have refused to sign the Constitution and, consequently, the charter. Does he understand their position? Does he agree with this position? Does he believe that we should sign the charter provisions?

Mr. Daniel Petit: Mr. Speaker, that is a very good question and one that has been troubling Quebec for about 28 years.

One of the parties, Quebec, did not in fact sign the Constitution. Nevertheless, for 28 years, in all the courts, lawyers representing either the government or private parties have been continually invoking the Constitution. Although the Constitution may not have been signed, these lawyers' arguments are indirectly linked to it. The Constitution is referred to on a daily basis before the provincial, superior and appeal courts, including the Supreme Court. Every day, the Constitution is invoked and, even though Quebec did not sign it, it is part of our daily life. No one has been harmed by the fact that Quebec has not signed the Constitution because we avail ourselves of it continually. We are making progress in this regard.

The Constitution contains what we refer to as the notwithstanding clause. Quebec, like any other province, has the right to use it and, naturally, has done so in the past. Although this is a thorn in our side, I would like to point out to the Bloc member that it was the Conservatives who signed the Meech Lake accord and it was the Liberals, under the direction of former Prime Minister Trudeau, who terminated it. Had this problem not occurred, Quebec would have already signed the Constitution with dignity. It is because of the Liberals that Quebec did not sign the agreement.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, there are many good things about the charter, but there are some bad things as well, and a motion on the charter must consider both. When I speak of the bad, I am obviously referring to the provisions that were carefully drafted to counter the language legislation that Quebec deemed necessary to protect the French language.

I am prepared to acknowledge that the charter has played a crucial role in the protection of justice, freedom, equality and fairness for all Canadians. It certainly sets the standard by which all Canadian laws are currently judged. Therefore, it is extremely important. However, to make it acceptable, there has to be recognition of why Quebec still refuses to sign it. For this reason, the Bloc Québécois will not support this Liberal motion as currently drafted.

The Bloc Québécois believes that we must not confuse the defence of rights and the defence of the Canadian Charter of Rights and Freedoms. The Bloc Québécois is a staunch supporter of rights and freedoms, in Quebec and Canada as well as throughout the world. However, we wish to remind members that this charter was designed in part to limit Quebec's powers of self-determination. The Bloc Québécois is also of the opinion that the Conservative government has not done a good job of defending rights and freedoms in Canada and elsewhere in the world.

The Bloc Québécois has always denounced the charter when it has been used as a tool to limit provincial powers, especially those of Quebec, over language issues, among others. We should remember the context in which the charter came to be, especially the night of the long knives. However, it is clear that the Conservatives do not like to defend rights and freedoms, and there are many examples of that. The Bloc Québécois has always defended human rights and has always risen to defend them against the Conservatives' attacks.

Let us take a look at how the charter came to be. Two people who were there gave an eloquent account of its genesis on the 25th anniversary of the charter. First, Louis Bernard, former secretary general of Quebec's Conseil exécutif, the most senior public servant in Quebec and a participant in the constitutional talks of 1981-82, wrote the following in the Friday, February 16, 2007, edition of *Le Devoir*.

The Constitution Act, 1982, gave birth to the Canadian charter and plunged Canada into a constitutional crisis that it is not about to climb out of. There were attempts to repair the damage with the Meech Lake accords, but they did not work, since some provinces reneged, once again, on their initial commitment. Any kind of constitutional progress became impossible.

We need only reread some provisions of the Constitution Act, 1982, to see how things reached an impasse. Section 49 states, "A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada within fifteen years [before the end of 1997] after this Part comes into force to review the provisions of this Part." This refers to the procedure to amend the Constitution.

Obviously, this conference was never held. In 1997, the Parti Québécois regained power in Quebec and its premier was Lucien Bouchard, who had founded the Bloc Québécois after the failure of the Meech Lake accords. And, of course, there is no talk of holding such a conference anytime in the near future!

It is also important to read section 55: "A French version of the portions of the Constitution of Canada referred to in the schedule shall be prepared by the Minister of Justice of Canada as expeditiously as possible..." These portions form the bulk of the Constitution. No one ever intended to follow through on this section and nothing was done to ensure that the Constitution of Canada had an official French version. This leads us to believe that it is not important...

Therefore, we cannot do anything about either the charter or the rest of the Constitution. If the Canadian Charter of Rights and Freedoms ever evolves, it will not be by legislative amendment, but only by judicial interpretation, which I believe [this is Mr. Bernard talking] shows the charter's limitations.

● (1110)

What merits?

The Canadian Charter of Rights and Freedoms was adopted in 1982 as part of the federal government's national unity strategy to put individual rights ahead of collective rights. The government hoped that, in time, the former would be substituted for the latter. The adoption of the charter was motivated by political reasons that, particularly given the illegitimate and amoral manner of its adoption, irrevocably tarnished its image in the minds of many Quebecers.

Nevertheless, some might say, regardless of the circumstances of its coming into being, the Canadian charter exists and is bearing fruit. Does it not have some merits? It would have more merits if it had, for the first time, protected rights that were previously unprotected. But it did not. Quebec, like all of the other provinces, adopted its own Charter of Human Rights and Freedoms in 1975, which takes precedence over all other Quebec laws. The Canadian charter had nothing to add, other than the controversial clause about access to English schools. There are even some important rights, such as sexual orientation, that are explicitly protected under the Quebec charter but not under the Canadian charter.

Of course, the Canadian charter applied to criminal law and marriage, which are not covered under the Quebec charter, and that is where its effects are most deeply felt.

Business of Supply

I would like to emphasize that while the Canadian charter is extremely rigid, the Quebec charter is much more flexible, not to mention more detailed, more didactic and, most importantly, more complete because it includes provisions on economic and social rights. Since 1975, the Quebec charter provisions on protected rights have been amended a dozen times, including a major overhaul in 1982. In other words, the charter is evolving with Quebec society. It is frequently discussed at the National Assembly and is part of public debate.

We can foresee that in time, at least in Quebec, the Quebec charter will become much more relevant than the Canadian charter, except in criminal matters, obviously. The Quebec charter is the one that will be used and applied, not only by the Human Rights Commission and Tribunal, but also by ordinary courts. That is what happened in the recent Supreme Court of Canada ruling in the Chaoulli health insurance case.

...In short, 25 years later, the results of the Canadian Charter of Rights and Freedoms are mixed, to say the least. [As I said, this is Mr. Bernard speaking, which is why he said 25 years.] Although its proponents hoped that it would unite all Canadians around a fundamental text that would be an object of national pride, it was a sorry failure that had the opposite effect due to the circumstances of its coming into being. Although some hoped that it would strengthen Canadian identity, instead it imposed an American approach, with the separation of power and the precedence of judges over elected representatives, which is contrary to our traditions and our system of government.

In summary, it does not seem to me that there is much to celebrate. On the contrary, there is much we must not forget.

Also in 2007, Gil Rémillard, the intergovernmental affairs minister in the Bourassa government at the time of the Meech Lake accord, wrote an article in *Le Devoir* as part of a series on the Canadian Charter of Rights and Freedoms. The article was titled “The Story of the Notwithstanding Clause” and I quote:

On the evening of September 29, 1981, Pierre Elliott Trudeau gave a press conference via satellite. He was in Seoul, South Korea, en route to Australia for a meeting of Commonwealth countries. His disappointment was obvious. A few hours earlier, he had learned that in a majority decision, the Supreme Court of Canada had recognized the legality of his plan to repatriate the Constitution, adding, however, that it would be illegitimate for Ottawa to proceed without “the consent of a substantial number of provinces”. [He is quoting the Supreme Court.] Thus, the court skilfully cut short any impulse by Ottawa to repatriate the Constitution unilaterally. And the British Prime Minister at the time, Margaret Thatcher, diplomatically told the Canadian government in the days that followed that Westminster would be uncomfortable with the idea of repatriating the Canadian Constitution by passing a law deemed illegitimate by the Supreme Court of Canada if only two provinces, Ontario and New Brunswick, supported the plan.

● (1115)

Then Governor General Edward Shreyer, as Canadian head of state, was also concerned. A year later, he admitted that he had seriously considered dissolving Parliament and calling an election if Mr. Trudeau had continued with his plan to repatriate the Constitution unilaterally. Trudeau had no other choice but to find the necessary compromises so that a “substantial number of provinces”—as required by the Supreme Court—would support what would be the highlight of his political career.

Backed into a corner, Pierre Elliott Trudeau decided to try one last time to reach an agreement with the provinces. On October 13, 1981, officials started informal discussions. It became clear that the provinces might be somewhat open if Ottawa were to compromise, particularly on the amending formula and the charter. At the invitation of Prime Minister Trudeau, the premiers agreed to a last-chance conference in Ottawa on November 2.

On November 4, after two days of talks, things were still at an impasse in Ottawa. The “eight provinces united against repatriation”, led by William Bennett, premier of British Columbia, did not give up.

Prime Minister Trudeau felt trapped. To the surprise of the delegates, he again brought up the idea of a national referendum. Since the politicians cannot agree, let the people decide, he said.

René Lévesque, who had raised this possibility in his opening address at the conference, supported the idea. However, the premiers of the eight dissenting provinces saw this as a betrayal on the part of the Quebec premier. They saw Trudeau and Lévesque talking behind their backs during the coffee break and thought that the two francophone leaders had agreed to push this idea of a referendum, which the premiers absolutely did not want.

They reacted so strongly that Trudeau thought about ending the conference. But Premier Lougheed from Alberta and Premier Davis from Ontario persuaded him to try one last round of negotiations. They knew that the referendum issue was what drove Quebec and the seven other provinces away from the rest of the group. The last-chance round of negotiations therefore began informally in the late afternoon on November 4, but Quebec was not really involved, probably as a result of René Lévesque's support for the idea of a referendum.

The Premier of Ontario, William Davis, called Pierre Elliott Trudeau in the early evening, first to ask him to give up on the idea of a referendum, which he had suggested that morning, and second, to tell him that discussions with the dissenting provinces were going well. He added, however, that the prime minister would have to agree to a “notwithstanding” clause in the charter. Trudeau refused to budge. [This is what became known as the “night of the long knives”.] But at around one o'clock in the morning, Davis woke Trudeau to present the compromise proposed by the seven provinces that had taken part in the last-chance discussions. Davis told him very clearly that if he did not agree to a notwithstanding clause, Trudeau could no longer count on his support. In the end, Trudeau agreed, on the condition that it would apply for a maximum of five years, renewable, and that it would apply only to sections 2 and 7 to 15 [of the charter].

Meanwhile, the Premier of Alberta, Peter Lougheed, got in touch with Sterling Lyon, the Premier of Manitoba, who had returned home to run his election campaign. Lyon became the champion of the notwithstanding clause, according to him, in order to protect the sovereignty of parliaments. However, no one bothered to tell René Lévesque, and at breakfast, the Quebec premier knew nothing of the compromise that had been reached during the night.

The truth is that the Canadian Charter of Rights and Freedoms cannot be separated from the Canadian Constitution of 1981, although the Liberals do not want to talk about that. Neither the Bloc Québécois nor any Quebec government in the past 30 years has subscribed to that Constitution, which was rammed down our throats and designed to diminish Quebec's constitutional powers. Asking Quebec to support the Canadian Charter of Rights and Freedoms means asking us to endorse this blight on Canada's history and this betrayal of Quebec.

● (1120)

Quebec has its own charter. It has now been 35 years since Quebec developed its own Charter of Human Rights and Freedoms, which is consistent with its values and which the Conservatives would likely not respect any more than the Canadian charter. It is the principles of the Quebec charter that the Bloc Québécois defend in Ottawa, with the support of all the members of the National Assembly.

The Canadian and Quebec charters are similar in many ways; however, they are fundamentally different in their purpose and status. The Canadian Charter of Rights and Freedoms, included in the April 1982 repatriation of the Constitution, has constitutional status. It is therefore part of the supreme law of Canada. All other laws must be consistent with the rules of the Charter in order to be valid. The Canadian charter has a specific scope of application. It governs the actions of all the parliaments and governments of Canada. It guarantees a certain number of fundamental rights, such as the right to life, liberty and security, the right to vote, and others, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. This is the first provision of the charter, which I consider to be a model for other charters. However, our objections are with other provisions.

Business of Supply

The Quebec charter was adopted in 1975 and came into force in 1976. It is a regular law of the National Assembly and can therefore be amended through the regular legislative process. Like all other laws, it has to be consistent with the Canadian charter. However, a specific majority—I believe it is two thirds—is required for amending the Quebec charter. Because it concerns fundamental principles, the courts have given it quasi-constitutional status, which means it can be invoked to attack a law or a decision by the Government of Quebec. What sets it apart from the most from the Canadian charter is that it applies not only to the relationship between individuals and the state, but also to private relationships.

The Quebec charter also has a broader scope. It guarantees the protection of 15 or so rights that are not protected under the Canadian charter. Under the Quebec charter, every human being whose life is in peril has a right to assistance under section 2; every person has a right to respect for his private life under section 5; every person has a right to non-disclosure of confidential information under section 9; every person has a right to free public education under section 40; and every person has a right to financial assistance in certain conditions under section 45. These are the principles defended by the Quebec charter and by the Bloc Québécois in Ottawa.

• (1125)

With the Canadian charter, the Liberals under Pierre Elliott Trudeau had found a way to attack a fundamental tool for Quebec, namely the Charter of the French Language.

Other speakers following me will illustrate the many reservations the Conservatives have about the charter and the many acts and statements the Bloc Québécois has always condemned. We take issue with the government's position on the Maher Arar case, the Omar Khadr case and gay rights. We also take issue with some of the provisions in the Anti-terrorism Act.

We certainly agree with the last part of the motion moved by the Liberals calling on the government, but to have our support, I move, seconded by the hon. member for Joliette, the following amendment:

That the motion be amended by replacing the words “for all Canadians” with the following: “in Canada and deplore the negative impact the provisions of the charter have had on Quebec's jurisdictions, especially Quebec's ability to protect the French language.”

• (1130)

The Deputy Speaker: It is my duty to inform hon. members that an amendment to an opposition motion may be moved only with the consent of the sponsor of the motion. I therefore ask the member for Moncton—Riverview—Dieppe whether he consents to this amendment being moved.

Mr. Brian Murphy: Mr. Speaker, I do not agree with the amendment.

Mr. Andrew Scheer: There is no consent; therefore, pursuant to Standing Order 85, the amendment cannot be moved at this time.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I appreciated the speech made by the hon. member. I have a lot of respect for him and for his speech. His speech provided an interesting history of the Constitution. I very much appreciated it as

well as his position on the creation of the Canadian Charter of Rights and Freedoms.

I do not agree with the point he made, but most of his speech was about history.

I would like to know whether the member agrees with the statements made by the current Prime Minister when he was a member of this House. He said:

[*English*]

I agree that serious flaws exist in the Charter of Rights and Freedoms

Secondly, he said:

we think Parliament, not the court, should be making [laws].

Thirdly, he said:

I consider the notwithstanding clause a valid part of the Constitution . . . It's there to ensure that the courts themselves operate within the Charter and don't become a law unto themselves.

[*Translation*]

These three statements clearly show that the current Prime Minister does not support the charter and its ideas. Notwithstanding the speech made by the parliamentary secretary, who agreed with and fully supported the charter, his leader does not support the charter.

I would like to hear what the member has to say about that.

Mr. Serge Ménard: Mr. Speaker, the Prime Minister would have to have spoken about the flaws he perceived in the charter when he was a member for us to be able to judge. Personally, I continue to believe that it is good for a democratic society to have a constitution, supreme to all other laws, to protect rights and freedoms. Again, I want to say that I believe that section 1 is a model for other charters.

I am very pleased that there is a Canadian Charter of Rights and Freedoms in case the Conservative Party wins a majority, because we obviously do not have the same concept of fundamental rights.

It is important to understand that in Quebec we are well protected and better protected than the rest of Canada in terms of rights and freedoms. Our main criticism of the charter relates to the provisions that were specifically written and included in the Canadian Charter of Rights and Freedoms to overturn and restrict Quebec's language laws.

The speaker who questioned me is probably more sensitive than others. However, for many people who grew up speaking English, in this world that is becoming anglophone overall, it is very difficult to understand the reaction of people who speak a minority language and believe that, collectively, they must protect that language. These people are not limiting the fundamental rights of the people in that society.

• (1135)

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, I would like to congratulate our colleague on his excellent speech, in which he recounted the story of the unilateral patriation of the Constitution and the enactment of the Canadian Charter of Rights and Freedoms.

Business of Supply

We proposed an amendment to the House. We deplore the negative repercussions that the charter provisions have had on Quebec's areas of jurisdiction, particularly its power to protect the French language. Basically, we asked the Liberals to try to correct the mistakes of the past. We saw the Liberal Party's immediate reaction, which was to reject our amendment.

I would like my colleague to tell us how he interprets the Liberal Party's rejection of the Bloc's proposed amendment on this opposition day.

Mr. Serge Ménard: Mr. Speaker, it is obvious that I bitterly regret it. Their refusal means that it will not be submitted to a vote. In my opinion, they are very worried at seeing how many members would acknowledge not so much the shortcomings, but the excesses of the charter with respect to language laws.

It is odd, because on other opposition days, it was at least possible to submit these questions to the entire Parliament, and therefore to have the opinion of each member on these matters. I believe it is because they fear this opinion.

In Quebec, we have had the unanimous support of all representatives in the National Assembly since the charter was adopted.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I must admit that I rise today with mixed feelings about this motion. It has been 28 years since the charter came into effect, and 25 years since section 15, the balance of the Charter of Rights and Freedoms, came into effect.

It seems almost to the point of being ridiculous that we are standing in the House, if we follow the tenor of this motion by the Liberal Party, defending the charter from this attack by the Conservative right-wing ideologues. I have two comments in that regard. One is that it is not necessary. When we hear those extreme, almost fanatical views, the vast majority of Canadians dismiss them as being ridiculous, including some that we have heard from the newly elected member for Vaughan, although I will come back to that in my main speech because I think to some degree the response to his comments is significantly overblown.

The other point is that each political party in the House has the absolute right to choose the topic and issue it wants addressed on an opposition day. My friend from Moncton—Riverview—Dieppe, in sponsoring this motion, is well within his right to have done so. However, there are a number of other, what I have to call, more important issues, because the charter does not need to be defended.

The vast majority of Canadians, and by that I mean into the 90th percentile of all Canadians, support the charter. Quite frankly, with the way it has been applied, in the vast majority of cases they support it. They see it as a fundamental guarantee, which is what it was intended to be, of their human rights and civil liberties in this country, as well as linguistic rights and a number of other rights. I therefore believe there is no need for this debate in the country but there is a need for other issues to be addressed. So I am critical of the Liberal Party for the choice it made today.

Having said all of that, it is the obligation of the NDP, as one of the parties in this House, to engage in the debate since it has been put

on the floor of the House. If we are going to do that, it is a way of speaking out to Canadians generally, but more significantly to the small percentage who still have doubts about the need for the charter.

When we analyze the opposition to the charter, it is not so much about its existence. It may be very close to 100% of all Canadians who accept that it is absolutely necessary to have a charter of rights and freedoms, as we do, but they are oftentimes opposed to the interpretation of the charter in individual cases, and I think that is true of the new member for Vaughan.

I am quite confident in saying that if we ever did a referendum on the charter, subject to the concerns we have already heard from the Bloc, from that perspective, and setting that aside for a minute, if Canadians, including in the province of Quebec, were asked whether they want these guarantees in the form of a charter of rights and freedoms as part of our Constitution, which would be fundamental law and not a bill that can be changed, in overwhelming numbers they would want to maintain it.

The problem is the interpretation. Going all the way back to the Magna Carta, and coming out of the English parliamentary system, the concept of democracy that we were forming through the last 1,000 years, we wanted it to be a rule of law as opposed to the whims of the royalty at the time or even of elected officials subsequently. We wanted that guarantee. When we look at it, we say yes, we have done these things and we have had these bills, going back in the English system for a long time, as well as in Canada.

• (1140)

Because of the right under the common law for judges to enforce certain fundamental rights, we had that. Where we were found lacking was in other fundamental rights that were regularly breached or not protected. We see this at times when the country is in crisis. We saw it with the author of the charter, Mr. Trudeau, breaching fundamental rights, probably as grotesquely as any prime minister has, by invoking the War Measures Act, used primarily against arguments.

Mr. Larry Miller: The only good thing he ever did.

Mr. Joe Comartin: I hear support for that from the Conservative side, which does not surprise me because it probably would have done the same thing. At least the current government probably would have done the same thing.

However, any analysis of the invocation of the War Measures Act says that it was wrong and unnecessary, which is quite clear, but that it targeted specific communities, whether it was the sovereigntists in Quebec, a number of the labour movements or other political activists on the left in Quebec, with absolutely no basis for them to be attacked by their government.

The charter says that we do not accept that and that we will put in place both the rules and the ability to enforce those rules.

Business of Supply

If we were to go back and study the debate that went on for at least 10 years up to 1982 when we finally repatriated the Constitution and brought the charter into effect, the debate was between the supremacy of Parliament and the right of individuals within society to be protected from their government at times when they were being discriminated against. The War Measures Act is a good example, but there are any number of other ones, such as the treatment of the Japanese Canadians during the Second World War and the Manitoba school question in the early 1900s in terms of linguistic rights. We can look at what was going on in the fifties in Quebec with Premier Duplessis attacking the Jehovah's Witnesses simply because they wanted to practise their faith.

We can go through any number of examples where provincial and federal governments in Canada, prior to the charter governments, breached fundamental rights, fundamental civil liberties. That has not happened much since the charter came into effect but there have been attempts.

The other thing the charter has done is it has made it possible that individuals or groups who are being discriminated against or being abused by their government, whether at the provincial or federal level, have some place they can turn to for relief. It is the essence of democracy. I do not think anyone disagrees that the right of the majority rules as long as it respects the rights of the minority. We cannot have a democracy unless we have both those elements.

However, we also cannot have a democracy if people who are in the minority and who believe they are being discriminated against do not have some place to turn, a shield to protect them and a process to utilize that shield. The charter gave us that. We can go back to the bill of rights that Prime Minister Diefenbaker brought in. It was a simple bill of this House. It was not a fundamental law and it was not part of the Constitution. A couple of times in my practice I attempted to use it and, as always, there were very few exceptions, I always remember the Drybones case because it was one of the few exceptions where the court applied the principles in Mr. Diefenbaker's bill of rights and gave the first nations person some relief from what was clearly an abusive policy under the Criminal Code at the time.

● (1145)

I think that was the only case that occurred under the bill of rights where some relief was granted. Any other time it was invoked or an attempt was made to use it, which I think came into effect in 1962 or 1963, the answer was always no, that was a bill and that this law, which is using the minority, supercedes it. That was the situation we were faced with until 1982 and then in 1985 when the balance of the charter came into effect.

Since that time, if individuals believe they are being abused by either the provincial or federal government and they have convinced the court, whether it is under section 2 or sections 7 to 15 of the charter, they receive a fair hearing in the vast majority of cases and, if they are able to forcefully put forth the facts, they are granted relief in the vast majority of cases. As charter decisions evolved, the type of relief received also evolved.

It is a meaningful, useful document. It is that shield which, in the vast majority of cases now, protects minority groups in this country. Women's groups have used it extensively to establish their rights. We

argue that men and women are equal in this country but the reality is that it has taken a good number of cases, several of them all the way to the Supreme Court of Canada, to enforce those rights. The gay, lesbian, transgender community has used it.

In the case of same sex marriages, couples had to take their case to the Supreme Court because the Liberal government of the day tried to hide behind the charter by sending it off to the Supreme Court, even though clear messages had been sent by a number of courts at that time. To its credit, the Supreme Court ruled in some respect favourably but also sent it back here.

Unfortunately, and I hear it from the Conservatives but it was true with the Liberals, the charter does not only empower the courts, it also imposes a responsibility on this legislature. We, as legislators, have a responsibility under the charter to ensure, as we are drafting laws at this level of government, as do provincial governments, that the bills we pass are charter-proof.

The attorney general has a responsibility under the present system to ensure that every bill that goes through this House is analyzed from the perspective of the charter. We need to be more transparent and more accountable in that regard. We get opinions on any number of bills from the justice department that are questionable and that we do not assume our full responsibility as legislators that has been imposed on us by the terms of the charter.

Where are we at this point? There is overwhelming support in the country for this. It has worked extremely well. Members from the Commonwealth who use the Westminster system of Parliament, the concept of the supremacy of Parliament, and other countries that have similar bills of rights or charters of rights, tell us that they have looked much more to Canada as a model, not just in the drafting of their documents but, more important, because it is an ongoing process, they have looked to Canada and our courts for interpretation of our Charter of Rights and Freedoms, as we did when we helped draft the Universal Declaration of Human Rights, that are true for the whole world.

● (1150)

No matter what kind of political background or economic system a country has, those fundamental rights should apply to everyone: the right to practice one's faith, the right to freedom of speech, et cetera. We can go down the list but we know what they are.

The rest of the world, at least within the Commonwealth, in particular those who work under the Westminster system, look to Canada and our courts for the interpretation. I have been critical at times but our courts have taken a middle road. They have not been overly activist by any stretch of the imagination but, at the same time, they have consistently upheld the charter and those fundamental rights for all Canadians.

Business of Supply

I will use an example of where I have been critical of the courts. Under the right of association, I believe that interpretation should be extended to the right for people to strike, to withdraw their labour. It seems to me that flows logically from that right of association. If people have the right of association, then they also have the right to not associate, especially with regard to labour. Courts have not been willing to accept that in this country.

I could point to other things the courts have done that I would be critical of. For example, some of the rights that have been extended to corporations that give them similar rights to individuals has maybe gone too far. It has certainly gone way too far in the United States. Hopefully, we will not follow that model.

I raised my concerns and objections that I have to some of the interpretations. A fundamental mistake that the Conservatives and right wing ideologists make is that they say that this is a really bad decision and that the charter has fundamental flaws in it. Those two things are not logically sequential. People can say that they disagree with a decision, as the about to be member from Vaughan did when he said that the Hells Angels had benefited from the Canadian Charter of Rights and Freedoms.

I think that is factually wrong but, more important, it is wrong because what he was really saying was that he did not like the courts' interpretation of the Canadian Charter of Rights and Freedoms. He was not attacking the charter, if he had thought about it, but I think he sometimes had a problem doing that in terms of understanding what he was really saying. What he was really saying was that he did not like that interpretation of the charter mostly around due process in the case of the Hell's Angels.

Some people have expressed opposition to the charter. Again, I will exclude my colleague from the Bloc in this regard because the Bloc does have a fundamental opposition to the charter, one I do not agree with. It is with regard to protecting French language rights in the province of Quebec.

However, when we hear people say that we must do something about the charter because it is fundamentally flawed, as we have heard the Prime Minister say, they are not really talking about that. They are really saying that they do not like the interpretations by our courts. It goes back to, as we know with the government in particular, the lack of trust in the judiciary. The government sees the judiciary as being way too activist in this country.

However, if we stand back at the international level and look at our courts, all the way from the trial level up to the Supreme Court, they have not been overly activists at all. My criticism would be that they have not been activist enough, particularly with some of the anti-terrorism provisions that we made. It took the courts until about 2006 or 2007, the federal court in particular, to begin to say that what was happening was fundamentally breaking fundamental rights. We have now begun to see them take on that responsibility that they are supposed to be doing under the charter.

I wish we would not have had this debate today because it was not necessary and there are any number of other issues. However, I want to say for the Canadian people who are listening and for the rest of my colleagues in this chamber, that there is no issue about whether the charter should be in existence in this country. It is

absolutely necessary and it has an almost overwhelming 100% support from constituents right across the country.

• (1155)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I was astounded to hear the NDP member say that the charter does not need defending. He skates by it by saying that the Prime Minister's egregious comments about the charter was really an attack on the judiciary.

Although I agree that the Prime Minister does not have any faith in the discretion and quality of our judiciary, he fundamentally attacked the Canadian Charter of Rights and Freedoms. His supporters fundamentally attacked the Canadian Charter of Rights and Freedoms. The Conservative government took away funding for the court challenges program so that the minority groups that my friend spoke in support of, cannot find the means to get into court.

My friend should spend some time with Michel Doucet and retired justice of the Supreme Court, Michel Bastarache. He should understand how difficult it is to get a charter challenge just on language before the Supreme Court to use the charter to challenge government decisions.

Where is the fire in the belly of my friend? Why is he saying that the charter does not need defending? I would have expected more from him. I want to hear a fiery answer as to why he thinks, given the chance, that the charter does need defending, that we do need the court challenges program back and that the comments of the Prime Minister are anti-charter.

Mr. Joe Comartin: Mr. Speaker, I rarely take direction from a Liberal with regard to my passion or fiery speeches. I am not going to take instructions from those members.

If we sit the Prime Minister down and ask him where the fundamental flaw in the charter is, he does not have an answer for that. What he is really saying is he does not like some of the interpretations, even though he used the courts repeatedly for some of his own agenda and programs that he wanted to pursue prior to being a member and being the Prime Minister.

Getting rid of the court challenges program, the ability of groups to challenge the government, was clearly a mistake, one that we opposed at the time. It should be reinstated the same as we need the law commission to be reinstated and funded properly so it can do the work. A lot of the work it did helped in supporting and buttressing our fundamental rights and civil liberties. Both those programs should be reinstated and funded properly. I have no objection to that.

The reality is we will continue to have challenges under the charter, in spite of cutting these funds. I accept the fact that it will not be as effective. Maybe at some point in the future, the government will see that.

Business of Supply

•(1200)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Mr. Speaker, the NDP justice critic knows that I am a supporter of the charter as is he. He also knows, as my friend from Moncton—Riverview—Dieppe pointed out, that occasionally members on this side of the House do disagree with certain decisions, certain interpretations of the charter. I guess that is one of the benefits of living in a free country. We do not always have to agree on everything.

However, I have a question for him. Yesterday, in the House, a bill passed on concurrence, extending human rights protection to certain groups that perhaps were not contemplated in 1982 when the charter came into existence. Would he not agree that in those types of instances, given the challenge of opening up the Constitution and amending it, which has been tried twice and failed miserably both times, it would be better to have those types of protections in legislation, such as the Diefenbaker Canadian Bill of Rights 1960, which is easier to amend and expand when needed?

Mr. Joe Comartin: Mr. Speaker, I do not think we can go back to a simple bill guaranteeing rights in our country. It did not work. Anybody who practised law during that period of time knows this.

The reality is the charter, and we hear this phraseology all the time, is a living document. We expect much as we had before the charter, where judges could interpret what the fundamental rights were. They just were not doing it well enough. We now have that. We expect that new rights may very well be recognized as time goes on.

However, the charter and the interpretation of the charter in our country has been reasonably useful in doing that. The process is there. It has worked reasonably well in recognizing additional rights.

[*Translation*]

Mr. Serge Ménard: Mr. Speaker, since my colleague opposite has raised the issue, I would like to tell a quick anecdote.

I was taught by Pierre Elliott Trudeau. He gave 15 hours of lectures on Diefenbaker's Canadian Bill of Rights. He concluded that it had had virtually no effect because it did not have constitutional status. He bore that in mind when he created the charter.

I have a great deal of respect for my colleague who just spoke and I would like to ask him another question about a consequence of the charter. Does he think that the charter has deprived Parliament of its decision-making role on major social issues, for example, abortion, euthanasia or the protection of journalistic sources? We expect the courts to rule on these issues whereas, in many democratic countries, the elected representatives of the people debate these major issues.

Mr. Joe Comartin: Mr. Speaker, in response to that question, I would say no. We have governments that hide behind the charter, and the Liberals are a good example of that, especially when it comes to their policy on same-sex marriage. That is one example.

When we look at what happened here, the debate was quite broad, but it was forced. It was not necessary. My friend from the Bloc gave other examples. Among others, we had a debate on euthanasia because of a bill introduced by his party. I was against the bill, but we had the debate. I have been clear about this. Parliamentarians must not hide behind the charter. It is our responsibility. It is not the

responsibility of the courts. It is the responsibility of parliamentarians in the House.

•(1205)

[*English*]

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, the quote from the Canadian Charter of Rights and Freedoms, which I have in my hands, says:

Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

The democratic rights section says:

Every citizen of Canada has the right to vote in an election of members of the House of Commons...to be qualified for membership therein.

It says:

Every citizen of Canada has the right to enter, remain in and leave Canada... Rights to move and gain livelihood.

The section on legal rights says:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice...the right to be secure against unreasonable search or seizure...Everyone has the right not to be arbitrarily detained or imprisoned.

Upon arrest or detention, it says everyone has the right:

—to be informed promptly of the reasons therefor;

...to retain and instruct counsel without delay...and to have the validity of the detention determined by way of habeas corpus...

Could my hon. colleague comment on how important he thinks those rights are and whether he thinks the current government's position, particularly with respect to the G20 situation this summer, is in keeping with those noble principles?

Mr. Joe Comartin: Madam Speaker, I will deal with it from two vantage points.

First, it worries me that we have a notwithstanding clause that allows governments to take away a number of those rights, even though they have to renew that bill every five years. That is scary.

Specifically with regard to what happened in Toronto, it seems to me that the provincial government had a very clear opinion that what it was doing was within the charter. I do not know how those opinions could be brought forward when we look at the provisions in the charter and at the history of the right of freedom of expression, the right to picket, and the right to demonstrate in our country. A number of those rights were actually recognized before the charter even came into effect. It is really hard to imagine that a lawyer gave it an opinion that this process was charter-proof.

Business of Supply

Hon. Bob Rae (Toronto Centre, Lib.): Madam Speaker, I appreciate the opportunity to participate in the debate for many reasons, but for one reason in particular. The last time I participated in a debate in the House on the subject of the charter was at the time of its adoption. I think I am right in saying I am the only member currently in the House who had an opportunity to not only participate in that debate, which I did on the question of the resolutions and motions before the House at that time. I also had an opportunity to see the charter adopted as part of our Constitution in 1982. Therefore, it is an interesting time for me to be able to respond to some of the comments made by my colleagues.

Some statements have been made over the last while about the charter and the importance of it and about the important opportunity for us, as Canadians, to reflect on our constitution, on our basic values, on our rights, on our freedoms and on our responsibilities as well. We would not be having this debate if it were not the case that both the Prime Minister and the newly elected member for Vaughan and others have made comments that attempt to cast a shadow on the charter, that challenge the validity of the charter, that put our laws and our understanding of our rights and freedoms into some kind of a political quagmire where they do not belong.

I particularly enjoyed listening to my colleague from Windsor—Tecumseh. He is sitting in the same seat from which I delivered my speech in 1981, if that gives him any comfort. I appreciated his comments today and the very balanced way in which he made a presentation. The only disagreement I have with him is on the question of whether we need this debate. I think Canada does need this debate and this discussion because there has been far too much talk with far too little response about the charter from the members of the Conservative Party. Over the last 15 to 20 years, they have launched a very significant broadside against the charter and against the interpretations of the charter that have gone forward.

Some will say that they are not actually challenging the charter, that they are only challenging the courts. However, for the government of the day to start attacking the courts on a systematic basis is almost as unhealthy as saying that it will not attack the courts, but rather it will simply attack the constitution. It is important for us to understand what this new ideology taking shape and form on the opposite side means and the threat it poses to our sense of balance and to our sense of the importance of the entrenchment of rights and freedoms.

The debate that took place in the late 1970s and early 1980s was not something which happened out of the blue. There was a very long discussion in the country, not only about the patriation of the Constitution, about which we can continue to discuss, but also about the question of whether we in fact needed a charter, why we needed one and what the Canadian experience was that led us to think we needed a stronger entrenchment.

Many of those arguments have been set out by my colleague from Windsor—Tecumseh, and I do not feel a compelling need to repeat them, except to make two points.

First, the Charter of Rights and Freedoms was not imposed on the House by the prime minister of the day. It was adopted by the House. It was adopted by members of many different parties. It was debated,

discussed, reviewed and analysed by every conceivable legal group in the country that looked at what the document meant.

Second, it was not simply an imposition of a set of rights that had never existed before. Rather it was a codification of those rights. It took rights which already existed which, in many cases, had already been applied by the courts. We then said that those rights were so fundamental that they should be entrenched and should have priority over all other legislation.

● (1210)

We all know what happened with the notwithstanding clause and the compromise that was eventually reached, but I want to note that it is of great interest to me, apart from the Province of Quebec, which has its own political issues with respect to the charter, the extent to which other provinces and provincial governments and the federal government have not in fact invoked the notwithstanding clause because of the value that we see in the charter.

[*Translation*]

So what did the Charter of Rights and Freedoms do? It did not just come out of nowhere. It was the product of the Canadian experience of situations in the past in which we, as a country, did not always recognize the importance of fundamental rights. The House recognizes that there are some very sad examples of people being jailed because of their country of origin and their culture.

My colleague from Peterborough is well aware of what happened to Italians interned in prison camps when war broke out in 1939-40. He knows that the decision violated the fundamental principles of our Constitution. We now know it too.

We all know what happened to the Japanese. Madam Speaker, consider your riding in British Columbia. We all know what happened to the Japanese who were interned in prison camps over there for years for no reason. Their property was seized by the Canadian government and they were denied recognition of what happened. Eventually, Parliament itself was compelled to respond and, after decades of experiences, recognize that injustice.

[*English*]

We have other examples. We have the notorious Alberta press case of the 1930s where the Supreme Court of Canada said that actually a province cannot require newspapers to print stories that are simply favourable to the government in response to criticisms that may have been in a newspaper. The government of the day, which was a Social Credit government in Alberta, tried to impose rules and regulations on the newspapers of Alberta with respect to what they could do. Our Supreme Court said “No, you cannot do that”.

Our Supreme Court over the years in the 1940s and the 1950s began making decisions that said very clearly there are rights and freedoms, there are due processes, there are things that have to be observed. However, we came to the conclusion that it was not strong enough.

Business of Supply

That is why we passed the charter, which gave protection to basic freedoms, gave protection to due process, rights of search and seizure as referred to by my colleague, the member for Vancouver Kingsway when he did his recitation and his question to the member for Windsor—Tecumseh. We saw the examples. We cannot simply go into somebody's house. We cannot simply knock on the door and pick someone up without having any cause. There are things that have to be done.

However, these are not invented by the courts, nor in fact were they invented by the charter. There is a problem I have with the comments made by the elected member for Vaughan, who is not yet the member for Vaughan, Julian Fantino, and I know Mr. Fantino very well. I have known him for over 25 years. When he says, for example, "Who has reaped the greatest benefits from the Charter of Rights and Freedoms? I would argue that if it isn't common criminals, then it must be the Hells Angels". He made those comments in his book, *Duty: The Life of a Cop*.

I would say to Mr. Fantino, what exactly is it in the charter that he objects to? Is it that there has to be due process? Is it that there have to be rights, that the police have to follow processes in order to carry on their work? Is it the application of law, the due process of law, to what it is that has to be done? What exactly is it in the charter that people object to? What is it in the wording of the charter that people say, this is wrong? The police should not have to follow the law. The police should not have to do this or that. I find that hard to understand. That is why this question now becomes so important.

If we take our rights seriously we entrench them in the Constitution, which is what we did. We then say that once a right is entrenched the only body in our system that can actually interpret that are the courts. We have given this job to the courts. We have said it is part and parcel of the courts' responsibility to deal with this.

Therefore, the suggestion that somehow the courts are acting inappropriately or that the courts are doing something that Parliament did not ask them to do is nonsensical.

We are not alone in this regard. Most other countries are moving to an entrenched bill of rights, to an entrenched charter, a charter that looks at basic freedoms, due process, equality rights, the rights of minorities and multicultural groups, and in the Canadian context aboriginal rights. I want to touch briefly on each of these in my comments.

●(1215)

[Translation]

With respect to equality rights, the courts have done a remarkable job of pointing out that majorities are not always as sensitive to minorities as they should be. Minorities want sincerity, clarity and equality from their fellow citizens. Unfortunately, they have sometimes had to go to court to assert their right to equality. As Canadians, we have to recognize that our majorities have not always responded appropriately. Equality rights are still important to us.

[English]

Even today when we come to equality rights, I think of the enormous progress we have made as a country as a result of this dialogue and as a result of the fact that we now have the courts playing a more active role.

I look at the legislation that has just been brought to this House by the Conservative Party, Bill C-49, in which the law states, boldly and bluntly, that there are two kinds of refugees. There is no longer one class of refugees. There are now two classes of refugees. The second class consists of those people who come over somehow in a boat or come over in a group. They are now to be rounded up and thrown into a detention centre for as long as a year, without much of a heretofore, without a review, without anything at all. They are to be abandoned without rights, without recourse, and to be treated completely differently from a separate class of refugees, whom the government has now designated in a different way.

We do not think that it is only up to the courts to deal with the Charter of Rights and Freedoms. We think it is up to Parliament to deal with it, and that is why I am very proud that our party has said that we will not support Bill C-49, because we believe that it is fundamentally wrong in the way in which it treats people, and in particular because it does not pass any test with regard to this question of rights and freedoms as set out in the charter.

I would also say that were it not for the charter, were it not for the interpretation of that charter by the courts, the first nations people, the aboriginal people, the Inuit and Métis people of the country, would be far worse off than they are today. We tried, in Charlottetown, to move the political understanding forward that would allow us to recognize rights that had not previously been sufficiently recognized, but I have to say that that political effort was not successful.

What we also know is that the courts have in fact played the role that we would want them to play in any society, in saying to the majority, actually, you have to pay some attention to the treaties that you have signed. You have to recognize that once you say in your charter and your Constitution that you are going to recognize treaty rights and that you are going to recognize existing rights, then the courts have a responsibility to determine what those existing rights are. They have taken that responsibility and taken that role, and they have taken it seriously and well.

●(1220)

[Translation]

I am very happy to express my support for this important motion from the member for Moncton—Riverview—Dieppe. Canadians believe it is important to strengthen one of the basic tenets of our political life. We have a Constitution and a Canadian Charter of Rights and Freedoms. I do not think that this should be a partisan issue. Unfortunately, some people still say they do not accept the entire Constitution, the notion of a Charter of Rights and Freedoms or the courts' responsibility to protect citizens' rights. Protecting citizens' rights also means that the courts must sometimes make difficult decisions, but at the same time, that is one of the reasons we need these protections.

[English]

Of course, there are going to be difficult cases. Of course, there are going to be requirements sometimes whereby our institutions of justice and, indeed, even our institutions of law enforcement, have to conduct themselves in a certain way in order to get to a certain result, but these are the protections that we require.

Business of Supply

These are not protections for any one group of people. These are protections for all Canadian citizens and they are necessary and fundamental to our sense of what the phrase “the rule of law” means. The rule of law means respect for the law as that law is interpreted by Parliament, the courts and the legislatures, and that is the debate and discussion that we need to have.

What we do not need is the continued fraying of the overall commitment to the importance of rights and freedoms. That is something that strikes at the heart of our national life and the very heart of our situation.

For example, when I hear the Prime Minister say he agrees that there are serious flaws in the Charter of Rights and Freedoms and that there is no review or accountability mechanisms for Supreme Court justices, what exactly is he saying? It is a fundamental principle of our democracy that the courts are independent. There is no review or accountability of the courts because that is what takes place in a dictatorship.

Political review or political accountability of the courts is something that happens in countries that have no respect for the rule of law. The independence of the judiciary is a foundation of the British Constitution. It is a foundation of the common law Constitution. It is a foundation of what we need to believe in and return to our belief in as a country.

Therefore, when people in the position of prime minister say there are serious flaws in the charter, what are they? They should tell us what they are. Is it due process the Prime Minister does not like? Is it the freedom of the press he does not like? Is it the freedom of speech he does not like? Is it recognizing the treaty rights of aboriginals? What is it?

When he talks about a review or accountability mechanism for the courts, what exactly is he talking about? Is he talking about judges who have to kowtow to the wishes of the government because he is not happy with what they do or say? This is what strikes at the heart of our Constitution. This is what strikes at the heart of our freedoms. It is time for this kind of loose rhetoric and talk to come to an end and it is time for all of us to recommit ourselves to the Canadian Constitution, to the Canadian Charter of Rights and Freedoms and to what that means for all of us.

• (1225)

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Madam Speaker, I listened attentively to the member's speech. Of course, it seemed to go around in circles and not really land where I think he wanted it to land.

I am wondering how he and his party square the circle when they are so insistent on Canadian rights for economic refugees who are landing on our coast uninvited, as it were, at the same time his party stands in the way of implementing marital property rights on reserve. How does he square that circle?

Hon. Bob Rae: Madam Speaker, whenever I listen to a Conservative talk about going around in circles, I am always reminded that when one has two right wings, it is impossible to go in any other direction.

The member has equated two things that have nothing to do with one another. First, the hard fact about Bill C-49, which the member cannot get around, is that the government has for the first time in Canadian history decided that it is, by itself, going to designate what kind of refugees people are as soon as they land on the shore.

The member opposite has no idea who those people are. The member opposite has no idea whether they are economic refugees, political refugees or any other kinds of refugees, and neither do I. The determination process for that is independent of the government, independent of the minister and independent of me. The government is the one declaring who is an economic refugee and who is not, not me.

The question with respect to what are the rights or not on reserves is an important issue because it touches on the issue of the connection between equality rights and the aboriginal rights that are set out in the charter, which is a completely separate issue.

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, unlike my Conservative colleague, I listened attentively to my hon. colleague. I want to congratulate him on his speech which was full of power, full of respect for fundamental freedoms and liberties in this country. It reminds us of the absolute profound importance of rights, such as the right not to be detained or arrested without reasonable grounds, the right to be informed of the charges against one upon arrest, the right to retain and instruct a lawyer without delay. These are words in our Constitution, in the Charter of Rights and Freedoms. These are the very rights that were violated en masse this summer in Toronto.

Members of the Conservative government shamefully refused to acknowledge that nor did they care to do anything about it. Instead, they chose to slough it off by saying that people should file a complaint with the police complaints commission. They abdicated their role as parliamentarians to help protect, preserve and enforce constitutional and charter rights of citizens of this country. They act as though it were none of their business. They act as though it were a police complaints commission's job to stand up for Canadians' constitutional and charter rights. It is shameful.

My hon. colleague is from Toronto and witnessed what happened this summer. Would he care to comment on how what he saw this summer squares with the Charter of Rights and Freedoms? Does he have any comment on the government's decision so far to not care one whit about those violations?

• (1230)

Hon. Bob Rae: Madam Speaker, I do not think anyone who saw what happened or who listened to the comments and explanations for what took place in Toronto at the events surrounding the summit could come away without being deeply troubled.

I do not know how the federal government can avoid its share of responsibility, because everyone in this chamber knows, and if they do not, they should know, that all of the activities of the police with respect to the conduct of how they would manage crowds and demonstrations was determined under the leadership of the RCMP and under the leadership of the Minister of Public Safety's department.

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This was not some local decision taken by the Toronto police or by the Ontario Provincial Police. These decisions were made from a command headquarters at which the RCMP and the minister's office and people reporting to the minister were involved every second of the day. It is impossible for the federal government to say that it has no knowledge or responsibility in this matter and that it had nothing to say at all about how decisions were made and how certain incidents were handled. That is what is troubling me, that we do not have the sense of responsibility that should be widely shared.

The other thing I want to reinforce is the comment that was made by the member for Vancouver Kingsway's colleague who said that it is wrong to argue that it is only the courts which have responsibility for the charter. Every single one of us has a responsibility for the charter.

Mr. Dean Del Mastro (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Madam Speaker, it is interesting. The member quoted Julian Fantino's book, *Duty*, but I wonder if he has actually read it. I wonder if he has actually considered some of the things that are in it, some of the heartbreaking stories that are in there from a person with 42 years of service in policing, someone who has stood up for victims and communities, someone who has looked in the eyes of people who have committed true acts of evil and watched them walk on technicalities. That is difficult. Julian Fantino has done that and he stood up for communities.

I want to say something about this debate today. This is not a big issue in my riding and I doubt it is a big issue in the member's riding either. At a time when economies in Europe are failing and everyone is talking about the economy and jobs and things that Parliament should be focused on, the Liberal Party is talking about what happened in 1982. I do not think that is a platform, but maybe the member can relate why we are having this debate today when people at home have real concerns about how they are going to get jobs, pay their bills and so forth. The member does not seem to have those concerns at all on his mind.

Hon. Bob Rae: Madam Speaker, actually, I have those concerns on my mind all the time and I think the member for Peterborough knows that. I think he also knows it is possible to walk and chew gum at the same time. Sometimes when I listen to the answers from the members opposite in question period, I am not always sure that is the case.

With respect to the member's first point, I can only say that I have known Julian Fantino for a very long time. I have read his book. There are parts of the book that I agree with and there are parts of it that I disagree with.

I disagree very strongly with Mr. Fantino's points about the charter, not because the charter has not at some times been interpreted in a way that affects trials and the outcome of some trials, but because I think it is fundamentally wrong to take those outcomes, which could have happened without the charter, and I can give lots of examples where the courts could well do these things without the charter, and then say that it is the charter that is the problem. That is really where I disagree, because that begins to undermine the public sense that the police and others fully and deeply appreciate their obligation to conduct themselves under the

Constitution and under the rule of law. That is where I disagree with Mr. Fantino.

• (1235)

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Madam Speaker, I enjoyed the intervention from the hon. member for Peterborough. I found it kind of ironic. He said that we should be talking more about jobs and the economy. I spend a lot of time in this House debating, and 70% of what we talk about in legislation is about crime and punishment. What is it going to be? It is either that or the other thing. As a matter of fact, the member mentioned the importance of talking about jobs. If I truly believed the government's press releases about the jobs it is creating, it would not be much of an issue. For some reason the government keeps saying that jobs are an issue. Great, let us get on with it. Nonetheless, I digress for only a moment.

I would like to ask my hon. colleague about a program that was claimed as a model by the United Nations. It is the court challenges program, of which I am a big fan. Unfortunately, it went by the wayside under the current government.

Hon. Bob Rae: Madam Speaker, on the court challenges program, it has been fundamental to our approach as Liberals to say that not only do we support the charter and the Constitution, but we also support the need for people to have access to the courts so they can have their rights enforced and the minorities who have been abandoned by the majority have a chance to have their say in court.

[*Translation*]

This program is of fundamental importance to minority groups and language groups alike because it enables them to go to court to ensure that our governments respect their rights. It is very important for people to get this support from their government. I await the return of a Liberal government so that we can reinstate a program to guarantee access to the courts.

[*English*]

Mr. Ed Fast (Abbotsford, CPC): Madam Speaker, I would like to begin by thanking the hon. member for Moncton—Riverview—Dieppe for moving the motion on the Canadian Charter of Rights and Freedoms and the responsibilities of the Minister of Justice in relation to the charter.

I did find it somewhat unfortunate that the member went on to impose a vitriolic attack on our federal government. It really was inappropriate because we are talking about the Charter of Rights and Freedoms, a document that is so vital to the future of our country, defending the rights and freedoms of Canadians. It was unfortunate that he chose to make a general attack on government policy.

That said, it is important to highlight that the charter is one part of the framework at the federal level for the protection of human rights in Canada. In addition to the charter, Canada also has the Canadian Bill of Rights and the Canadian Human Rights Act as important human rights instruments. I would like to spend some time articulating how important those documents and instruments were.

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In 1960 the Conservative government of John Diefenbaker passed the Canadian Bill of Rights, the first federal legislative enactment to specifically set out basic human rights for Canadians. The Bill of Rights set out a wide compendium of guaranteed rights and freedoms.

The Bill of Rights provided in section 1 that there existed, and continue to exist, without discrimination on the grounds of race, national origin, colour, religion or sex, the following rights and freedoms, and members should keep in mind that this goes back to 1960: the right to life, liberty, security of the person and the enjoyment of property and the right not to be deprived of them except by the due process of law; the right to equality before the law and equal protection of the law; freedom of religion; freedom of speech; freedom of assembly and association; and freedom of the press.

In section 2 of the Bill of Rights, there were further rights articulated: the right to be protected against arbitrary detention and cruel and unusual treatment or punishment; the right to be presumed innocent, which all of us take for granted today; the right to be informed promptly of the reasons for arrest, to retain counsel without delay and the right to habeas corpus; and the right to a fair hearing in accordance with the principles of fundamental justice for the determination of rights and obligations.

Section 2 also provided that only if an act of Parliament specifically stated that the act would operate notwithstanding the Bill of Rights could these rights be abrogated, abridged or infringed.

Again, this goes back to 1960 under a Conservative government that first took seriously the enshrinement of a code of rights for Canadians.

The Bill of Rights is not a constitutional document. It is an act of the federal Parliament.

However, even with the adoption of the Charter of Rights and Freedoms in 1982, the Bill of Rights continues to have importance and significance. For example, the guarantee of a right to a hearing found in the Bill of Rights is actually broader than the equivalent right in the charter.

As well, there are some rights protected by the Bill of Rights which are not protected by the charter, for example, the protection of property rights. I know there are many Canadians who have asked for property rights to be enshrined in the Constitution. Section 1(a) of the Bill of Rights provides for the right of the individual to the enjoyment of property, and the right not to be deprived thereof except by due process of law.

The Bill of Rights was the earliest federal statute for the protection of human rights in Canada. It has long been regarded as the pioneer effort in safeguarding the civil liberties of Canadians. The Bill of Rights has continued relevance and importance in Canada's human rights framework.

The Canadian Human Rights Act is another part of the federal framework for the protection of human rights in Canada.

●(1240)

The Canadian Human Rights Act was enacted in 1977. The purpose of the act is to ensure equality of opportunity and freedom from discrimination in federal jurisdictions. The idea behind the Canadian Human Rights Act is that people should not be placed at a disadvantage simply because of their age, sex, race or any other ground covered under that act. The statute applies to the federal government, federal crown corporations and also federally regulated industries such as banks, airlines and railways.

The Canadian Human Rights Act prohibits discrimination in the areas of employment and the provision of goods and services on a large number of grounds, including race, national or ethnic origin, religion, sex, sexual orientation and disability.

While there is a certain extent of overlap between the Canadian Human Rights Act and the Charter of Rights and Freedoms, there are also important differences, and the Canadian Human Rights Act plays an important and distinct role in the human rights framework at the federal level.

Let me turn to the Canadian Charter of Rights and Freedoms. That charter is an important part of Canada's constitutional fabric.

In 1982 the parliament of the United Kingdom enacted the Constitution Act, 1982. Part I of that enactment was the Canadian Charter of Rights and Freedoms. I note that in 1982, one month after the Charter of Rights and Freedoms became the law of Canada, I graduated from law school. Members can understand that in the previous three years we as law students spent a lot of time discussing the advisability of a charter, what a charter would entail and what protections it should provide to Canadians. I remember those days very well.

The charter has continued to be the salient human rights document in Canada.

Canada, along with many other countries in the world, had become a party to a number of international human rights treaties in the 1970s, for example, the United Nations International Covenant on Civil and Political Rights. With the coming into force of the charter of rights in Canada in 1982, Canada was able to give domestic legal effect to the international human rights treaty obligations that Canada had undertaken. In addition, the charter was inspired by various international human rights treaties.

The Canadian Charter of Rights and Freedoms was proclaimed in force on April 17, 1982, 115 years after Canada first became a nation. The charter added to and expanded on the scope of protection offered by the Canadian Bill of Rights. The charter sets out the fundamental rights and freedoms of individuals and groups in Canada, and it is an integral part of Canada's Constitution.

The values and principles enshrined in the charter are essential to the promotion of a free and democratic society. These values include respect for the inherent dignity of the person, commitment to social justice and equality, accommodation of a wide variety of beliefs, respect for cultural and group identity, and faith in the social and political institutions that enhance the participation of individuals and groups in society. Essentially, the charter is an expression of the basic Canadian values that all of us hold dear.

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The framers of the charter made it very clear, when the charter was enacted and brought into force, that the intention was not to create new rights; rather, it was simply to codify rights and fundamental concepts that have existed in Canadian law since 1867 and before that as part of the British common law tradition.

Concepts such as presumption of innocence, the requirement of proof beyond a reasonable doubt and the independence of the judiciary are all things that we have taken for granted for many years. The charter codifies these. These concepts have parallels in legal systems of other free and democratic societies, such as in the bill of rights of the United States of America.

The charter is an important component of the government's many legal obligations and a significant consideration in the conduct of its public affairs.

● (1245)

I would like to provide more elaboration on how the charter functions and the protections it affords to Canadians.

Section 32 of the charter provides that it applies to federal, provincial and territorial legislatures and governments. Thus the charter protects individuals from violations of their human rights and fundamental freedoms by government.

Essentially what is happening is that the charter regulates the conduct of governments across Canada vis-à-vis its citizens. This is something that is held up as a role model around the world, and many other countries have now emulated our Charter of Rights and Freedoms. Indeed under section 32, the charter has been interpreted to apply to the full range of governmental activities, including administrative practices of officials and the acts of the executive branch of government as well as to enactments of Parliament or the legislatures in the provinces and territories.

Section 52 of the Constitution Act, 1982 came into force at the same time as the charter. This provision sets out a particular remedy that is available to Canadian courts. It provides that the Constitution is the supreme law of Canada and that every law that is inconsistent with it is, to the extent of that inconsistency, of no force and effect. In other words, if a court finds that a law violates charter-protected rights, it can rule that the law has no force. As well, section 24 of the charter enables courts, if they find that an individual's charter rights have been violated, to either exclude evidence from a trial or to grant the individual other remedies that are "appropriate and just in the circumstances".

With regard to the specific rights and freedoms protected by the charter, the charter includes protection of the following: fundamental freedoms, democratic rights, the right to live and seek employment anywhere in Canada, legal rights, equality rights, the official languages of Canada, on which there is a whole section, minority language education rights, Canada's multicultural heritage and, finally, aboriginal peoples' rights.

It is important to note that the rights and freedoms in the charter are not absolute. They can be limited in order to protect other rights or important national values. Section 1 of the charter says that the charter rights can be limited by other laws, as long as those limits can be shown to be reasonable in a free and democratic society. Our Supreme Court of Canada has actually stated that a limit on charter

rights is acceptable if the limit deals with a pressing and substantial social problem and the government's response to the problem is reasonable and demonstrably justified. Therefore a law that limits a charter right is nevertheless valid if it conforms with section 1.

The charter guarantees certain fundamental freedoms for everyone in Canada. These fundamental freedoms, which are set out in section 2 of the charter, consist of basic rights that Canadians have taken for granted for most of our country's existence. Since 1982, the charter has given these freedoms constitutional protection. They cannot be abrogated by the federal legislative branch. These fundamental freedoms include freedom of conscience and religion, freedom of thought, belief, opinion and expression, freedom of peaceful assembly and freedom of association.

Given that the media are an important means of communicating thoughts and ideas, the charter also protects the right of the press and other media to speak out. When we look around the world at other countries where there is no freedom of the press and we see the oppression that often takes place and the violation of human rights because the media cannot speak out, we know how valuable that protected right in our charter is.

All of these fundamental freedoms allow Canadians to create and express their ideas, gather to discuss them and communicate them widely to other people. These activities are basic forms of individual liberty and are important to the success of a democratic society such as Canada's.

● (1250)

While very important, as noted, these freedoms can be subject to certain limitations. For example, laws against child pornography and propaganda have been determined to be reasonable limits on freedom of expression.

Another category of rights set out in the charter is the democratic rights provided for in sections 3 to 5 of the charter. These rights include the right of every Canadian citizen to vote and to be qualified to run for office in our national Parliament and in the provincial legislatures.

It also requires that the legislatures have a term of no longer than five years, unless two-thirds of the members extend the term during a time of real or apprehended war, invasion or insurrection, and the requirement that Parliament and the legislatures sit once each year. In other words, our constitution and the charter limit the term of this Parliament to five years. That is the maximum length this Parliament can sit before we have an election.

In other words, the democratic rights sections of the charter contain rules that guarantee Canadians a democratic government and embody the basic democratic principle that a government must explain its actions to the people.

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The mobility rights of Canadians are also dealt with in section 6 of the charter. Subsection 6(1) states that every citizen has the right to enter and leave Canada. Extradition laws place some limits on these rights. Subsection 6(2) provides that citizens and permanent residents have the right to move and take up residence in any province for the purpose of gaining or making a living. Subsection 6(3) makes it clear that provinces may decide to give social benefits, such as welfare, only to persons who have lived in the province for a certain period of time. I think most Canadians would find that to be a reasonable limit. They may also pass employment laws that require workers to have the necessary qualifications to practise their profession or trade.

In addition, subsection 6(4) allows a province that has an employment rate below the national average to create programs that favour its own residents.

Moving on to sections 7 to 14 of the charter, those sections set out the legal rights that apply to people in Canada. The legal rights protect us in our dealings with the justice system. They ensure that individuals who are involved in legal proceedings are treated fairly, especially those charged with criminal offences.

Section 7, for example, guarantees the right to life, liberty and security of the person and the right not to be deprived thereof, except in accordance with the principles of fundamental justice. The right to protection against unreasonable search or seizure is protected by section 8 of the charter. The purpose of this section is to protect a reasonable expectation of privacy, something Canadians hold very dear.

Section 9 of the charter provides for the right not to be arbitrarily detained or imprisoned. Certain rights are applicable when an individual is arrested or detained: the right to be informed promptly of the reason, the right to retain and instruct counsel without delay and the right to habeas corpus.

When a person is charged with an offence, section 11 of the charter guarantees the following rights: to be informed of the offence, to be tried within a reasonable time, not to be compelled to be a witness, to be presumed innocent until proven guilty in a fair and public hearing by an independent and impartial tribunal, and to the benefit of trial by jury where the offence is punishable by more than five years. The right not to be subjected to cruel and unusual treatment or punishment is protected under section 12. The right not to have incriminating evidence from a previous proceeding used in evidence against the person, except in prosecutions for perjury, is guaranteed under section 13.

Section 14 affords the right to an interpreter when the person does not understand or speak the language of the proceeding or if that person is deaf.

Moving on to section 15, that section protects equality rights. It is a section that makes it very clear that every individual in Canada, regardless of race, religion, national or ethnic origin, colour, age, sex or physical or mental disability, is considered equal. This means that governments may not discriminate on any of these grounds in its laws or programs. The courts have held that section 15 also protects equality on the basis of other characteristics. As we can see, the charter is an amazing document and we need to guard it.

• (1255)

Mr. Mario Silva (Davenport, Lib.): Madam Speaker, by outlining the different sections of the charter, the member has illustrated the fact that not only did an incredible amount of work go into the charter, but collective wisdom as well as to what we could do as a country and society and why the charter is so important as a cornerstone of both our democracy and our Constitution and why it needs to be respected.

What the hon. member spoke of is something that all Canadians can be very proud of and respectful of: the fundamental rights that are there for all of us. Whether in times of need or for the most vulnerable in society, all of us need the protections provided by the charter. The charter is indeed a cornerstone of our democracy and what makes Canada the greatest country on earth.

In fact, the charter has been used by different countries around the world to emulate how to develop their particular charters of rights and freedoms. What worries me is when we start attacking and demeaning these fundamental Canadian institutions. We can be respectful of others with whom we might have differing opinions. There are differences of interpretation in how people apply the charter, and maybe we can be critical of how people have interpreted the charter, but overall, all of us as members of Parliament have a duty to respect one of the greatest cornerstones of our institutional democracy and our Constitution.

I would invite my hon. colleague to affirm that this is in fact the case and that we should work together in solidarity to support and honour one of the great landmarks of Canadian history, the Charter of Rights and Freedoms.

Mr. Ed Fast: Madam Speaker, my colleague will have found from my remarks that I take no issue with the Charter of Rights. It is one of the defining instruments under our Constitution.

I listened very carefully to his question and he referred to being able to have respectful disagreements. Presumably if there are those in society who want to take issue with the charter, that is also protected under the charter. That does not reflect my view, but there are some in Canadian society who would challenge certain aspects of the charter. They may challenge the efficacy of the charter or they may want it to be strengthened, and that is a healthy discussion to have in Canada.

That is why we have the protection of free speech, freedom of expression, in our charter. It is exactly for that very purpose, because democracy is dynamic. Democracy is something that has to be defended at all costs, and the charter does that. The charter protects the very right to disagree with policies of government, of non-governmental organizations, and of other players and stakeholders in our society.

So when there are those who want to discuss the charter and say they disagree with it, the charter in fact protects their right to speak out on that. I will defend that right while, at the same time, also being free to disagree and say I have worked with the charter for many years as a lawyer and have studied it as it worked its way through the legislatures when I was in law school.

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I hope that answers my colleague's question. It is a very important document for Canadians.

● (1300)

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, I know my hon. colleague is a lawyer, as he pointed out, and knows that the Charter of Rights and Freedoms stands as an important bulwark to protect Canadian citizens against the state. It regulates governmental actors.

Section 2 states:

Everyone has the following fundamental freedoms: ...

(b) freedom of thought, belief, opinion and expression, including freedom of the press;

(c) freedom of peaceful assembly; and

(d) freedom of association.

Of course, there is also the legal right to be secure against unreasonable search or seizure, the right not to be arbitrarily detained or imprisoned, and the rights on arrest to be informed promptly of the reasons and to retain and instruct counsel without delay.

In Toronto this summer, hundreds of Canadians were deprived of those very rights. We know that. Journalists were assaulted and forcibly removed, violating freedom of the press. Canadians who gathered peacefully to express their opinions in public, exercising their right to assemble and express themselves, were arrested and detained. Canadians were not told the grounds for their arrests and were not allowed to contact lawyers. I wonder if my friend is concerned about that.

He says he stands up for the charter and believes in it. Does he stand up for the rights of those Canadians this summer to have their rights respected, and will he join with the New Democrats in calling for a public inquiry to find out why there was such a mass violation of charter rights?

Mr. Ed Fast: Madam Speaker, unfortunately I think my colleague from Vancouver Kingsway is engaging in some historical revisionism by suggesting that all of the protest was peaceful at the G8 and G20 summits. That certainly was not the case. In fact, any Canadian who was watching television at the time knows there was violence to the extent of that there were some firebombs and numerous stores were vandalized.

Yes, it is true that there were some individuals there who wanted to protest peacefully. There were others who were simply intent on rioting and causing a disturbance.

It is up to the courts to determine whether the charter applies. I would not be surprised if some of those who were protesting in fact were intending to do it peacefully. We know there were others who were extremely violent.

Rather than engaging in the details of these specific arrests, because those issues are before the courts right now, what I want to do is encourage the member to understand that the charter is an instrument of balance. It is about protecting individual rights and balancing those against the right of the state to protect its citizens. It is all about balance.

● (1305)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, I thank the hon. member for Abbotsford for that wonderful speech on the history and chronology of the charter. Supplemental to my friend from Vancouver Kingsway, the hon. member, who chairs the justice committee, talked about balancing the rights of society to protect itself versus the rights of individuals who want to protest peacefully.

I wonder if the member might comment on section 1 of the charter, the reasonable limits on freedom of expression and freedom of peaceful assembly and how that might interplay in this debate between the rights of protesters versus the necessities of police action.

Mr. Ed Fast: Madam Speaker, it would be very difficult for me to anticipate what a court might do in terms of evaluating what happened at the G8 and G20 summits, on which rights were violated. I think it would be inappropriate for me to prejudge that.

However, it gives me an opportunity to talk about some of the other rights. One of those rights is the rights of victims of crime to be heard. On the Conservative government side of the House, we speak about victims all the time because they have been neglected for decades where the emphasis has been on the offenders and the rights of the offenders rather than on the rights of victims.

I have been so concerned about what is happening at the justice committee, when bills that should be passed quickly are delayed time and time again because members of the opposition refuse to take the rights and the voices of victims seriously, an example being the faint hope clause. We would like to eliminate the faint hope clause, yet the opposition is doing everything it can to slow down that legislation.

I encourage my colleagues on the other side of the House to please start listening to the cries of the victims and understand that they also have rights.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Madam Speaker, I will be splitting my time with the hon. member for Vancouver Centre.

The debate we are on today is part of a supply day procedure, and I am responding to the member for Peterborough when he said we should be debating other things.

I just want to note that at the end of this debate we will actually be doing an appropriation involving some \$4,359,000,000 and change. So this is a debate about the motion itself, but it is followed by the supply day procedures, of which this is part.

I am happy to have a chance to talk about the charter. We do not often get an opportunity to do that. The hon. member who just spoke, the chair of the justice committee, did provide a very useful overview of the charter provisions.

Looking back over the last 28 years, I would have to say the charter has been a pretty fundamental piece of being a Canadian, but I am not so sure it is the most fundamental piece. I rather think our geography and our history are what makes us most Canadian.

The charter is a part of that history. However, it is not actually just history, of course; it is a living document. It shapes us around this place most days.

I was out on the lawn, on the common, as a citizen in 1982 when the patriation of the Constitution and the signing of the charter took place, including Her Majesty. It was a memorable moment, but in looking back, I found that the biggest piece of that day was really the patriation, bringing the Constitution to Canada from the United Kingdom.

The charter was a piece of that. I do not think I understood how big the charter was. The reason that the charter was big is that it kept on living. Every year, the charter lived; the patriation is history. That was 28 years ago.

As the chair of the justice committee just said, many of the rights contained in the charter were already provided for in Canadian law. That law reaches back a long way. We can get a copy of the Magna Carta from 1215; a copy of the 1689 Bill of Rights, which is here in the library; and the 1960 Canadian Bill of Rights, which the member described. Those are all documents involving rights, and even those documents live today.

I would just reflect on four perspectives that I think were there in the minds of those who debated and enacted the charter in 1982 and in the year or two leading up to it. There are more than four, but I just want to reflect on these four.

One is the fundamental rights of the person. We wanted to get that right.

Second, there were limitations on the state in terms of its ability to resort to arbitrary measures.

Third, there was the place of our first nations in our Constitution, in our Canada.

The fourth was the inclusion of the provinces in all of the processes, the legislative process and in our great national enterprise.

The first two are the ones that I want to come back to, those being the rights of the person as well as limitations on the ability of the state to resort to arbitrary measures.

Most people think of the Canadian Charter of Rights and Freedoms as being a menu or list of rights. I think, although I do not know this, that in the mind of the prime minister at the time there was a large concern about the role of the state in modern society.

I believe he could see that the modern state, without constraints, had many powers, legislative, coercive and taxation, and there was no end to it, over its citizens. I think he and others saw the need for a charter that would constrain the government of the day, in whatever day, in what it did so that it could not use arbitrary and harsh measures.

• (1310)

Why did he feel that way? Why did he sense that? We note that in our constitution, under the federal powers, section 91 of the Constitution Act, 1867, one of the powers is peace, order and good government. In order to have peace and good order, historically the state has been relied upon to impose that order, to impose the peace, even if it had to go to war. That federal jurisdiction, that constitutional obligation of the state, to provide peace and order could be seen to fly in contrast with the positions of citizens from

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time to time, certainly in terms of how it would go about imposing that order.

Around the years 1968, 1969 and 1970, we had the FLQ crisis where the government felt it had to impose the provisions of the War Measures Act on citizens. At the time, looking back, I think it felt those were the only powers the state had to adequately respond to the request of the province of Quebec.

As time went on and in the light of the charter, the War Measures Act was removed and other legislation was adopted to fill in some of the gaps. I think the legislators then saw that the provisions of the War Measures Act were way over the top and there was nothing they could see, if there was a majority government in place, to constrain the use of the War Measures Act.

At the same time, I recall a series of incidents in Poland, where the communist government was repressing a protest that became violent. There were labour unions and civil rights people. I remember people comparing what was happening in Poland to what was happening here.

One could not help but sense that while both countries were trying to impose or provide order, and they were both using the mechanisms of state governance using police or military to do it, and while we were two very different countries, we seemed to be using almost the same mechanisms. I think there was a sense generated then that we needed a constitutional change to provide guidance and limits on the use of state power.

This motion was drafted by the opposition to focus on comments that had been made by not so much members opposite, but by prominent Conservatives. I have tried to figure out why complaints about the charter come from individuals who support the Conservative Party.

It has been pointed that this is a country of lawful and reasonable dissent. It is quite okay for people to disagree with our laws or even our constitution if they do so peacefully. I cannot quite figure out why it happens, and it has happened in print and verbally. I do not think these are not miscues. Some of these individuals really believe there is some problem with the charter.

Notwithstanding all of the whining and carping that has come from some of these individuals in relation to the Canadian Charter of Rights and Freedoms, I cannot recall a single instance where any one of them has indicated which part of the charter they do not like or which provisions should be changed. In the debate in this place, I find that almost all the members, in the end, support all the provisions of the charter. However, there is sometimes a reaction to a court decision, et cetera.

In any event, as a citizen, as a legislator and as a lawyer, the charter has affected me, my family and my work in this place and it will continue to do that well into the future for the benefit of all Canadians.

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• (1315)

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, the hon. member indicated he supported dissent as long as it was peaceful, but then he went on to criticize some individuals who perhaps said negative things toward the Charter of Rights and Freedoms. I am curious to know how he reconciles that. Is he alleging that the criticism toward the charter has not been peaceful, or does he acknowledge there is some inconsistency in his thesis?

Mr. Derek Lee: Madam Speaker, no, I am not suggesting there has been anything untoward in the criticism in the sense that individuals have every right in the world to be critical. I was trying to point out that in their criticisms they had not been specific enough to identify any particular part of the charter that I might be able to fix or that they might suggest be fixed. I am happy to have members even in the House stand and criticize the charter. I just have not heard it happen yet.

Therefore, I encourage dissent. For all those who criticize it, surely they must realize it has been a vehicle that assures and accords to the poor and marginalized of our country that they are always taken into account when legislation is passed and when policy is developed.

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, I know my hon. colleague has stated his support for the charter. There is simply no question about the fact that in Toronto this summer we saw mass violations of charter rights.

At the public safety committee, we had credible, consistent testimony from a wide variety of people, journalists, lawyers, students, innocent bystanders. They made it clear that multiple direct violations of the Charter of Rights and Freedoms occurred. Yet his party refuses to join with New Democrats and the Bloc Québécois in calling for a public inquiry. I also notice that his colleagues provincially, the Ontario Liberal government, passed what was called by the Ontario ombudsman a likely unconstitutional law that would give police wartime like powers and that they were compounded by what the ombudsman found to be police miscommunication.

Is the federal Liberal Party reluctant to call an inquiry because the provincial Liberal cousins stand to be implicated in violations of the constitutional rights of Canadians?

• (1320)

Mr. Derek Lee: Madam Speaker, the hon. member should go back and check on the issue of who is or is not supporting initiation of an inquiry. I am not too sure he is right about his suggestion. However, having a public inquiry is not a charter right. It is absolutely true that everyone who was out on the street that day had charter rights, as did the police. At the end of the day, it appears, and I have not looked at any individual case but as I read the newspaper, that some people were pushed around that day and some people were arrested.

I am, as I hope everyone in the House is, totally supportive of any process that would look into those events, provide redress to those who have a legitimate legal grievance with respect to the charter or any other statute and develop a process for that. If it needs to be a public inquiry, by all means, but that is an Ontario decision.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Madam Speaker, I had a couple of questions, but I will pare it down to one. The first one was rather general, so I will omit that one for the time being.

First, I congratulate my colleague on a very informative speech. I have been a big fan of the court challenges program, which I hoped he would comment on as one of the vehicles we used. It was considered a great international model. Could my colleague comment on that program?

Mr. Derek Lee: Madam Speaker, the court challenges program was a federally funded vehicle that allowed groups and individuals who were underfunded to challenge the existing law with reference to the charter and enforce their rights. In a period of transition following the adoption of the charter, that was a very useful vehicle. I am not so sure its usefulness had expired. I think this might be a 50 year exercise. I do not care if it is a 100 year exercise, but the court challenges program was a wonderful vehicle to assist the poor and the marginalized, the people who could not afford to take the state on, to take their matters to court and have them judicially sorted out and then to allow members in the House to respond.

Hon. Hedy Fry (Vancouver Centre, Lib.): Madam Speaker, I stand here proudly to speak to this motion in support of the pivotal role that the Charter of Rights and Freedoms has played in the forging of this modern nation we call Canada, a nation that was, as recently as 2000, repeatedly acclaimed by the global community as the best country in the world in which to live.

I stand here unabashedly and proudly to affirm that the Liberal Party is the party of the charter, which fully brought to Canada its ability to be a sovereign nation, where we could have full control of our ability to amend the fundamental laws of our land without seeking permission from the parliament of Great Britain.

As Mr. Trudeau said in his speech on the proclamation of the charter:

After fifty years of discussion we have finally decided to retrieve what is properly ours. It is with happy hearts, and with gratitude for the patience displayed by Great Britain, that we are preparing to acquire today our complete national sovereignty. It is my deepest hope that Canada will match its new legal maturity with that degree of political maturity which will allow us all to make a total commitment to the Canadian ideal.

The charter was born from that. It set out for us to develop a Canadian ideal.

The charter is about change. It is about ideals. It is also about a vision of a global nation growing, maturing, learning to accommodate to differences, whether regional or demographic and, by this very act, learning to negotiate, to find resolution to different opinions, cultures and beliefs and eventually learning mutual respect. It has made Canadians a people who have learned to be negotiators, who have learned to accommodate, who have learned to live together and understand each other. Mr. Trudeau also spoke to that goal. He said:

I speak of a Canada where men and women of aboriginal ancestry, of French and British heritage, of the diverse cultures of the world, demonstrate the will to share this land in peace, in justice, and with mutual respect. I speak of a Canada which is proud of, and strengthened by its essential bilingual destiny, a Canada whose people believe in sharing and in mutual support, and not in building regional barriers. I speak of a country where every person is free to fulfill himself or herself to the utmost, unhindered by the arbitrary actions of governments.

This is key, arbitrary action of governments, governments that live within different ideologies, governments that change their ideals readily.

The whole concept of the charter was that it would be a living thing. It would be the road map for Canada's passage and navigation through turbulent and rapidly changing times.

Every politician in every society has to adjust to change. As Otto von Bismarck said "Leaders of states travel in a stream of time which they can neither create or direct but upon which they can steer with more or less skill and experience". The charter is that navigational guide. It is the tool that allows the state to adjust, to adapt, while keeping its eyes firmly on the shore, firmly on the ideals, goals, values and objectives of the state. Over 82% of Canadians support that vision, those ideals and those goals, values and objectives that are embodied in our charter.

"The Charter was grounded in the supreme importance which was attached to the dignity and the rights of individuals", as Tom Axworthy and Pierre Trudeau explained in the preface to their book *Towards A Just Society*. This has to be the mission statement of any society, where people are equal and share fundamental values based on freedom.

• (1325)

We must remember that the charter sought to create those ideals that Canadians are proud of, which are peace, order and good government. The concept of peace, order and good government is spelled out in section 15 of the charter where we speak to minority rights, where the authors of the charter believed that if people were second-class citizens, and if small groups in society were not going to be equal, then, by the very nature of the human spirit, they will strive for that equality, insurrection will occur and people will rise up against the state in order to find that equal access and that access to justice.

The charter understood this and said that in a nation of a diversity of peoples, of regions and provinces, we need to ensure there is that balance, that there is an ability for everyone across the land to have full access to justice and to the equal rights as other people.

What bothers me is that we sat here yesterday in this House recognizing a group of people that are transgendered, which is, as we well know, in the DSM of psychiatry an actual medical condition. The government, however, stood and voted against allowing those people the right to have access, not only to medical care but to justice. This is a group that is defined in our society by poverty, by high suicide rates, by illness, by discrimination, by hate and by violence, which is unheard of among other groups in our society.

To understand the charter is to understand why we needed to have voted for that, so those people can play a full role in this nation and do so knowing that they are equal to all and actually respected by society.

If we are going to pick and chose who will be the preferred ones and who will not be the preferred ones, we will never have a peaceful society. We see the history of the world. The history of the world tell us, even now, that the source of war in every nation is civil strife: people who are struggling to be given equality, to have access to justice and to freedom, very fundamental human rights. All human

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beings have the right to realize their potential, to participate fully in society and to truly belong in their nation and in their society. The idea of belonging allows people to be free, to build a nation, to join society, to participate and to make society a better place because they would not need to worry about their place in society. They want to live in a society where everyone has opportunity and where everyone has compassion.

One of the vital pieces of the charter has not only taught us compassion, but it has also taught us a huge number of things. The charter also talks to us about the rights of the provinces. It has defined a country in which, while provinces have linguistic rights and all other rights, we must remember that the federal government, through its charter, is the glue that allows us to ensure that every Canadian, no matter where they live, will have access to equality, freedom and justice that we believe are the rights of every individual in our society.

Our society is a peaceful society. Throughout our society, we have looked at how countries have emulated us. South Africa built its constitution based on our Charter of Rights and Freedoms. Australia borrowed much of our Charter of Rights and Freedoms. Those were diverse societies. South Africa had a society that was torn apart by strife and by inequality between people based on colour and race and it did not want that to continue. The great Nelson Mandela knew full well that if he looked at our charter and emulated the essence of our charter, he could begin to create a peaceful society. He could do away with all the tragedy of apartheid and no longer seek retribution. A new society could be built based on equality and equal rights, a society where all groups, no matter how small, can have the ability to succeed and to build.

What we see today, by that very act of not only borrowing the Canadian charter but by building on it and strengthening it, is a South Africa that is forging ahead and doing away with the hate, the anger and the violence that typified much of its growth over the last 100 years. It is becoming a society in which people are indeed equal and in which people are able to build a new nation full of hope, dreams and vision.

The charter is all about the aspirations of all peoples in this society to create a place that would become the global nation. Today, as we see barriers being broken down across the world, we can show how it is done. We can show that this country can be a leader. We can show that people can—

• (1330)

The Acting Speaker (Ms. Denise Savoie): Order, please. Questions and comments, the hon. Parliamentary Secretary to the Minister of Canadian Heritage,.

Mr. Dean Del Mastro (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Madam Speaker, I want to pick up on a question that I asked the hon. member for Toronto Centre a little while ago.

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I talked about priorities and asked why we were discussing 1982 here today when I think people at home want us to be looking forward to the future. The member from Newfoundland indicated that we spend 75% of the time in here debating justice bills. That is right, because we have a vision for a safer Canada, one where victims are protected from violence. I wish we did not have to spend 75% of the time in this House to fight for that. We could pass those justice bills today, except the opposition parties stand in the way of them.

At a time when, globally, people are concerned about the economy, why are we having this debate today? People at home must be saying that Parliament is not even relevant to them today. We need to wonder what is going on with the Liberal Party. Where is its vision for the future? Where is its vision for Canadians?

Hon. Hedy Fry: Madam Speaker, the reason we are speaking about the charter today is that we have seen this country, under the present government, shifting away from those ideas and that vision of equality. It is shifting away from the people who are living in poverty and the groups who are marginalized in our society. This is what this charter is about.

We want to redirect the government to look at the charter and to understand what Canadians' dream and hope for. Eighty-two per cent of the people of Canada bought into this charter and it is time the government represented the people of Canada.

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Madam Speaker, since the beginning of the presentation, the Liberals have been cloaking themselves in the virtues of rights and freedoms. I would therefore like to point out to the hon. member that, in the late 1960s and early 1970s, there were problems with violence, terrorist acts and rebellion everywhere in the world. And yet, no government in the world suspended civil liberties to fight terrorism except one. Only one head of state suspended civil liberties and that was Pierre Elliott Trudeau, the leader of the Liberal Party, who imposed the War Measures Act and imprisoned hundreds of people without reason or motive. Why? Their crime was their political opinion. Only one head of state suspended civil liberties to attack a legitimate and democratic political movement. It is simply disgraceful.

Is that not doublespeak—

• (1335)

The Acting Speaker (Ms. Denise Savoie): I am sorry but I must interrupt the hon. member.

The hon. member for Vancouver Centre.

[*English*]

Hon. Hedy Fry: Madam Speaker, this is a very important question because while Quebec did not at the time support much of the charter, we know it has benefited a great deal from this charter. Inherent in the charter is bilingualism, the cultures of Quebec and a respect for the status of Quebec.

If we look at 1982, it is interesting to note that 73 out of 75 members of Parliament from Quebec voted for the kind of Constitution that was embodied in the charter. If Quebec had any political spokespersons at the time, they were overwhelmingly in favour of the charter.

It does not mean that everybody was converted to bilingualism but it did inherently speak to bilingualism, to the culture of the Quebec people and to respecting that culture.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Madam Speaker, I will stick to the common theme that I spoke to with my other colleague. Given that I only have a short minute. I want to talk about the court challenges program, which was a fantastic program in and of itself. It was a fantastic vehicle by which some of the most vulnerable in our society were able to get their rights restored to them through the court system. I was hoping my hon. colleague would comment on that.

Hon. Hedy Fry: Madam Speaker, one of the fundamental things the Liberal Party understood and Pierre Trudeau understood when he brought home the charter was that the law's mission statement only tells us what we hope to achieve as a society. However, if that law is not supported by programs and by policies that allow people access to justice, then the law is a fool.

The bottom line is that is what the court challenges program did. It allowed the voiceless and the vulnerable to have access to justice—

The Acting Speaker (Ms. Denise Savoie): Order, please. Resuming debate, the hon. member for Joliette.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Madam Speaker, today's debate proves the importance of having the Bloc in the House of Commons. It is clear that the Liberals and the NDP are going to get behind this motion primarily for partisan reasons, in other words, to highlight the fact that the Conservative government does not like rights and freedoms, something we totally agree on. However, we cannot adhere to this Canadian consensus on the Canadian Charter of Rights and Freedoms because the process leading to its adoption was deeply flawed. I will come back to that.

What is more, the charter addresses individual rights to the detriment of collective rights and interprets the few collective rights included in the charter in the same way, coast to coast to coast, as our colleagues from Canada say. The indiscriminate interpretation of collective and individual rights has resulted in the butchering of the Charter of the French Language, which is the fundamental legislation in Quebec for the protection and promotion of our common public language, French.

Despite how much sense this motion might make to Canadians, it does not make sense to Quebecers and we cannot support it. I will read it:

That the House recognize the vital role played by the Charter of Rights and Freedoms in ensuring justice, liberty, equality and fairness for all Canadians and call on the Government to reject the views expressed by several members of the Conservative Party of Canada that belittle and criticize the Charter's impact on Canadian society.

This motion moved by the Liberal Party has two parts. The first part is a sort of eulogy or appeal for the charter, which would be extraordinary. This charter is not all bad, but to Quebec, it has had and always will have many negative aspects. The second part might tempt us into supporting the motion. It points out the fact that the Conservatives do not like what the Canadian Charter of Rights and Freedoms defends, namely ensuring justice, liberty, equality and fairness for all Canadians, newcomers and Quebecers.

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We will therefore not support this motion. The defence of rights must not be confused with the unconditional defence of the Canadian Charter of Rights and Freedoms: they are two different things. I will come back to this. My colleague from Marc-Aurèle-Fortin gave a brilliant presentation this morning. The Quebec charter does not have constitutional status like the Canadian charter, but it does have quasi-constitutional status since it goes one step further and recognizes collective rights that are not recognized by the Canadian charter. This is one thing that makes the Quebec charter unique.

I am not going to focus on the differences between the Quebec Charter of Human Rights and Freedoms and the Canadian Charter of Rights and Freedoms, as did my colleague from Marc-Aurèle-Fortin this morning. Instead, I am going to review the positions that the Bloc Québécois took on some issues and defended by standing up to the Conservative government, positions that defended the fundamental rights that any democratic society should have. We are of the opinion, like the Liberal Party, that the Conservatives do not adequately defend rights and freedoms.

I would first like to remind the members of the circumstances under which the Canadian Charter of Rights and Freedoms came into being. The charter was imposed as part of a constitutional debate on the repatriation of the Constitution. My colleague from Jeanne-Le Ber spoke about it earlier. At the time, Pierre Elliott Trudeau was the head of the Liberal Party and the government. He wanted to repatriate the Constitution, which, at that time, was a British law, the British North America Act. Everyone agreed that, in order to do so, the consent of all provinces, particularly Quebec, was required. We know what happened next: the other Canadian provinces ganged up on Quebec.

• (1340)

The Constitution was unilaterally repatriated, without the approval of the Quebec government or the National Assembly. I remind members that the 1982 Constitution has still not been signed by Quebec. That is an extremely long period of time between 1982 and today, and during that time, Quebec has alternated between federalist and sovereignist governments. But none of these governments, not even the government of Jean Charest, the former leader of the Progressive Conservative Party, dared sign that Constitution, which includes the Canadian Charter of Rights and Freedoms.

The charter was forced on us and we did not want it. We wanted it in terms of the rights and freedoms, but we did not want it to be forced on us like that. As a nation, we were not able to make any concrete contributions. Of course, some of the values in the Canadian Charter of Rights and Freedoms are values shared by the Quebec nation and society, but they were forced on us through a Constitution that was unilaterally repatriated.

Louis Bernard, who was secretary general of the executive council of Quebec at the time and who participated in the talks when Quebec was led by René Lévesque, wrote, on February 6, 2007:

The Constitution Act, 1982, gave birth to the Canadian charter and plunged Canada into a constitutional crisis that it is not about to climb out of. There were attempts to repair the damage with the Meech Lake accords, but they did not work, since some provinces reneged, once again, on their initial commitment. Any kind of constitutional progress became impossible.

In the same piece published in *Le Devoir* he said:

Therefore, we cannot do anything about either the charter or the rest of the Constitution. If the Canadian Charter of Rights and Freedoms ever evolves, it will not be by legislative amendment, but only by judicial interpretation, which I believe shows the charter's limitations.

It could be said that the point made by Louis Bernard is shared by the Conservative Party. When we see the Conservative Party trying to make changes to the Senate through the back door because it is not able to do so through the front, that is, constitutionally, it is obvious that the Canadian Constitution effectively paralyzes the development of Canadian society and the Canadian nation. Obviously, if it paralyzes the Canadian nation, it also paralyzes the Quebec nation.

Later on in that same article he said:

Adopting the Canadian Charter of Rights and Freedoms in 1982 was part of the strategy of the federal government of the day, a strategy that consisted of solving the problem of national unity by focusing on individual rights rather than collective rights, and by hoping that, with time, the former would substitute for the latter. Adopting the charter was motivated by political factors that irreparably tainted its image in the minds of many Quebecers, especially because of the illegitimate and immoral way in which it was adopted.

This paragraph is an excellent summary of the Bloc Québécois's attitude towards the Liberal Party motion. The very birth of the charter is problematic and so is its content. Clearly, Louis Bernard agrees with our conclusion that there is an imbalance between individual rights and collective rights, and that certain rights are not being explicitly recognized and in fact are not recognized at all.

As I mentioned, my hon. colleague from Marc-Aurèle-Fortin very clearly explained the difference between the two charters this morning, so I will not repeat that. The important thing to remember is that the Canadian Charter of Rights and Freedoms is what made it possible to butcher Bill 101. There is a debate right now in Quebec regarding Bill 103, which would correct a Supreme Court of Canada decision concerning so-called bridging schools, which allow wealthy people to send their children to unsubsidized, unregulated, English private schools temporarily, only to later transfer them to the subsidized, regulated, English public system.

This is a serious breach of the Charter of the French Language, all made possible by the Canadian Charter of Rights and Freedoms.

My hon. colleague from Marc-Aurèle-Fortin is definitely in a better position to talk about that. We know of at least 15 or so instances of interference with Bill 101 since it was adopted, always based on the Canadian charter.

• (1345)

When the Charter of the French Language was adopted, Pierre Elliott Trudeau's reaction was reported by Lise Bissonnette in *Le Devoir* on April 6, 1977, a few days after Bill 101 was adopted.

He believes that [the charter] "takes Quebec back centuries" if not to "the dark ages", and he...slammed the "narrow and backward" way in which the government of Mr. Lévesque has protected a culture, and generally found that the Parti Québécois was finally showing its "true colours", as a party that wants to establish an "ethnic society"...that even goes against freedom of speech and expression.

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That was Pierre Elliott Trudeau's view of the adoption of the charter by the National Assembly, as proposed by the Parti Québécois party led by René Lévesque. That is how he felt about this charter for which, I would remind you, just like Bill 101, there is support among all political parties in Quebec, and which, for many, is surely one of the jewels in the body of fundamental laws of Quebec society.

At the time, no one in Quebec, especially among the sovereignists, was deceived by the justification put forward by Pierre Elliott Trudeau for the Canadian Constitution and the Canadian Charter of Rights and Freedoms. In June 1981, in his inaugural speech at the National Assembly, René Lévesque said:

Under the pretext of giving citizens a new charter of rights, Ottawa's project is in fact an unprecedented attack on the powers of the National Assembly of Quebec, which it would limit and oversee, especially in the areas of language of education.

I gave the very recent example of bridging schools, which were legalized by a Supreme Court ruling. There is currently debate about Bill 103, the response by Quebec's Liberal government to the Supreme Court's concerns. It is a completely unacceptable response for the vast majority of Quebecers. It explains, in part— although it is not the only explanation—the success of the Parti Québécois in the riding of Kamouraska-Témiscouata for the first time since 1985. We would like to congratulate the newly elected member, Mr. Simard.

I would now like to talk about the second part of the motion, which is a motion we can all support. At the beginning of the debate we proposed an amendment to try and find some common ground. This amendment conceded that the charter has had positive effects on some levels, but that its negative effects—notably on Quebec's areas of jurisdiction—should not be forgotten. In this respect, I would refer to the previous quotation from René Lévesque's June 1981 inaugural speech in the National Assembly, about Quebec's areas of jurisdiction, particularly in terms of its language laws.

As for the Conservatives' and the Prime Minister's attitude towards the Canadian Charter of Rights and Freedoms, I would point out that the Prime Minister has already said that human rights commissions, as they are evolving, are an attack on our fundamental freedoms and the basic existence of a democratic society, and that they are in fact totalitarian.

In my opinion, this statement from the current Prime Minister is an accurate reflection of this government's general attitude towards rights. For example, when Canadians have problems overseas, whether or not they are defended depends on whether they are considered to be good or bad Canadians. I am referring to the attitude that the government has had towards a certain number of Canadians who were imprisoned or even sentenced to death. It refused to help them at all., even though, traditionally, the government would try to help them avoid the death penalty and repatriate them so they could finish serving their sentences here.

Since the Conservative government has been in power, such transfers have been drastically cut or slowed down. In my own riding, there are cases of people who have committed relatively minor crimes in the United States. I wrote to the Minister of Justice and the Minister of Public Safety, but I did not even receive an acknowledgement from them. When I have received one, it has

usually been after the person has finished serving their sentence in the United States and has returned to Canada or Quebec.

● (1350)

It is abundantly clear that this government is not a fan of rights and freedoms. Its vision of justice is repressive and will not result in safety and social cohesion. The Conservative government is following the American model, which has proven ineffective. Crime and incarceration rates are much higher in the United States than in Quebec and Canada.

In fact, if the current prison population in the United States were taken into account in calculating the country's unemployment rate, there would be 3% more unemployed people. The rate would not be 9%, as it is now; it would be 11% or 12%. Most of the people in jail are black African Americans.

Behind their repressive brand of justice is social and political bias. That is what the Conservative government is trying to do.

The government introduced the idea of security certificates in a bill. We do not disagree with the idea, but there has to be at least some balance between the rights of an individual listed on a security certificate and the state's responsibility to ensure public safety. In general, a person listed on a security certificate does not have access to the evidence or the reasons for which the government requested the security certificate. As a result, the person does not have an opportunity to plead innocence. This is a totally unacceptable reversal of the onus of proof. In fact, the Supreme Court of Canada agreed with us and with those who oppose the existing security certificate mechanism.

Following a Federal Court of Appeal decision, the Supreme Court said that the constitutional rights of Omar Khadr, a young Canadian who was captured by the Americans at 15 years of age as a child soldier in Afghanistan and who ended up in Guantanamo, were being violated and that the Government of Canada had an obligation to make reparations and compensate him. The Supreme Court did not go as far as the Federal Court, which said that the only way to compensate Omar Khadr was to repatriate him. The court said that his constitutional rights had been violated and that Canada was responsible for repairing the damage that had been caused.

Yet the government did not respond and refused to listen to its own courts. That is how the Conservatives view justice, rights and equality. That is unacceptable to the Bloc Québécois and to the vast majority of Quebecers and Canadians. The Conservatives are in no position to teach us anything about justice.

● (1355)

[English]

Mr. Alan Tonks (York South—Weston, Lib.): Madam Speaker, I followed what my colleague was saying with respect to the application of the charter in terms of human rights. Then he got into language rights and he went from that into the rights of those who have been convicted in other countries.

Does the Quebec charter deal more expansively with language rights? Does the Quebec charter kick in when Quebec citizens are facing issues in other countries? I would be interested to know how the Quebec charter applies in that particular instance. I think the House would be interested in that also.

[*Translation*]

Mr. Pierre Paquette: Madam Speaker, I thank the hon. member for his question. Clearly, my hon. colleague from Marc-Aurèle-Fortin would have been in a better position to answer that interesting question.

The Quebec Charter of Human Rights and Freedoms, which passed in 1975 and came into force in 1976, so before the Canadian Charter of Rights and Freedoms, includes 15 additional rights that do not appear in the Canadian charter. As my colleague from Marc-Aurèle-Fortin mentioned this morning, section 2 of the Quebec charter establishes the duty to provide assistance, section 40 guarantees the right to free public education and another section guarantees the right to a minimum income level to survive. These rights are not guaranteed in the Canadian Charter of Rights and Freedoms. I can therefore say, without bias, that the Quebec charter is far superior to the Canadian charter.

The Acting Speaker (Ms. Denise Savoie): The hon. member will have eight minutes left when debate resumes.

STATEMENTS BY MEMBERS

[*English*]

AFGHAN CHILDREN

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Madam Speaker, I would like to express deep concern over cases of sexual exploitation of boys in Afghanistan, particularly the practice of bacha bazi.

A few minutes ago, the international human rights subcommittee passed a motion condemning bacha bazi and asking our government to call upon the Afghan government to help protect vulnerable boys.

The Minister of Foreign Affairs has recently raised concerns with the Afghan ambassador about this illegal exploitation.

Afghanistan has enacted laws to address children's rights and criminalize sexual abuse.

Canada now calls upon Afghanistan to continue to strengthen its laws and to ensure that they are fully enforced in order to protect Afghan children.

We are proud to invest in the future of Afghan children through development programming in education and health as part of our mission in Afghanistan.

* * *

• (1400)

[*Translation*]

CAESAR COCKTAIL

Hon. Dominic LeBlanc (Beauséjour, Lib.): Madam Speaker, many symbols represent Canada, from the maple leaf to the beaver.

Statements by Members

Thousands of Canadians are calling on us to make room for a more recent symbol.

[*English*]

An innovation as Canadian as the goalie mask, the Caesar was created some 40 years ago in Calgary by Walter Chell. There are now some one million Caesars poured daily in Canada.

This serves to remind us of the importance of celebrating safely during this holiday season. To that end, the people at Canada Dry Mott's, owners of the Caesar, have made a generous donation to Mothers Against Drunk Driving.

[*Translation*]

Let us applaud this gesture and hope that every Canadian celebrates the holidays safely.

[*English*]

Let us recognize the Caesar as our very own, as Canada's national cocktail.

* * *

[*Translation*]

ALBERT SOCQUÉ

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Madam Speaker, I want to pay tribute to Albert Socqué, a man from Salaberry-de-Valleyfield who was recently inducted into the Canadian War Museum in Ottawa, a rare feat for a civilian who never went to war.

The courage, bravery and level-headedness Mr. Socqué showed on July 23, 1941, earned him the King George VI medal the following spring. On that day, Mr. Socqué, who was working for the company now known as General Dynamics, saved a colleague from certain death. The newspaper *Le Soleil de Salaberry-de-Valleyfield* reported, "When he was unloading nitrocellulose at the incineration site near the St. Lawrence, the highly explosive material caught fire and his colleague Roger Gareau was trapped in the inferno."

Mr. Socqué did not hesitate to risk his own life in order to tear Mr. Gareau out of the flames and plunge him into the water. The two men survived despite their burns. Albert Socqué passed away in 1989. Today my thoughts are with his family, who were quite emotional upon receiving this posthumous distinction.

* * *

[*English*]

EMPLOYMENT INSURANCE

Mr. David Christopherson (Hamilton Centre, NDP): Madam Speaker, the government recently announced that the EI extended benefit program will continue in 21 regions across the country, yet once again Ontario is being left out in the cold.

Ontarians pay into the EI system the same as everyone else, but they do not qualify for benefits the same as everyone else. In fact, less than one-third of Ontarians qualify for EI benefits as it is and now they are being treated as second-class citizens simply because of where they live. Not only is this unfair, it is downright un-Canadian.

Statements by Members

The people of Ontario have just as much need and just as much right to the extended EI benefits as their fellow Canadians in Newfoundland, Atlantic Canada and rural Quebec. It is high time this regional discrimination came to an end.

The Harper government needs to stop ignoring the unemployment crisis in Ontario and provide extended EI benefits to all Canadians equally.

The Acting Speaker (Ms. Denise Savoie): I remind the hon. member that it is not permitted to state the name of a sitting member of Parliament.

The hon. member for Wetaskiwin.

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WILMA HELEN HUNLEY

Mr. Blaine Calkins (Wetaskiwin, CPC): Madam Speaker, on October 22 of this year, Canada lost one of its great women. The Hon. Wilma Helen Hunley, a distinguished Albertan, passed away at the age of 90 in her hometown of Rocky Mountain House.

Helen began her political career as a town councillor from 1960 to 1966 before moving on to become the mayor of Rocky Mountain House from 1966 to 1971. In 1971, she was elected to Alberta's legislative assembly where she served as solicitor general from 1973 to 1975 and then minister of social services and community health until she resigned in 1979.

In June 1980, Helen was appointed chair of the Alberta Mental Health Advisory Council, before becoming the president of the Progressive Conservative Party of Alberta in 1984.

In 1985, under the advice of Prime Minister Brian Mulroney, Helen was the first woman ever to be appointed to the position of Lieutenant Governor of Alberta, a post she held until 1991. In 1992, she was made an officer of the Order of Canada.

I know all members will join me in honouring the life of the Hon. Wilma Helen Hunley, a great Albertan and a great woman. She will be dearly missed.

* * *

• (1405)

KEIR CLARK

Hon. Lawrence MacAulay (Cardigan, Lib.): Mr. Speaker, I rise in the House today to pay tribute to a great Prince Edward Islander. Keir Clark passed away at the age of 100 years and six months.

The son of a provincial politician, Keir followed in his father's footsteps and was elected to the Prince Edward Island legislature, representing the district of 3rd Kings as a Liberal and sat for a time in the House with his father. He was also the mayor of the town of Montague for two terms. Keir was not only a politician, but a very successful businessman who operated Clark Bros.

From provincial cabinet minister, to mayor of Montague, to successful businessman, Keir was community minded up until his death. Because of Keir's dedication to his community, Montague and surrounding area is better off today.

To his daughters, Marion, Gwen and Marjorie, on behalf of all members of the House of Commons, I would like to extend our sincerest condolences. We thank Keir.

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[Translation]

GOVERNOR GENERAL'S AWARD FOR EXCELLENCE IN TEACHING CANADIAN HISTORY

Hon. Maxime Bernier (Beauce, CPC): Mr. Speaker, I would like to pay tribute in the House to three remarkable women from my riding. Paule Labbé, Lucie Labbé and Marcelle Thibodeau were awarded the Governor General's Award for Excellence in Teaching Canadian History.

These three teachers at the Monseigneur-Fortier school in Saint-Georges were chosen for their innovative and interactive teaching concepts. Their project, entitled "Le monde des autochtones" or "the world of aboriginal people", was geared toward grade four students to help them learn about the first nations.

These women are exceptional teachers. Their passion, imagination and creativity channel the students' intelligence. They succeed in motivating their students and piquing their curiosity about the history of our country.

Congratulations to each of these dedicated teachers who nourish the intellect of our young people and better prepare the adults of tomorrow.

* * *

LOUISE LAHAIE

Mr. Roger Pomerleau (Drummond, BQ): Mr. Speaker, Louise Lahaie has become the 33rd person to join Drummondville's sports hall of fame, known as Les grands du sport. She has been recognized by her peers for her commitment to youth sports.

Louise Lahaie has been volunteering for the Les Requins swimming club in Drummondville for over 20 years and has been officiating in this sport for many years. Because of her vast experience, she was asked to oversee the officials of the regional swimming association and won the title of official of the year in 2004 from the Fédération de natation du Québec.

She was also president of the Les Requins swimming club in Drummondville and a member of the board of directors of the Drummondville Olympique for nearly 15 years. This latest honour is yet one more achievement to add to her long list. Louise Lahaie will be officially inducted at a gala next April.

We offer our heartfelt congratulations to Ms. Lahaie.

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[English]

RADIOACTIVE WASTE

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, over the past few weeks, anti-nuclear activist Helen Caldicott has been touring eastern Ontario and speaking out about the danger that low-level radioactive waste poses to the community of Port Hope.

Statements by Members

In these difficult economic times, unsubstantiated and sensationalist comments are wholly irresponsible. The hard-working people of Port Hope deserve more respect than Caldicott has given them in the past month.

The reality is that Port Hope remains a safe and healthy community in which to live, raise a family and work. The reckless comments of one individual will never change this reality, nor will it deter the hard-working people of Port Hope.

I am committed to standing up for the citizens of Port Hope and to speaking out against the irresponsible negative media coverage this story has received, both locally and nationally.

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[*Translation*]

GUY THÉRIAULT

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I would like to pay tribute to Ottawa—Vanier resident Guy Thériault, who was named employee of the year by the Tourism Industry Association of Canada. This award is given to an employee whose professionalism, commitment, attitude and service quality are held up as examples of excellence.

Guy Thériault has worked at Parks Canada for more than 20 years, where he has held positions ranging from lockmaster to travel trade specialist. Guy has customer service and attention to detail in his veins. More than 700,000 Canadians work directly in the tourism industry, and he was the one chosen as employee of the year.

I wish to acknowledge Guy's work in promoting our national parks and congratulate him on his success.

* * *

●(1410)

[*English*]

VIOLENCE AGAINST WOMEN

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, our government condemns all forms of violence against women, including so-called honour crimes.

In certain communities, some may use violence against women and girls as a method of avenging their honour. Honour crimes are an emerging challenge in Canada. Such crimes are atrocious abuses of power and human rights punishable under our laws.

In November 2009, our government introduced a new citizenship guide that makes clear that women and men are equal under Canadian law. It conveys that Canada does not tolerate violence against women, including honour crimes.

Our country benefits from the contributions of our diverse cultural communities. For well over a century, Canada has been a place where newcomers can embrace the rights and opportunities that are every citizen's due.

Our government will continue to explore and advance measures that protect vulnerable women and girls. Working together in the light of knowledge and understanding we will end all forms of violence against women, including those that are culturally driven.

ASBESTOS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, asbestos is the greatest industrial killer the world has ever known. In fact, more Canadians now die from asbestos disease than all other occupational industrial diseases combined, yet Canada remains one of the largest exporters and producers of asbestos in the world.

Asbestos is not only not banned in Canada, we actively promote it and subsidize its manufacture and export. I call it corporate welfare for corporate serial killers.

Without exaggeration, we are exporting human misery on a monumental scale. We are exporting a made in Canada epidemic and sending it into third world and underdeveloped nations.

Today we are joined by two representatives, Omana George of India and Kazumi Yoshizaki of Japan, who are both here to urge Canada to stop this irrational affinity for asbestos, stop promoting and subsidizing asbestos, and stop the export of asbestos.

* * *

AEROSPACE INDUSTRY

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, our Conservative government is committed to protecting the 80,000 high-quality and well-paying jobs in the Canadian aerospace industry.

That is why we joined the Canadian aerospace companies as they sought to expand Canada's role in the global F-35 program. Canadian industry has shown that it can provide best value and excellent quality which has already resulted in more than \$350 million in contracts for production work with much more to come.

Communities across Canada will see job-creating economic benefits thanks to the F-35 program. Every dollar invested in this program has the potential to gain \$1.33 in return. These benefits will translate into direct investment in the Canadian economy and create Canadian jobs.

If it were up to the Liberal-NDP-Bloc Québécois coalition, it would cancel the joint strike fighter program which would cost thousands of jobs in our aerospace sector.

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[*Translation*]

THE ENVIRONMENT

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, this Conservative government lacks leadership on the environment. We already knew this. It was confirmed by the Commissioner of the Environment and Sustainable Development in his report tabled this week.

Oral Questions

This disturbing report concludes that the government does not have a climate change adaptation strategy, in spite of a commitment to that end made 18 years ago; that the government does not adequately monitor freshwater resources on federal lands and as a result cannot even guarantee the quality of the water; that if an oil spill were to occur on federal lands, the government would not be able to respond; and that it actually is unaware of its response capacity and does not even know how many spills occur every year.

This appalling assessment of the situation comes as the Cancun conference is under way, where the Conservatives are a laughing-stock for attempting to torpedo the Kyoto protocol.

It is not surprising that with this attitude, the Conservatives are amassing Fossil of the Day awards.

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[English]

DORIS MCCARTHY

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I rise today to pay tribute to the renowned artist, Doris McCarthy, a native of my home, Scarborough, Ontario. Sadly, she passed away on November 25 at the age of 100.

Great art can define a nation and define its image of itself. A painter of the Canadian landscape, McCarthy possessed more than mere brilliance at her craft, but also a deep insight into the profound connection that attaches Canadians to our solemn land.

She continued the artistic traditions of Tom Thomson and the Group of Seven, building on their legacy and imprinting her vision of our natural world on the Canadian psyche.

As Pierre Trudeau once wrote, "I know a man whose school could never teach him patriotism, but who acquired that virtue when he felt in his bones the vastness of his land".

This is the spirit that moved Doris McCarthy, and it is a spirit which moves us still. She will be missed.

* * *

●(1415)

SPONSORSHIP PROGRAM

Mr. LaVar Payne (Medicine Hat, CPC): Mr. Speaker, I would like to remind the House of one of the worst disgraces in the history of the Liberal Party, the sponsorship scandal.

From 1996 to 2004 the Liberals instituted a program of corruption, the likes of which Canada has never seen. Illicit behaviour by Liberal officials misused public funds intended for government advertising in Quebec. The scandal made the Gomery commission, adscam, Groupaction, Alfonso Gagliano and a briefcase full of Jean Chrétien's golf balls front page news.

Eventually after 13 lost years, Canadians booted the Liberals and their scandal-plagued government from office. They are gone and so are millions in Canadian taxpayer dollars.

The Liberal leader was not back in Canada yet from his 34 years abroad, but let me tell him that the sponsorship scandal was a disgrace for Quebec, Canada and the Liberals.

Canadians still want to know. Where is the forty million bucks?

ROUTINE PROCEEDINGS

[English]

NEW MEMBER

The Speaker: I have the honour to inform the House that the Clerk of the House has received from the Chief Electoral Officer a certificate of the election and return of Mr. Kevin Lamoureux, member for the electoral district of Winnipeg North

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NEW MEMBER INTRODUCED

Kevin Lamoureux, member for the electoral district of Winnipeg North, introduced by the Hon. Michael Ignatieff, Leader of the Opposition, and the Hon. Anita Neville.

ORAL QUESTIONS

[Translation]

CANADA-U.S. BORDER

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, the Conservatives gave in to the Americans on the softwood lumber dispute. They asked permission from Washington before taking action on the environment. They purchased American fighter planes without a bidding process here in Canada.

With this track record, how can Canadians trust that the Conservative government will protect Canada's sovereignty and the freedom of its citizens during its secret perimeter negotiations with the Americans?

[English]

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, whether it is on jets or the environment, the Liberals just do not get it.

Canada is down at COP16. Our government seeks an outcome that reflects commitments from all major emitters and reflects the balance of the Copenhagen accord. The Copenhagen accord has the support of 139 signatory countries representing 85% of global greenhouse emissions.

What do the Liberals not get about that?

●(1420)

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, I am wondering whether the opposite side could inform the hon. member that the question was about the secret perimeter negotiations with the Americans, not Cancun. Will the member wake up and treat this House with respect?

The government has already surrendered energy policy and climate policy to the Americans. The question is: What is next?

How can the government be trusted with the sovereignty and civil rights of Canadians in secret negotiations with the Americans? That is the question.

Oral Questions

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, I thought it was a secret, so that was the appropriate response.

The member opposite wants me to comment on media speculation and hearsay. I can only speak to the facts, and that is that all Canadians win from increased co-operation, national safety and protection with the Leader of the Opposition's homeland.

Hon. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, there is a basic issue of competence here.

The Conservative government gave us the fiasco of the G8 and G20. The Conservative government lost us a seat on the Security Council. The Conservative government lost our troops the rear base at Camp Mirage. Now the government is asking the Canadian people to trust it in secret negotiations that put in question the sovereignty and liberty of Canadians.

Everybody wants to thin down this border, but the question here is about trust. Can the Conservative government be trusted with the sovereignty and freedom of Canadians?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, we do in fact work in harmony and co-operation with the Americans. The Conservative government believes it is essential that our borders with the United States be bridges between us and not barriers. We have already taken important steps forward to ensure our borders are closed to crime and open for business.

I am wondering what the member opposite has against ensuring that there is a legitimate flow of traffic, goods and people across our borders.

* * *

TOBACCO PRODUCTS

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, regarding the new warnings on cigarette packages, the government had a choice to tell big tobacco to get lost. It had a choice to put the health of Canadians ahead of the commercial interests of big tobacco. The Conservatives spent \$4 million to create new warnings for cigarettes, then buckled under the pressure of big tobacco and killed them.

How can the Conservatives justify promising new warnings, spending \$4 million on them, and then killing them?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, when it comes to standing up to big tobacco and curbing smoking, we have no lessons to take from those members. We have no lessons to take from the former health minister who did nothing on this file.

The CBC story is simply wrong. While additional health information on labels is still under review, an announcement will be made soon.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, records show that Conservatives were heavily lobbied by big tobacco, so the government scrapped the new warning labels. Like Ezra Levant, who ran the Conservatives' 2008 election campaign, many of the big tobacco lobbyists have very close ties to the Conservative government.

Why did the government ignore the recommendations of Health Canada? What does it not understand about cigarettes, cancer and the health of Canadians?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, again the CBC story is simply wrong.

Our government is committed to reducing youth smoking, helping Canadians quit smoking, and addressing the pressure of contraband tobacco. We are taking action. Shortly after the election, we introduced tobacco legislation that is now in effect, so we are demonstrating our leadership in this area.

* * *

● (1425)

[Translation]

THE ENVIRONMENT

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, as an excuse for its inaction in the fight against climate change, the Conservative government keeps repeating that an agreement with greenhouse gas emission reduction targets is useless unless it includes emerging countries. But Canada emits three times the amount of greenhouse gases per capita that China emits and 15 times the amount that India emits, and those are two emerging countries.

When will the Prime Minister understand that we need a plan to fight climate change with binding greenhouse gas reduction targets and that we need to impose tariffs on products from countries that do not meet these targets?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, we have an action plan. We want to reduce greenhouse gases by 17% by 2020. That is also why we have a continental approach. We will harmonize our transport regulations, which is what we are currently doing. We know that that is the sector that pollutes the most. Canada and the United States are taking a common approach to this. We want to get the major emitters together to come to a real, effective agreement that will produce results.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, does this government realize that if it does not move forward with greenhouse gas reduction targets, other countries will do so and will impose their own tariffs, which will have an impact on exports from Canada and Quebec and will leave us seriously behind technologically?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, we will take a harmonized approach to transport. We know that that sector pollutes the most in North America. We will have a continental approach that will produce results. When we talk about international negotiations with other countries, the major emitters must absolutely be present, otherwise we will be wasting our time. What we want is an agreement that will produce results.

Oral Questions

Mr. Gérard Asselin (Manicouagan, BQ): Mr. Speaker, there have been four times as many storms in the Gulf of St. Lawrence in the past decade as in the previous four decades, and the Sept-Îles region has been hit the hardest. The environment commissioner noted that climate change is causing severe meteorological events that are accelerating shoreline erosion.

Does the government understand that greenhouse gases must be reduced in order to prevent further disasters like the one that just hit eastern Quebec?

[English]

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, if the member really believes that climate change is a serious issue, he would agree with this government that all major emitters have to be part of the solution, and that is what science has said. That is why 139 countries have signed onto the Copenhagen accord, representing 85% of greenhouse emission makers. The Kyoto protocol only covered 27% and the Copenhagen accord 85%. That is the obvious way to go.

[Translation]

Mr. Gérard Asselin (Manicouagan, BQ): Mr. Speaker, in 1997, the federal government abolished the St. Lawrence shoreline protection program. The considerable damage that has been caused in the lower St. Lawrence, Gaspé and north shore regions is proof that a fund is needed to deal with the impact of climate change.

Will the government create such a fund?

[English]

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, we have committed millions of dollars, which the Bloc continually votes against, to fight climate change. We are in Cancun right now working with our intentional partners to see a new international agreement that covers all the major emitters. Why do we do that? So we can fight climate change. Why does the Bloc not get that?

* * *

[Translation]

OFFICE OF PUBLIC SECTOR INTEGRITY

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Auditor General's damning report merely confirms that not only was the Public Sector Integrity Commissioner of Canada, Christiane Ouimet, not doing her job, but she was undermining the work of the entire office. One hundred and seventy complaints that were not followed up is quite a significant number. The Conservatives were never concerned about the lack of results.

Why did the Prime Minister turn a blind eye for so long? Why did he do nothing?

[English]

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, I would think that all members of Parliament would be very troubled by the report that has been put out by the Auditor General. I thank her for her work. The commissioner of integrity is an independent agent of Parliament and reports to Parliament. In fact, she had done that on a couple of occasions.

I want people to know that the acting commissioner, who is in place now, I would expect would now be reviewing all of those past cases. I can assure members that we want to see another commissioner in place as soon as possible.

• (1430)

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, Conservatives are undermining their own Federal Accountability Act here.

We have seen the major problems with access to information, with lobbying, and now we find that the Prime Minister's own integrity commissioner is somewhat short on integrity: staff abuse, retaliatory actions, violation of the Privacy Act, complaints not investigated, decisions not documented. We cannot afford another Conservative appointment like that.

Does the government finally see the need to implement an independent appointments commission to prevent this kind of disaster?

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, this particular position reports to Parliament and all parliamentarians. The person who was in that position has left the position. The Auditor General has done a report of the concerns that were raised. We are all troubled by the results of that report. We would hope that the acting commissioner would pursue this.

I really am surprised at the leader of the NDP. Maybe there are other numbers that are bothering him these days, but he should know very well that this person is put in place by Parliament and we would look for that to happen again soon.

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TOBACCO PRODUCTS

Hon. Jack Layton (Toronto—Danforth, NDP): Check the record, Mr. Speaker.

We also need some accountability on smoking, too. We know that Health Canada spent millions of dollars developing new labels to try to prevent kids from smoking. We know that the whole process was stalled when the tobacco lobby came in saying it did not like it. We know that studies show that the new labels would stop kids from smoking and save lives.

Why let the tobacco lobby decide what our anti-smoking policy is going to be? When will we have the new labels? Answer that. It will save the lives of kids.

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, the labels that are currently on still remain on the packaging.

As Minister of Health, I am committed to reducing smoking rates in Canada, and particularly in preventing young Canadians from smoking.

The news stories today are misleading. My department continues to examine the renewal of health warning messages on tobacco packaging. We have notched out the plan, as I stated before.

I also informed my colleagues at HESA last week that we are looking at other ways to convey this messaging that targets young Canadians through innovative ways and social media. Thanks to our government, Canada is the world leader in tobacco control and we are pleased to see the other countries—

The Speaker: Order, please. The hon. member for Eglinton—Lawrence.

* * *

OFFICE OF PUBLIC SECTOR INTEGRITY

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, today's Auditor General's report is a scathing indictment of the Conservative government's failed accountability measures. The verdict is in. The whistleblower act is a useless PR stunt. The public integrity commissioner is an appointee who abused her office, her staff and her responsibilities. The commission is a waste of \$10.9 million.

The Prime Minister knows that this was a sham designed to silence his critics. Will he now appoint a judicial commission to investigate all of the complaints his hand-picked commissioner tossed out? What is he afraid of?

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, one of the things that we were afraid of with the Liberals in power was the incredible scandals that we saw talking place. That, in fact, was the genesis of this particular agent of Parliament being put in place, a person who reports to all of Parliament, a person who is appointed by Parliament, a person who has left that position.

A very troubling report has been put out by the Auditor General, and we appreciate her good work.

We would hope that the acting commissioner would follow up on all of these cases and do a review. A process is in place to get a new commissioner.

[*Translation*]

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, in 2007, the Prime Minister proudly announced that he had chosen Ms. Ouimet for the position of commissioner. He chose her. Only the Conservatives are to blame.

From 2007 to 2010, the Public Sector Integrity Commissioner of Canada cost \$11 million, \$11 million that was thrown away. Canadians no longer trust the Conservative government. An independent commissioner must be appointed to reopen all the files.

What does the Conservative government have to hide?

• (1435)

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, the integrity commissioner is an independent agent who reports to Parliament. The former commissioner resigned and we will start the process of appointing a new commissioner. The report mentions many problems, and I hope that the new commissioner will resolve them.

Oral Questions

NATIONAL DEFENCE

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, during a national tour, paid for by taxpayers, against tendering contracts, Colonel Burt, from the Department of National Defence, confirmed that the price of the F-35s is in no way guaranteed.

However, speaking from a steak house in Texas, the minister contradicted Colonel Burt, who is in charge of the F-35 process.

Will the minister stop spending taxpayers' money on propaganda trips and clarify this flagrant contradiction for Canadian taxpayers?

[*English*]

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, let us be clear. I was in the Lockheed Martin plant yesterday with 61 representatives of the Canadian aerospace industry looking at the tremendous benefits, up to \$12 billion in contracts, 150,000 jobs in Canada, that could accrue as a result of the joint strike fighter program, a program that the member opposite used to be a big cheerleader for.

The reality is this is the best possible aircraft we could get for the brave men and women of the Canadian Forces, the best possible contract for the Canadian aerospace industry.

I do not know why the member opposite has changed his mind.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, the extravagant cost of the F-35 is going up, and this time it has nothing to do with the airplane.

The Conservatives send government officials across the country to brag about their high-risk procurement and reckless spending. They even complained that the opposition will not join them in a Texas steak house on a last-minute, cross-border shopping spree, with only 16 days left for Christmas.

When will the Conservatives get the credit card spending under control and have a Canadian competition here in Canada to get the best value for the Canadian taxpayer?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, the member is staking out the position that was put in place by the members opposite when they were in government.

The reality is that this is the best possible aircraft. We are buying the variant that is most cost effective. We will be taking delivery at peak of production, somewhere between 2016 and 2017. However, let us listen to a non-partisan, objective voice for a change, one that says the joint strike fighter program is the "largest advanced technology opportunity ever presented to Canadian industry". Suppliers are already engaged across the country.

I do not know why the members opposite are still taking a page out of 1993 when they cancelled the helicopter program.

Oral Questions

[Translation]

OFFICE OF PUBLIC SECTOR INTEGRITY

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, in a damning report, the Auditor General slammed the operations of the Office of the Public Sector Integrity Commissioner. She noted that the Public Servants Disclosure Protection Act limits the commissioner's investigative authority, particularly when a private company or an individual who is no longer with the public service has relevant information.

Does the government plan to change the legislation in order to allow the commissioner's office to properly investigate wrongdoings within the federal public service?

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, we will examine all of the Auditor General's recommendations. Her report contains some good recommendations. We will also put a process in place to find a new commissioner. We hope the acting commissioner will examine all of the concerns that are affecting many people. We hope to get some answers to the problems raised by the employees in that office.

• (1440)

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, the Auditor General noted that several complaints were arbitrarily rejected by the former ethics commissioner, often without any investigation. This casts some doubt on the handling of all the complaints brought before the Office of the Public Sector Integrity Commissioner over the past three years.

Therefore, will the government ensure that all those files are properly reviewed as soon as possible?

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Speaker, in our view, all of the problems mentioned by my hon. colleague and by the Auditor General are important. Staff members have indicated that there were problems. We hope that all of the cases will be examined.

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EMPLOYMENT INSURANCE

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, in response to a question concerning the pilot project that reduced the number of hours required for unemployed people applying for employment insurance for the first time, a project which ended on December 4, the Minister of Human Resources and Skills Development stated that this pilot project had been useless and very expensive. A number of unemployed people benefited from it, meaning that this loosening of the rules is critical.

What is the minister waiting for to recognize the value of this pilot project and extend it?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, as I have already said, we implement pilot projects to see if certain ideas work or not. We tried this idea and it did not work. We did not meet the program's goals and it was very expensive.

We want to help people work. That is why we have invested in training to give people the skills they need to get work today and in the future. The member should have supported us in that effort.

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, again, the minister is saying that employment insurance serves to train the claimants. Her argument does not make sense for workers in regions with high unemployment where it is very difficult to obtain the 910 hours required for the initial application.

Will the minister recognize the importance of this measure for these workers, and does she intend to make pilot project number 13 permanent?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, there are ideas that work and there are ideas that do not. We have already expanded the programs that were beneficial to the unemployed and the economy. This pilot project was not a good idea and that is why we cancelled it. We will continue to work for Canada's taxpayers to ensure that their money is well spent.

* * *

[English]

SENIORS

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, the Prime Minister told the House the policy of denying GIS benefits for seniors who make emergency withdrawals from their RRIF has been reversed, not put on hold but cancelled outright.

The House has been given false information. Internal documents I have obtained, issued to Service Canada processing staff on November 26 and 30, confirm that the May 17 policy to cut GIS benefits still stands and still is the policy of the Government of Canada today.

How do the Prime Minister and the minister explain their earlier statements?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, let me be very clear. That change in policy has been cancelled. All applications that were made from May 2010 until the cancellation will be re-evaluated based on the rules prior to May, so everything is going to continue as it was before, because we want to make sure that the GIS is fair and helps those who need it most.

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, the minister can misinform the House all she wants. These documents spell out exactly what is happening within her department today. It is business as usual at Service Canada. Make an emergency withdrawal of RRIF savings; lose the GIS in return. Contrary to what was promised, there has been absolutely no directive to re-evaluate anyone previously turned down. The secret May 17 policy still stands. The minister has given one directive, however; all future GIS applications are indefinitely to be buried in the mailroom so that this truth could not be leaked out.

What is worse, a lie or a cover-up?

*Oral Questions***ABORIGINAL AFFAIRS**

•(1445)

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, if the gentleman wants to, he should contribute it to the House.

Let me say, we have cancelled this change. We have cancelled it, we have cancelled it, we have cancelled it. Could I be more clear about that? We want to make sure that Canadians who need their GIS do get it. We are going to be operating under the old rules. We are putting that in place retroactively so that anyone who was applying under the rules after May 17 gets re-evaluated based on the old rules. That is what we have promised to do. That is what we are doing.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, this Christmas, there are many more Canadians living in poverty than there were when the government took office. Seniors poverty is up 25%, but while the government can find \$1 billion for its bloated G8 meeting, seniors suffer. While the Conservatives were making merry at their Christmas party last night, their senators danced out long enough to kill a bill that would have made Christmas a little bit brighter for disabled Nortel employees.

Merry Christmas from their government. This on top of shafting our poor seniors by cutting their GIS. Our seniors have stood up for this country for years. Why does their government not stand up for them now?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, when it comes to standing up for seniors, we have done it several times when the member and his Liberal colleagues did not. We stood up and voted in the House for splitting the pension income for seniors. We stood up in the House when it came to the GIS exemption. We stood up for making sure that seniors could work more and still collect GIS.

We are standing up for seniors. Liberals should try it once in a while.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, come on. Poverty in this country is a national disgrace. Governments make choices. They can find billions of dollars for untended planes but nothing for seniors. Seniors poverty is up 25%. Poverty is up 2.5%. We have more people living in the streets, kids going without food, skyrocketing debt, and people with increased debt loads. Those are facts, but those are the choices that the Conservatives make. The government does not seem to give a damn. What does it say to the poor, "Let them eat planes"?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, let us face it: when it comes to caring about seniors, we put our money where our mouth is. We are the ones who took 85,000 seniors off the tax rolls by reducing their taxes so that they had more money in their pockets, not in the government's pockets. We brought in pension income-splitting for seniors. We raised the age credit.

We are doing it for Canadians. All the Liberals are trying to do is scare them. That is not right. That is not fair and it is not helping seniors.

The other thing the Liberals want to do is raise the carbon tax. They want to raise the GST. That will take money out of seniors' pockets. That will not help.

Mr. Earl Dreeshen (Red Deer, CPC): Mr. Speaker, this Conservative government came to office committed to helping improve the lives of aboriginal Canadians.

After 13 years of failed promises under the Liberals, we put in motion with first nations communities and other partners improvements in housing, water, specific claims and economic development. We not only delivered an apology to residential school survivors, but also human rights to on reserve Canadians.

Would the Minister of Indian Affairs and Northern Development tell the House what our government is doing to help improve 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, the government is committed to helping improve kindergarten to grade 12 education on reserve.

I want to tell the House and all first nations families and leaders that I am working with the national chief and the Assembly of First Nations. Today I am announcing that our government will be creating an expert panel to advise and look at options, including legislation to make positive changes for first nations students and to improve K to 12 education outcomes.

National Chief Atleo says we are generating hope and opportunity here. I agree.

* * *

[Translation]

BROADCASTING AND TELECOMMUNICATIONS

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, the process for choosing the vice-chair of the CRTC must be transparent. This is essential because the CRTC oversees a \$60 billion industry. The process has been clearly defined. Eight candidates were interviewed and must have the qualifications required for this position.

Did the government use a transparent process or did it interfere politically in the choice of the new vice-chair?

Oral Questions

●(1450)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, yes, we are respecting the wishes of taxpayers with regard to the use of an effective and accountable process for appointing people to positions of authority.

In response to the hon. member's more specific question about the vice-chair of the CRTC, we have not yet made a decision. When we have selected someone for the position, we will make an announcement and the hon. member will be made aware of the name of the person at that time.

[English]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, the word on the street is that failed ADQ candidate Tom Pentefountas is favoured for the job, even though he was not on the short list of candidates.

The government's record on patronage is pretty appalling, but would it think to pick somebody with absolutely no experience and no qualifications? Being a political buddy to Tory bagman Leo Housakos and PMO lapdog Dimitri Soudas is certainly not a sufficient resumé for a semi-judicial body that oversees decisions worth millions of dollars.

So I am asking, is the government so brazen that it would interfere with the CRTC by picking buddies of the PMO?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Word on the street is, Mr. Speaker, come on. This is the Parliament of Canada. We do not ask questions based on what the word on the street is.

We have not yet made an appointment to the vice-chair position of the CRTC. When we make an appointment, my hon. colleague will be among the very first to know. I am sure he will recognize that we have made the right decision for both the CRTC and indeed for all Canadians, and he can tell the word on the street that is the case.

* * *

[Translation]

COPYRIGHT

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, it is not just creators who are denouncing the copyright bill. The Quebec bar says that Bill C-32 is nothing but a series of “piecemeal amendments without vision or overall consistency, clumsily adopting parts of foreign models that we know to be outdated.” The president of the Quebec bar is calling on the Minister of Canadian Heritage to go back to the drawing board because Bill C-32 does not respect Canada's international commitments.

Will the minister substantially amend his copyright bill, as Quebec and its bar are calling for?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I have said many times, Bill C-32 is fair and responsible. It reflects the recommendations made across the country when we conducted unprecedented consultations in order to draft a responsible bill that responds to the needs of consumers and creators alike.

To answer the hon. member's question specifically, as to the WIPO Internet treaties, yes, this bill will make Canada the number one country in the world in terms of protecting our creators from those who pirate and steal from creators. We will work with WIPO and protect all Canadians.

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, the bar association specifically says that Bill C-32 does not respect these international treaties.

The Minister of Canadian Heritage and Official Languages is once again showing contempt for artists by saying that creators, “are not entitled to revenue, they are only entitled to not have their work stolen.”

Therein lies the problem. The minister refuses to understand that copyright is revenue. Will the minister reconsider? Will he listen to and hear the cultural community and fine tune his bill to ensure that creators are compensated?

[English]

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, let me be clear again. We are against imposing a massive new tax on consumers. If that is the proposal of the Bloc Québécois, we will be against it. It is the proposal of the NDP and we are against it. It does not serve consumers and it does not serve creators to make it more expensive for Canadians to have the devices on which they can consume Canadian content. It is a bad idea and we are against it.

We are not against it because we do not understand what the opposition members are proposing. We are against it because we know exactly what they have in mind.

We are against increasing taxes on consumers. We are in favour of an intellectual property regime in our country that serves the best interests of creators and consumers, and in Bill C-32 we have that.

* * *

●(1455)

GOVERNMENT PRIORITIES

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the Prime Minister and his government says yes to \$6 billion in corporate tax breaks, yet families in Winnipeg's north end are concerned about the government completely ignoring important issues such as youth programs and seniors pensions

In the recent byelection, the Prime Minister had a chance to justify his priorities to the people of Winnipeg North, but instead he had a meeting behind closed doors. Why was the Prime Minister scared to engage real people in Winnipeg's north end?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the folks of Winnipeg North know how much our government has been doing to help seniors and families.

The people of Winnipeg North also know that our bid on the F-35 planes will benefit Bristol Aerospace in Winnipeg North. They know that and they want to ensure they get the jobs and the spin-offs. They want to see those. We want to see them too. That is why we support it and so should the Liberals.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the government has failed the test of compassion. The Prime Minister's priorities are billions in corporate tax breaks and billions in untended fighter jets.

Governments need to put people first, demonstrating a real interest in improving our health care system and developing more effective programs for our youth.

In Winnipeg's north end the Conservatives have failed on all fronts. How can the government explain its complete failure to improve the living conditions of our communities?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, let me give the member a lesson about his own party.

In 1993 the Liberal Party cancelled the EH-101 contract, forcing the Canadian Forces to continue to fly ancient helicopters. It cost the country a billion dollars.

The hon. member should take time to ask a question of his own party. Why do Liberals always want to cancel, cave in and crater the needs of the Canadian Forces? That is their legacy when it comes to procurement for the brave men and women of the Canadian Forces.

* * *

THE ENVIRONMENT

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, the Prime Minister promised not to appoint unaccountable members to the Senate, but in reality he has appointed more of them than any prime minister in our history.

Canadians are downright angry that the government is using unelected, unaccountable senators to kill legislation like Bill C-311 that was passed in the House by a majority of members representing a majority of Canadians. It is undemocratic and it is unacceptable.

When will the Prime Minister stop using the unelected, unaccountable Conservative Senate to thwart the will of the elected and accountable House of Commons?

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, the Liberal-NDP coalition bill would have forced Canada to diverge from the very similar targets that our government has with President Obama in the United States. That is a 17% reduction of greenhouse gas emissions by 2020.

The coalition would lead us down a path of isolation, further economic downturn and a loss of jobs. That is not what Canadians want.

* * *

PENSIONS

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, over a year ago I tabled a bill designed to help the disabled Nortel workers. A similar bill in the Senate was defeated by

Oral Questions

Conservative senators last night. Clearly the unaccountable senators have abandoned these workers.

The clock has all but run out for these workers. The minister has repeatedly said in the House that he would do something for them. Will he put aside his speaking points and tell the House right here, right now, what he will do for them?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, I can tell the hon. member that we on this side of the House, as I believe all MPs and senators, sympathize with the plight of these individuals, particularly those with long-term disabilities.

The fact is the solutions proffered by the NDP and proffered by the Liberals in the Senate do not help those people one iota. They do not help. They would be in court for years. That is the expert testimony that was heard at the Senate. They are not helping.

We on this side of the House are looking for solutions to help people, not engage in soulless rhetoric designed for the cameras and not for the people of Canada.

* * *

PUBLIC SAFETY

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, today the Federal Court of Canada ruled to uphold the security certificate of Mr. Mohamed Harkat. The reason for the judgment, Justice Noel wrote:

I find that Mr. Harkat has engaged in terrorism, that he is a danger to the security of Canada and that he is a member of the Bin Laden Network through his past work...

Could the Minister of Public Safety please tell the House how today's court ruling supports the government's approach to countering terrorism and protecting our national security?

• (1500)

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, our Conservative government is steadfast in our commitment to ensure Canadians are safe from terrorist threats.

Today the Federal Court determined that there were reasonable grounds to believe that Mr. Harkat was a threat to national security. Our priority remains taking the action necessary to ensure Canadians are safe.

* * *

[Translation]

INFRASTRUCTURE

Mrs. Lise Zarac (LaSalle—Émard, Lib.): Mr. Speaker, the natural catastrophe that hit the lower St. Lawrence is of concern to all Canadians. People have lost everything they worked so hard for all their lives and much infrastructure was damaged and literally carried away by the water. Such a disaster had not happened since 1914.

Will the government agree to put its technical, professional, human and financial resources at Quebec's disposal in the event that the province asks for its help?

*Oral Questions**[English]*

Hon. Chuck Strahl (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we share the concern for what happened in the St. Lawrence area. There is a real human tragedy there and we feel for those people.

As well, we have a relationship with the provincial government to ensure that where there is a natural disaster, or a disaster of any type in the province, a formula kicks in. There are processes where our officials work together to ensure we look after those citizens by working through pre-established terms and conditions that have been put in place with the Quebec government.

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*[Translation]***ABORIGINAL AFFAIRS**

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Speaker, after many years of negotiations following the 1975 James Bay Agreement, a marine region agreement was finally signed by the federal government and the Cree. With unprecedented participation, the Cree Nation voted almost unanimously in favour of the agreement, which cannot come into force unless backed by a law.

What is the government waiting for to keep its promise made to the Cree of Eeyou Istchee and introduce the bill that was supposed to have been presented in September?

[English]

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 are in the final drafting and the member can expect that legislation imminently.

* * *

THE ENVIRONMENT

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, the Conservative government is way off track when it comes to actually protecting the environment. Yesterday, when questioned about the Edézhie area of the Northwest Territories, also known as the Horn Plateau, the government laughably said, “a national wildlife area designation does not preclude development”. Opening the door to resource exploitation in these protected areas has forced the Dehcho First Nation to take this government to court.

Why is the government wasting everyone's time and money through this court case? Is it another Lancaster Sound? Where is the issue? Either these areas are protected or they are not.

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, the member is quite correct. Where is the issue? Any plans for exploration or development would have to include measures to mitigate environmental impacts in a way that would protect the conservation values of the proposed national wildlife area. Everything is as it should be.

TAXATION

Mr. Richard Harris (Cariboo—Prince George, CPC): Mr. Speaker, more and more Canadians are coming out against the Liberal Party's disastrous economic policies. They know the tax and spend policies of the Liberal leader will kill both jobs and the economy. The Liberal plan to target job creators with massive hikes is just the latest example. The Canadian Chamber of Commerce calls it a “disastrous idea”.

Could the parliamentary secretary tell us what employers in the forestry industry are saying?

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, we all know that the Liberal leader's plan to raise taxes will simply kill Canadian jobs. It will kill economic growth. It will harm Canada's economy. The Liberal job-killing taxes are dead wrong.

The Forest Products Association of Canada, which employs hundreds of thousands of Canadians, said yesterday, “the business tax reductions...are an important part of the industry's recovery plan for the period ahead”.

Why, once again, are the Liberals threatening Canada's forestry workers and their employers?

* * *

● (1505)

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the Honourable Dennis Fentie, Premier of Yukon.

Some hon. members: Hear, hear!

The Speaker: I also would like to draw to the attention of hon. members the presence in the gallery of National Chief Shawn A-in-chut Atleo, National Chief of the Assembly of First Nations.

Some hon. members: Hear, hear!

* * *

BUSINESS OF THE HOUSE**BUSINESS OF THE HOUSE**

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, my question is, as usual, addressed to the government House leader or, in his absence, the deputy leader.

I would like to ask the government what the remaining business of the week is for today and tomorrow, and, going into next week, Monday through Friday, how the government anticipates its legislative agenda moving forward.

Oral Questions

It would be very important as well for the government take a moment to address some of the remarks made by two ministers yesterday dispatched to talk about the legislative process. We are not engaged in legislative process-making. Could the government help us and Canadians understand what the schedule is with respect to some of the justice bills on which concerns were raised yesterday? We would like to hear about those concerns, what bills specifically and how it intends to get them through the House from now until Friday.

Could he also take a moment to address whether the government will stop filibustering, in two or three standing committees, important bills that this entire House wants to see move forward?

Finally, could the deputy leader of the House address his remarks yesterday about an order paper question that consumed over 45 minutes of this House's time, instead of dealing with important legislative matters?

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I will start with the hon. member's last question first.

The member is right, that was an extremely long question. I pointed out to this place that the Liberals were making it a common practice of writing questions that should be divided into several questions rather than just one. The question that I read into the record of this House took over 15 minutes to read. It is an attempt by the Liberal Party, continuous attempts by the Liberals, to obfuscate, to delay the proceedings of this House and to, quite frankly, impede the ability of government departments to get on with important government legislation.

Mr. Speaker, I hope that you, in your wisdom, will rule on that very important point of order as quickly as possible.

With respect to the business today, we will continue with the Liberal opposition motion and business of supply. Tomorrow we will hopefully complete the final stage of C-30, Response to the Supreme Court of Canada Decision in R. v. Shoker Act. Following Bill C-30, we will call, at report stage, Bill S-6, Serious Time for the Most Serious Crime Act.

On Monday, we will continue with any business not concluded this week, with the addition of Bill C-43, Royal Canadian Mounted Police Modernization Act, and Bill C-12, Democratic Representation Act.

On Tuesday, we would like to complete the third reading stage of Bill C-21, Standing up for Victims of White Collar Crime Act.

Next week, we will also give consideration to any bills that are reported back from committee. Further, if time permits, we would also debate next week Bill C-38, Ensuring the Effective Review of RCMP Civilian Complaints Act; Bill C-50; Bill C-51, Investigative Powers for the 21st Century Act; Bill C-53, Fair and Efficient Criminal Trials Act; and Bill C-19, Political Loans Accountability Act.

Finally, on Tuesday evening, we will have a take-note debate on the trade agreement with the European Union, and on that subject, I would ask my colleague, the chief government whip, to move the appropriate motion.

Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC): Mr. Speaker, further to the comments of the deputy House leader, consultations have taken place among all parties and I am please to move:

That a take-note debate on the subject of the current negotiations to conclude a comprehensive economic and trade agreement with the European Union by the end of 2011 take place pursuant to Standing Order 53.1, on Tuesday, December 14, 2010.

• (1510)

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)

[Translation]

The Speaker: The hon. member for Honoré-Mercier is rising on a point of order.

* * *

POINTS OF ORDER

QUESTION NO. 614

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, I am rising in response to the point of order raised yesterday by the Parliamentary Secretary to the Leader of the Government in the House of Commons concerning my order paper question about the copyright bill, Question 614.

Clearly, the parliamentary secretary made comments that are a bit difficult to understand, are of a more partisan nature and have little to do with the rules. He said that we ask long questions to cause delays and slow down the process. In fact, quite the opposite is true. What I really want is to get answers from the government.

[English]

This is what I wish for. I need answers.

[Translation]

And so I am asking for answers in this regard. A desire to delay the process was the furthest thing from our minds. On the contrary, it is very important to seek out answers and that is why we are asking a question.

The Parliamentary Secretary said that my question was not concise enough. I would like to know what is concise and what is not. The length of the question is directly proportional to the length and complexity of the bill. I hope that some of the members have read Bill C-32, which is 65 pages long. It is extremely long and complex. We need clarification in this regard.

Oral Questions

The Minister of Canadian Heritage and the Minister of Industry told us that the bill was based on consultations held across Canada. I went across Canada. I met with people in all 10 provinces during round tables on copyright. I hope that I can do so in the territories as well. What I heard was not at all like what the government heard. It was completely different. The government is telling us that the bill is based on consultations. What I am saying is that I consulted people and I got very different information. Something is not right, and that is why I put questions on the order paper, questions that are extremely important. For example, I want to know who they consulted. What was the process? What was the outcome of that process? We are not getting those answers in the House or in committee. Once again, what we heard is very different from what they heard.

What is clear to me, and probably to you, Mr. Speaker, is that this question is relevant. It is fair and to the point. Once again, we are not getting answers in the House or in committee. This bill is far too important to just let it go as is. We need answers, so we are using the question on the order paper to get important answers.

I would like to look at this from the perspective of the Standing Orders and read an excerpt from *House of Commons Procedure and Practice*, which states that:

Aside from a 1965 Speaker's statement indicating that some of these restrictions no longer applied, there is no definitive breakdown of which of these are still valid. Thus [and this is important] a very large measure of responsibility for ensuring the regularity of written questions fell to the Clerk.

I will end with the following:

Acting on the Speaker's behalf, the Clerk has full authority to ensure that questions placed on the Notice Paper conform to the rules and practices of the House.

Clerks in the service of the Clerk of the House analyzed the question, revised it and allowed it. They did their job. I do not see why anyone would question the work of the clerks. Unlike the parliamentary secretary, I trust them and I believe that you too will reiterate your confidence in our clerks.

• (1515)

[English]

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, if the member had been listening attentively yesterday, he would have heard me say at the conclusion of my remarks that I do not believe any Canadian, after listening to a question that took close to 20 minutes to enter into the record, would agree that it fits the definition of "concise". Of course it does not. O'Brien and Bosc is quite clear on the fact that it must be a concise question. Otherwise, the option is to either withdraw the question or break that one question into multiple parts.

I am not sure if my hon. friend is aware of other procedures in the House, but one is that a member can only have four priority questions on the order paper at any one time. What the Liberals appear to be doing is asking a question of such volume and length that they can get four of those types of questions on at one time, when in fact, I would suggest, Question No. 614 should be broken down into at least four or five questions rather than one.

All we are suggesting is that if the hon. member wants to ask questions, he should follow proper procedures and practices, make

the questions concise and present them in such a fashion that the government has the ability to answer in 45 days, which is the priority deadline. The member should know that when a question is over 1,500 words in length, it is near impossible for this government or any government to respond by the 45-day deadline. If he truly wants answers to questions, he should do so in a fashion that allows the government to answer accordingly within the 45-day limit, or else make the question a non-priority question.

I would suggest that my hon. colleague read O'Brien and Bosc and get the procedures and practices correct before he raises a question, as he did with Question No. 614.

[Translation]

Mr. Pablo Rodriguez: Mr. Speaker, very quickly, following the parliamentary secretary's logic, I could take the same question, divide it into four parts and send them at exactly the same time, and the same people would have to answer the same questions, but simply divided into four.

We have never tried to delay the process, on the contrary. I hope he believes me. We want answers as quickly as possible. That is important. Once again, the clerks determined that the question was valid and in order, so I ask him to trust them, as I do.

[English]

Mr. Dean Del Mastro (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, maybe I can provide some assistance to the conversation by way of additional background.

It seems that a number of the things the member is asking for were actually offered up on the first day of the special legislative committee on Bill C-32. He talked about consultations, wanted to know who was met with and said that he would like to see some of the information. I told him that there were consultations from one side of this country to the other. In fact, one was held in Peterborough where the media was actually in attendance and records were kept from that meeting. We would be happy to furnish all of that to the member. I offered that to him on the first day the committee met if he was interested in seeing it.

In addition to that, I told him that we had received 8,000 written submissions on Bill C-32 and that they would also be available if he wanted to read them.

The Speaker: I am not sure what that has to do with the admissibility of the question but I thank the hon. member.

Mr. Tom Lukiwski: Mr. Speaker, I want to reiterate that governments have an obligation, if it is a priority question, to answer within 45 days if it is within the realm of possibility to do so, if it is the art of the possible. The member should know, if he truly wants an answer, that writing a question consisting of over 1,500 words would not allow the government to answer by the deadline.

Since he says that he wants answers, he should present a question that is procedurally correct and break the question down into smaller parts. The reason the Liberals ask lengthy questions is so they can then have three more questions on the order paper of the same length at the same time. That is the delaying tactic. They are trying to force government departments to spend time and money answering questions, when in fact those departments should be doing more important work, in my view, of bringing forward legislation.

If he wants Parliament to work, let us let it work.

• (1520)

The Speaker: I will review the matter and get back to the House in due course in respect of the question.

ORAL QUESTIONS

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, this is a different point of order. It is all in the interests of precision from responses that emanated out of question period.

On several occasions, the President of the Treasury Board, in reference to the Public Sector Integrity Commissioner, indicated that the individual was appointed by Parliament. In fact, the commissioner is appointed by Governor in Council, and that means that the Prime Minister made the final approval in cabinet.

None of these individuals, least of all the commissioner in question, is appointed by either the House of Commons and/or the other place. He or she is in fact someone who is appointed by the Prime Minister and his cabinet.

That is significant, because the Prime Minister and his cabinet need to take ultimate responsibility for an officer whose job it was to protect whistleblowers and to permeate accountability.

The failure to do so means that there is no effective whistleblower legislation and the government no longer believes in accountability.

The Speaker: I am sure members appreciate the hon. member's clarification, but I do not think this constitutes a point of order. It is a matter for debate.

GOVERNMENT ORDERS

[English]

BUSINESS OF SUPPLY

OPPOSITION MOTION—CHARTER OF RIGHTS AND FREEDOMS

The House resumed consideration of the motion.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, I am delighted to have the opportunity to speak on this motion that was brought forward to the floor by the distinguished member of Parliament for Moncton—Riverview—Dieppe who has served for many years.

This is an important motion for many of us, perhaps more so for the Liberals than some others because of the heritage of this party. I want to preface my comments by just putting it in context. When I saw this motion it made me think about the times I have travelled as a parliamentarian, which is a great privilege.

Business of Supply

One of the great privileges of being a parliamentarian is the opportunity to travel abroad, as well as to travel within Canada. One of the first trips I took as a member of Parliament in 2004, I believe it was, was the opportunity to travel to Berlin with the then-minister of justice, the member for Mount Royal, surely one of Canada's most distinguished parliamentarians, one of Canada's most distinguished human rights experts and, I would suggest, one of the world's human rights experts.

I had the chance to accompany him on a visit to Berlin. The issue was human rights. Part of the topic was how to balance human rights with security. The guest list was truly impressive, except for myself. He was there with supreme court justices and ministers from other countries, talking about human rights. I learned so much at that meeting, not so much about the technicalities of constitutions and charters and things like that. I am not a lawyer, but I have certainly been accused of being one.

This is an interesting thing to experience, going to other countries and talking to people about Canada. People talk about what it means to them to be Canadian. That conference must have been in 2005, because we were going through the issue of civil marriage. Other countries were just absolutely awestruck by how Canada can be a progressive nation that understands that the majority is stronger when the minority is protected.

This is the kind of image that Canada had abroad. I would suggest it has been somewhat diminished in recent years, but Canada has this reputation.

I do not travel as much as I could. Like all members of Parliament, I could travel quite a bit. I had the opportunity recently to travel to the country of Azerbaijan, a former Russian state doing its very best to now be a democracy. It had great freedom fighters and liberators in that country who have brought Azerbaijan to a pretty good place as a democracy, a fledgling democracy but one that values the opportunity to settle its issues by the ballot and not by the bullet.

It is embracing democracy and it is embracing human rights while trying to understand the context and nuance of protecting minorities while moving the country forward. It is a country that has a fair amount of wealth. It has some Caspian oil. It is doing pretty well.

I was invited, along with Senator Percy Downe to be an election observer for its election, which was a very well run election. I was very impressed, seeing people coming in to vote for the first time and getting the ink mark on their thumb. They consider that a badge of honour. In many cases they have not voted before. They do not understand all about it, except that it is important.

When we met with the electoral commission, we saw that Canada is one of the ideals. Canada is one of the countries that people look up to, because as much as it may get acrimonious in this chamber, as it has as recently as 45 minutes ago, this is where things get decided, and that is as it should be.

Part of the thing that makes that work is that we have the Canadian Charter of Rights and Freedoms. We have an overall umbrella that ensures that Canadians have a certain level of protection.

Business of Supply

For that reason, I am particularly happy to have the opportunity to speak to this motion today. The motion, as read earlier by the member for Moncton—Riverview—Dieppe, is:

That the House recognize the vital role played by the Charter of Rights and Freedoms in ensuring justice, liberty, equality and fairness for all Canadians and call on the Government to reject the views expressed by several members of the Conservative Party of Canada that belittle and criticize the Charter's impact on Canadian society.

There are some of those. There are also a large number of Conservatives, in my view, who fully and completely support it, and many who have embraced the Canadian Charter of Rights and Freedoms. I think of Progressive Conservatives like Brian Mulroney and Joe Clark. I am sure there are members who sit in the House today who would share that view.

● (1525)

The history of the Canadian Charter of Rights and Freedoms is important. We had the Bill of Rights, which was one of Mr. Diefenbaker's landmark achievements. Mr. Diefenbaker was a great believer in human rights. As a lawyer on the prairies he defended many people, many of whom were unjustly accused, and he came to believe that we needed to have a Bill of Rights.

I had significant admiration for Mr. Diefenbaker. He was strongly opposed to things like capital punishment, which went against a lot of the view at his point in time. He believed overall in the fact that there has to be some protection.

The charter that we are talking about today was preceded by the Canadian Bill of Rights back in 1960. However, the Bill of Rights was only a federal statute, not a constitutional document. It was an important document, an important measure for Canadians to have, but it became clear that we needed more. As a federal statute it was limited in scope, was easily amendable and was difficult to apply to provincial laws. The Supreme Court of Canada also narrowly interpreted the Bill of Rights. The court was reluctant to declare laws inoperative. It was a good document but we needed more.

Our great former prime minister, Pierre Trudeau, was somebody I looked up to as a younger man. He understood this. He understood it was difficult. It is never easy to make major changes in Canada. It is never easy to get things through Parliament, and it should not be easy. This is not a place where things should be rubber-stamped. This is not a place where things should be easy to move along. Part of the test of how important something is, is how much work goes into making it happen.

The fundamental freedoms of the Canadian Charter of Rights and Freedoms include “freedom of conscience and religion; freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; freedom of peaceful assembly; and freedom of association”.

It speaks about the democratic rights of citizens. It even refers to the maximum duration of legislative bodies. It speaks of mobility rights, “Every citizen of Canada has the right to enter, remain in and leave Canada”. It speaks about rights on life, liberty, security of person, search and seizure, a whole number of issues. This is a very significant achievement in Canada.

We all have different touchstones that to us really mark turning points for Canada. For some people, it might be some of the great battles that took place in World War I when, as some people say, Canada became a leader of nations. For some people, it might be World War II. For others, it might be getting our own flag in the 1960s or the bilingualism and bicultural commission. Women's rights is a significant one.

For many Canadians, 1982 was a seminal moment in Canada, a moment when we said we were going to make this happen through the Charter of Rights and Freedoms.

The charter spoke to official languages. English and French are the official languages of Canada. They have equality of status and equal rights.

The rights that I would say symbolize Canada are minority language educational rights, aboriginal rights and freedoms not affected by the charter, and a whole host of other things that were included in the national discussion. The Charter of Rights and Freedoms' coming in 1982 made that a very significant time for Canada.

As a case study, I want to speak about myself when I was first elected to this place in June 2004. One of the big issues in my first time in this Parliament was that of civil marriage. In Canada it was a contentious time. I can recall very clearly following the 2003 Ontario Court of Appeal ruling on the constitutionality of same sex marriage. The court referenced section 15 of the charter, the equality section. Let me quote directly from the ruling:

The ability to marry, and to thereby participate in this fundamental societal institution, is something that most Canadians take for granted. Same-sex couples do not; they are denied access to this institution simply on the basis of their sexual orientation.

Sexual orientation is an analogous ground that comes under the umbrella of protection in s. 15(1) of the charter.

In addition, a majority of this Court explicitly recognized that gays, lesbians and bisexuals, “whether as individuals or couples, form an identifiable minority who have suffered and continue to suffer serious social, political and economic disadvantage”.

● (1530)

This was thrust into debate in the House of Commons. I was very pleased former prime minister Paul Martin made this an issue. It was not an easy one. I can recall discussions with prime minister Paul Martin, one of the Canadians I respect more than anybody else. He would tell anybody that it was an issue he struggled with. It is not an issue that was natural to him growing up. I know many people who struggled seriously with this issue. In my view the Charter of Rights and Freedoms became the seminal touchstone in that battle for civil rights and for civil marriage.

I know it was not easy. I spoke to many of my constituents who disagreed with me very strongly, people I grew up with and went to church with, people who I know are good people, who believe in equality, who believe in the fact that all people are created equal, who honestly and sincerely believe that people who are gay, lesbian or transgender are as good as they are, but they had an issue with civil marriage. I understood that.

Business of Supply

I recall meeting with a Baptist preacher from my constituency. He came to see me over Christmas 2004. He wanted to pray with me about this issue. I was delighted and honoured to do that. I never felt at that time that I was giving up my religion to support civil marriage. I believed that I was embracing my religion, that I was doing what, in my view, my God would want me to do, but I understood that other people had a different interpretation.

The Charter of Rights and Freedoms became so important in that discussion, so important to Canadians who had different points of view. People have often said in this place that there can be two principled positions that do not agree with each other. Because an individual feels so strongly that he or she has the principle does not mean he or she has all of it. There has to be some third party, some clear and undiluted third party that makes it clear for people.

Many people would say to me that they had issues with this and they were not sure what to do, but because of the charter they supported it. Other people did not feel that way. To this day we have discussions, and I respect the point of view that they brought forward. For me, it certainly made it a lot clearer.

I see some members here who were elected with me in 2004. The member for Leeds—Grenville and others will remember those debates. I was asked by our leader to be on the special legislative committee that looked at that issue. It was not all that easy. We heard lots of points of view. We heard all kinds of witnesses in a hurry in order to meet certain deadlines. It was a very special time.

When people ask me about some of my proudest moments, among my proudest moments was voting for and seeing civil marriage brought to Canada. I believe that Canadians are proud of that. The world has not changed traumatically in Canada. When I visit other countries, people look at that and say that Canada was right to lead on that issue. It was a fascinating time. It was tense. People were in disagreement, but we can look back on that period and be proud that after a free and open debate where so many views were aired, and after hearing hundreds and hundreds of witnesses, we passed the bill, and Canada became the fourth country in the world to allow civil marriage for gays and lesbians. It was fascinating. That was an important time, and the Charter of Rights and Freedoms was seminal in that in moment.

The other issue I want to touch on is the court challenges program. I am certainly disappointed that program was cancelled. That program was introduced in the late 1970s. It was meant to provide support to minority organizations, in many cases, linguistic minorities, organizations that felt they could not achieve the full equality of Canada, but did not have the money to launch all kinds of big legal battles on their own. The court challenges program assisted with that. It was introduced in 1978. Prime Minister Mulroney expanded it, but then it was dropped. It came back under Prime Minister Chrétien in 1994 and then it was de-funded in 2006.

The court challenges program helped a lot of groups. When we think about some of these organizations or groups, we should think about whether we believe they should be proud of the national dialogue and whether we believe these organizations or groups of people should have rights in this country.

● (1535)

The program helped with a lot of issues. How about some disabled groups, amending employment insurance benefits that discriminate against parents of children with disabilities, expanding the common law definition of “marriage” for same-sex marriage, testing criminal law provisions, ameliorating systematic discrimination against African Canadians in the criminal justice system, addressing the discriminatory impact of immigration security certificates on racialized communities, supporting first nations status entitlements, voting rights for inmates.

Carmela Hutchison, who was the president of the DisAbled Women's Network of Canada, said:

Without the funding provided by the Program, many of the organizations and individuals that have invoked the guarantee of equality under the Charter would have been otherwise unable to do so. With the government's decision to de-fund, Canadians who most need the Charter are now effectively denied access to that protection

Victor Wong of the Chinese Canadian National Council said:

We hope that the Fédération des communautés francophones et acadienne du Canada are successful in their challenge. We urge all Canadians to highlight the importance of this program....

That is what was said about the court challenges program. It went hand in hand with the Canadian Charter of Rights and Freedoms.

We have had the Canadian Charter of Rights and Freedoms since 1982. We celebrated a significant milestone back in 2007, the second year that the current government was the Government of Canada. At the time, I can recall former prime minister Jean Chrétien saying how shocked he was that the federal Conservative government had no plans to commemorate the 25th anniversary of the Canadian Charter of Rights and Freedoms. I was shocked, as well. I thought it was really sad that we did not do more on the 25th anniversary of the Canadian Charter of Rights and Freedoms to say that this is important to us, let us celebrate it and look at the achievements that we have had.

Instead, there was a conference on April 17, 2007. One of the conference organizers told Canwest News that the Prime Minister, the then justice minister, the then heritage minister and the former justice minister had all been invited to address the event but had declined.

Former Conservative prime minister John Diefenbaker was such a proponent of the Charter of Rights. Mr. Chrétien said, “I hope they will not put the flag at half-mast Tuesday because it will be an anniversary”.

It kind of bothered me at the time that we did not do more to celebrate what I think was a very significant moment in the history of Canada. I was disappointed, as were other members of this House not too long ago when the new citizenship guide came out from Citizenship and Immigration Canada and there was no mention of the important step that was taken when Canada became a truly equal society in terms of marriage for gay and lesbian Canadians.

I am not going to throw all kinds of quotes at people. I am sure that they have been brought forward already today.

Business of Supply

We have seen a number of members stand and indicate that they will support this motion. I hope that the government will support this motion.

We have heard the former police chief and the new member of Parliament for Vaughan, Mr. Fantino, indicate that he has some issues around the Canadian Charter of Rights and Freedoms.

If we asked Canadians if they think the Charter of Rights and Freedoms matters, even those Canadians who may not know all the details, even all those Canadians who may not have reams of information about the detail of the Charter of Rights and Freedoms, I think it means something to Canadians. It is almost a rainbow of equality that goes across this country. It is part of the fabric of Canada that we should be proud of, and many Canadians are proud of. It makes a difference. It makes us better. It allows us to stand out. New countries that are doing their very best to be democratic, such as Azerbaijan, can look to Canada and say, "That is what we want to be, a country that knows we are stronger when we protect the weak, when we actually help them to protect themselves".

That is what the charter gave us. That is what we should be celebrating all the time. That is certainly what we are doing today with this motion from the member for Moncton—Riverview—Dieppe. I am proud to stand in support of that motion.

• (1540)

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, my hon. colleague across the floor and I share some similar thoughts on this motion. Like him, I came here in 2004 and, like almost every Canadian, I have a great deal of admiration and respect for the values and principles espoused by the charter.

Earlier in the debate, I was listening to his colleague, the member for Scarborough—Rouge River. He made an interesting comment that I would like to turn into a question for my hon. colleague.

He mentioned that the charter is a living document. I think there is a recognition that as a society we evolve, change and modify. A lot of the charter and the implications of the charter, of course, are as a result of court interpretation as per the law and it has evolved.

There is one area that concerns me and on which I would like the member's observations. A comparative would be that if you have a two-legged stool, it is not that steady. We have rights and we have freedoms, but we have never had a very sound, solid, legally clear description of responsibilities.

I have thought in the back of my mind that we should have that third leg, responsibilities, clearly defined. Would the member think that to be worthy of consideration down the road as to improvements and modifications as we grow as a society?

Mr. Michael Savage: Mr. Speaker, if my colleague from Scarborough—Rouge River said something about the Constitution, I would not challenge him. It would be like playing hockey against Sidney Crosby. He knows this better than anybody in this House. He is the Sidney Crosby of this place.

I would say there are lots of things that are living, breathing documents, and I support that theory.

In terms of the third leg of the stool, I think we have rights and freedoms which allow us to assume our responsibilities. Many

Canadians do not have the opportunity to assume their responsibilities.

All of us as Canadians have a responsibility. We have a responsibility to honour our past, to honour where we have come from and to honour all the work that has gone into making Canada a truly fortunate and blessed nation on earth. What makes us that is having the rights and the freedoms that allow us to assume our responsibilities as good citizens.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, my colleague gave a good speech, a speech that I believe in.

I sit on the transport committee and right now it is dealing with Bill C-42, which all the privacy experts have said is going to be an invasion of our privacy. Some people think we are in a war against terrorism and that because we are in a war we can give up certain rights. To that end, I proposed a sunset clause for this bill, which was rejected by the Liberals on the committee.

We are in a situation now where a bill that clearly infringes upon the privacy rights of Canadians is going to be law without a sunset clause, without the ability to say that this was only done temporarily because of a particular terrorist concern that we have in this world.

Does the member not think the Liberal Party should walk the walk and not just talk the talk?

• (1545)

Mr. Michael Savage: Mr. Speaker, I respect the work that my colleague does. All I can say is if that is the position of the Liberal Party, I suspect it is probably a sensible position.

I do not have the detail on the bill that the member has, but I think that if things are living, breathing and changing, as my colleague from Prince Edward—Hastings said, I do not think it is unreasonable to have a sunset clause in a bill.

Mr. Scott Simms (Bonaville—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, when my colleague from way over there talked about the situation, he talked about it with a great deal of passion. He has dealt with this since I have known him for the past six and a half years.

I am not sure where the question came from about responsibility, but I would like to talk about that for a moment. I am not sure that it is codified in any way, shape or form. I only wish the hon. member was able to stand and talk more about his thoughts on this.

Nonetheless, I want to ask my colleague about a program that I had brought up earlier three times with three different members. It is a program worth talking about, and that is the reinstatement of the court challenges program.

That program was a model used internationally. It was a model that was remarked upon by the United Nations as being a funded program that worked well in the face of human rights. Certainly it helped us in the face of our Canadian Charter of Rights and Freedoms because it allowed us to challenge that unimpeded by cost or anything else.

I wonder if my colleague could comment on that.

Business of Supply

Mr. Michael Savage: Mr. Speaker, my colleague from Bonavista—Gander—Grand Falls—Windsor came to Parliament at the same time as I did, and I can recall discussions we have had on, for example, civil marriage. At the end of the day, we did not agree 100% on that, but we had a respectful discussion about it.

The significance of the court challenges program is that the countries that are the strongest, the countries that really have strength, are the countries that allow themselves to be exposed to challenges such as were allowed under the court challenges program. When I think about my children, Emma and Conor, who may or may not be in the gallery today, this is the kind of thing that I want to hand off to them. This is the kind of history and commitment to equality that I want my kids and all kids to have as we go forward, this belief that we are stronger together when the majority allows the minority to have equal rights and that we are not afraid of that. I think the court challenges program was one of the most important tools in allowing that to happen.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I want to congratulate the member on his presentation on the Liberal opposition day motion. The member knows that the charter applies only to government laws and action, not to private activity. In Quebec, the Quebec charter of rights from 1976 does apply to private activity. I just wonder whether there is a problem with that. Does the member feel that private activity should have been included in our national charter?

Mr. Michael Savage: Mr. Speaker, it is a good question. There were a number of things that were not included in the charter that may have. I have had many discussions with people with disability who feel that they have not been protected adequately under the Charter of Rights and Freedoms. So to the previous point, that may be something that we can look at.

The point that my colleague brings up is true. Quebec has its own charter, which is a very robust document. So there may well be things that are missing from the charter, but the principle of the Charter of Rights and Freedoms, that overarching belief in equality, is really what is most important and it has been used to advance the cause of many people in Canada who would not have had their cause advanced without the Charter of Rights and Freedoms. As to improvements, I have never seen a document yet where one could not say there is something missing here or there, but there are not many documents about which I have more faith than the Charter of Rights and Freedoms.

● (1550)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I want to ask the member whether he thinks it is appropriate for a prime minister of Canada to speak against the tenets of the Constitution. In the House, it has been warped around that everyone has the right of free speech, absolutely, and that political comment can be made on the merit of laws, and that is true. When a decision from a court comes down, we can disagree with the decision but not attack the charter.

Because the member has a keen intellect, I would like him to narrow in on the answer to this question: when the charter is attacked outright by a prime minister, does it not fly in the face of speaking against the foundation of what makes us a country?

Mr. Michael Savage: Mr. Speaker, I agree completely with the member for Moncton—Riverview—Dieppe. The Prime Minister has said things such as, “Yes...I agree that serious flaws exist in the Charter of Rights and Freedoms”. I think it sends a dangerous signal, and I must say, it is a signal that people are right to be afraid of because we have seen organizations that do not have a majority voice in this country that have been shut out. That is a shame. That is a signal that has been sent by the Prime Minister. I think that is very unfortunate.

Mr. Gordon Brown (Leeds—Grenville, CPC): Mr. Speaker, I appreciate the opportunity to rise this afternoon and speak about this important issue.

The hon. member for Moncton—Riverview—Dieppe has asked the House to recognize the vital role played by the Charter of Rights and Freedoms in ensuring justice, liberty, equality and fairness for all Canadians.

While the charter has clearly had an undeniable impact on Canadian society, the values that the hon. member refers to actually precede the charter and really have formed an integral part of who we are since at least Confederation.

The Charter of Rights and Freedoms, as we know, was proclaimed into force on April 17, 1982, 115 years after Canada first became a nation.

I actually was a student at Carleton University here in Ottawa on that April morning. I was here on the front lawn of Parliament. I remember that when the Charter of Rights and Freedoms was signed into effect, the Queen was there, as well as Prime Minister Trudeau and the justice minister at the time, Mr. Chrétien. It came in with a lot of fanfare.

As I said, a lot of what had developed prior to that time actually became part of the Charter of Rights and Freedoms. Of course, the Canadian Bill of Rights, in 1960, came in under a Conservative government, the government of John G. Diefenbaker. He often said that it was one of his proudest achievements.

We know what the Canadian Bill of Rights said, that peace, order and good government are the principles upon which our country came to be. That, including the Constitution Act, 1867, defined the principles under which a Canadian Parliament could legislate, which is how we all work here even today.

Canada, of course, has also been the champion of human rights. In fact, it was a Canadian, John Peters Humphrey, who was in charge of drafting the United Nations' Universal Declaration of Human Rights, which was ratified in 1948. That was one of Prime Minister Diefenbaker's inspirations for the Canadian Bill of Rights, which as I said, was enacted in 1960.

The Canadian Bill of Rights recognizes the rights of individuals to freedom, personal security and the enjoyment of property. It protected the right to equality before the law, ensured protection before the law, and protected freedom of religion, speech, assembly, association and the press, all things that are important to Canadians. They were then and they are today.

Business of Supply

The Canadian Bill of Rights is still in place today, but for the most part, our courts refer to the Canadian Charter of Rights and Freedoms. Both have positively contributed to Canada and to its people.

All of this has had a major impact on the promotion and protection of human rights in Canada. The charter is founded on the rule of law and entrenches in the Constitution of Canada the rights and freedoms that Canadians believe are necessary in a free and democratic society. It recognizes primary fundamental freedoms such as the freedom of expression, and as I said, of association, and democratic rights including the right to vote, mobility rights that protect the right to live anywhere in Canada, legal rights such as the right to life, liberty and security of the person, and equality rights.

It also recognizes the multicultural heritage of Canadians and protects official language and minority language education rights, as well as the rights of aboriginal peoples in Canada.

The values and principles that are enshrined in the charter are essential to the promotion of a free and democratic society. These values include respect for the inherent dignity of the person, commitment to social justice and equality, accommodation of a wide variety of beliefs, respect for cultural and group identity, and faith in social and political institutions that enhance the participation of individuals and groups in society.

I firmly believe these are values that are held very strongly by Canadians.

● (1555)

In discussing the protection of constitutional rights in Canada, our Chief Justice, the Right Hon. Beverley McLachlin, offered this observation:

It may be said that a nation's law—particularly its law of rights and liberties—expresses and reflects the fundamental social and moral assumptions upon which the nation is founded, its national character. This national character is not fixed, and is subject to constant redefinition within public discourse. But the boundaries of this discourse are largely shaped by a nation's history.

This national history finds expression in the charter and it is important to remember that the framers of the charter made it very clear when it was enacted that it was not intended to create new rights but simply to codify rights and fundamental concepts that have existed in Canadian law since 1867 and before that as part of the British common law tradition.

These include concepts such as the presumption of innocence, the requirement of proof beyond a reasonable doubt, and the independence of the judiciary. These concepts have parallels in the legal system of other free and democratic societies, such as the U.S. Bill of Rights.

The charter moved Canada from a system of parliamentary supremacy to a constitutional democracy where government action is limited by an entrenched bill of rights and courts have the power to strike down legislation. However, while the courts exercise considerable influence on the shape of Canadian law, they do so in accordance with the well-established rules of constitutional and statutory interpretation. In addition, elected legislatures continue to be free to amend or introduce new legislation in the public interest as long as it is constitutional.

We have heard from other members here today. I listened quite intently to the presentation by the member for Dartmouth—Cole Harbour when he talked about other countries and the impact that the charter has had in other countries that look up to Canada. The charter has been used as a source of guidance by many other countries when drafting their own bills of rights. For example, the wording and structure of the New Zealand Bill of Rights Act 1990 was strongly influenced by the charter.

Charter jurisprudence is frequently used as a comparative source by the courts of other countries when interpreting human rights guarantees in their bills of rights. For example, the South African constitutional accord has drawn upon charter case law in interpreting the South African constitutional guarantees of equality: the right to life, the right to a trial within a reasonable time, freedom of religion and freedom of expression.

Similarly, in New Zealand, courts have referred to charter jurisprudence when construing the application of the Bill of Rights Act 1990, its human rights guarantees and limitations on those rights. Indeed, courts of many countries have drawn upon charter jurisprudence, including Ireland, Sri Lanka, Uganda, the United Kingdom and Zimbabwe.

While the impact of the charter is undeniable, there are many other laws that make up the human rights framework in Canada. I have already spoken about the Canadian Bill of Rights, which was enacted in 1960 and applies to the legislation and policies of the federal government and guarantees those rights and freedoms similar to those found in the charter.

The federal, provincial and territorial governments have also adopted legislation, human rights acts or codes prohibiting discrimination on various grounds in relation to employment, the provision of goods, the provision of services and facilities that are customarily available to the public, and accommodation. For example, the Canadian Human Rights Act contains a duty of reasonable accommodation of personal differences, including physical, religious, and ethnocultural differences, in the workplace and in the provision of services.

The Official Languages Act also deserves mention when discussing Canada's human rights framework. It is the cornerstone of Canada's legislative and regulatory regime of language rights protections. The Official Languages Act sets out governmental commitments regarding the full participation of English-speaking Canadians and French-speaking Canadians within federal institutions and the promotion of linguistic duality within Canadian society.

● (1600)

The Supreme Court has stated that federal, provincial and territorial human rights legislation and the Official Languages Act are quasi constitutional in nature, meaning that they have precedence over conflicting legislation.

In terms of human rights protection moving forward, in order for respect for human rights to remain an inherent part of Canadian culture, it is important that federal, provincial and territorial governments, as well as civil society, work closely together to ensure that every citizen is treated equally and with dignity, regardless of his or her age, ability, race, origins or their beliefs.

Business of Supply

I want to talk a bit about tomorrow, Friday, December 10, Human Rights Day. This day marks the anniversary of the unanimous adoption of the Universal Declaration of Human Rights by the General Assembly in 1948. Human Rights Day is an opportunity to commemorate the sacrifices made by the many individuals worldwide who have risked their lives and liberty to defend the rights of others.

I hope we are not going to forget the Canadians who have paid a high price to support the government of Afghanistan and Afghan organizations in building up their capacity to ensure respect for human rights.

Canadians have fought in many wars to protect human rights for others around the world and for ourselves.

I appreciate the opportunity to rise today to speak about this. There is one thing that is not in the charter, something that is important to many of my constituents. It was something that was curiously left out of the Canadian Charter of Rights and Freedoms, and that is private property rights. Many people in my riding of Leeds—Grenville see this as an omission. They feel this Parliament and our country should look at this omission.

The Ontario Landowners Association has put forward a position on private property rights. I want to quote a bit from what it has to say. It says:

The only person who has a right to private property is the private property owner. The private property owner has the right to sell his property to a willing buyer when a price has been agreed upon. If government wants a right to private property, because it is deemed to be in the public interest, then government must pay the private property owner full, fair and timely compensation for the loss of use, enjoyment and value of the property. The Expropriations Act defines that government can expropriate private property for the public good and the private property owner must be paid the highest land use market value—in other words compensated for the land use that would have the highest value.

When government decides to ignore the property rights of private property owners, it has decided that property is more important than people. At this point, government has forgotten that its mandate is to serve people and make them safe and secure. Secure includes the security of private property rights. History has clearly demonstrated that when a state forsakes private property rights, it is the beginning of the failure of that civilization.

This is very important to many folks in my riding. They do not accept the taking of private property by government without compensation. They think it is a wrongful action by government. It is one of the important causes of my constituents in Leeds—Grenville. Many have spoken to me over the years that I have been in the House of Commons. We have heard from a number of speakers who were also elected in 2004. I am sure they have heard this from their constituents as well.

Canada will continue to raise the issues of freedom and human rights around the world. We have to do that as well in Canada. We must be vocal advocates and an effective partner for human rights reform here and around the world.

I appreciate the opportunity to rise today to speak to this important issue. I look forward to questions from members.

•(1605)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, the member's comments were thoughtful. I am awfully glad we brought this motion forward today because it shows we are alone in the House, defending the charter. Bloc members cannot bring

themselves to say that we need to defend the charter. The NDP justice critic said that the charter did not need defending.

With all due respect to my friend, various speakers have said that they believed in the charter. It is almost damnation by faint praise because they have been drawn into the debate to affirm they believe in the charter. However, they squirrel it by saying that it is really just something that was built on existing constitutional mores and customs and it did not create new rights, which the hon. member suggested. He might want to think of talking to language rights warriors like Michel Bastarache and Michel Doucet, who very much appreciate having the charter that enforces language rights in schools in Prince Edward Island, Nova Scotia and New Brunswick, which did not exist before, despite provincial and federal official languages acts.

I appreciate the sincerity of my friend's comments, especially with respect to property. However, why did it take a Liberal motion to have Conservative members stand and say that they believed in the charter, that it was pretty good? There was a Bill of Rights and there was the common law. I want to hear him say loudly and proudly that he endorses the Charter of Rights and Freedoms and that it should last in its current state forever.

Mr. Gordon Brown: Mr. Speaker, I appreciate the comments from the hon. member for Moncton—Riverview—Dieppe. I know he is very passionate about this. I think I have been quite clear in my comments that I am in support of the Charter of Rights and Freedoms.

We have heard from other speakers today who said that it was a living, breathing document and that there was the potential to make changes and additions to the Charter of Rights and Freedoms.

I stand behind today's Charter of Rights and Freedoms. I spoke at length about how it came about. It is something about which this Parliament and all Canadians need to think.

I commend the member for bringing forward the motion today so we could have this discussion. I am happy to have had the opportunity to rise today and speak to this very important issue.

Those who might be sitting at home, having listened to much of my presentation, will say that Canadians believe in this.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, my comments can be taken as comments or as a question, if the member wants to respond.

The fact is in Saskatchewan, on April 1, 1947, the CCF government of Tommy Douglas introduced the Saskatchewan bill of rights act, which was Canada's first general law prohibiting discrimination. It affirms the fundamental freedoms that Canadians now take for granted. It prohibits discrimination on account of race, creed, religion, colour or ethnic or national origin. It prohibits discrimination with respect to accommodation, employment, occupation and education. It prohibits publications that are likely to deprive someone of his or her legal rights on account of race, creed, religion, colour or ethnic or national origin.

Business of Supply

That was the legislation in Saskatchewan on April 1, 1947. The fact is John Diefenbaker was from Saskatchewan, and 13 years later, in 1960, as the Conservative prime minister, he introduced the Canadian Bill of Rights, the precursor of what is now the Canadian Charter of Rights and Freedoms.

I have much more to say about this subject, but could the member take that idea and move forward on it to demonstrate that human rights are just not the purview of the Liberal Party, that they go back a long way, starting with the CCF in Saskatchewan and then John George Diefenbaker as Conservative prime minister of Canada?

•(1610)

Mr. Gordon Brown: Mr. Speaker, I appreciate the comments of the hon. member for Elmwood—Transcona.

Many people believe that the Liberal Party thinks it has a monopoly on these issues, but I do not believe that. I think they see, and I know all members in the House see, that the House of Commons, the Senate, along with provincial governments, with many Canadians over the whole history of our country, have all contributed to what we have today, a country in which we are all very proud to live. We are all proud we have our rights and freedoms, which the charter very much enshrines for us.

We also heard a little earlier from the member for Prince Edward—Hastings who spoke about responsibilities. Responsibilities as well as rights and freedoms is something my constituents also wish were addressed.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, my colleague spoke so eloquently to the evolution of human rights in Canada, some of the important documents along the way and the fact that the charter was very important. However, we should not stop there and think that we have reached perfection. We certainly are not there, and I would like him to have the opportunity to elaborate a bit more.

He talked about private property rights and a number of other things. Perhaps he could elaborate in terms of where we can go, as Canadians, to continue this evolution of what is very important to all of us in the House.

Mr. Gordon Brown: Mr. Speaker, I think there is a feeling across the country that the charter and the Constitution are things we should not talk about because of some things that happened in attempts to amend the Constitution back in the late eighties and early nineties. However, these are discussions that Canadians should have in terms of improvement.

The hon. member said that there was always room for improvement. Maybe today's discussion will make Canadians think about that. We do have an excellent document. We have something that Canadians are proud of, that came together over many years through many processes.

Private property rights, as I spoke about in my presentation, are important to my constituents. These were not addressed in 1982. I know the constituents of many members understand the importance of enshrining private property rights. It is something of which I have been a champion. I know it is something that is not going to be easy to attain, but I am happy we are having this discussion.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member, during his speech and in response to questions, referenced a living, breathing document and also the evolution of the charter.

Section 1 says:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

It is the shock absorber, as it were, to take into account certain circumstances that may occur, or were not anticipated or may become public interest items.

Would he agree that the section 1 override that is available, and has been used from time to time, does in fact represent substantially the living, breathing document that we have, that it is in the interpretation of those principles and not a problem of the individual principles of the charter?

•(1615)

Mr. Gordon Brown: Mr. Speaker, if we all look back at our history, I happened to be in Ottawa when the whole constitutional issue was at its peak, and as I spoke earlier, I was here on Parliament Hill when the Charter of Rights was signed into force.

If we go back to that time, we all know that had the notwithstanding clause not been included in that, we may well have never had the repatriation of our Constitution and the signing of the Charter of Rights and Freedoms, which was all part of that repatriation at the time.

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, Health; the hon. member for Vancouver Quadra, Infrastructure.

Resuming debate, the hon. member for Bonavista—Gander—Grand Falls—Windsor.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, to start with I would like to let the House know that I will be sharing my time with the hon. member from Brossard—La Prairie.

I want to thank my colleagues for the debate thus far. I think it has been a good one and a productive one. I have listened intently to some of the concerns. At times we slipped back into the political rhetoric of the day, but at other times we learned a great deal about what it is to be living in this age of the Canadian Charter of Rights and Freedoms given to us from 1982.

Back in the 1970s, if we go back and peruse some of the articles, some people had great concerns about adopting this type of charter from a societal point of view. A lot of people wondered if this would be an effective tool for people in a minority position, whether that be through race, creed, colour, religion, or sex. They wondered if this would provide them a tool by which they could feel within this country that they had the freedom to be Canadian citizens and throughout their lives feel free to go about as they saw fit, within the confines of the law, of course.

Business of Supply

I want to touch on the history of the Canadian Charter of Rights and Freedoms. It came into force April 17, 1982. Section 15 of the charter and the equality rights came into effect three years after the rest of the charter on April 17, 1985. That gave provincial governments time to bring their laws in line with section 15.

The charter is founded on the rule of law and entrenches in the Constitution of Canada the rights and freedoms that Canadians believe are necessary in a free and democratic society. It recognizes primary fundamental freedoms: the freedom of expression and of association, democratic rights, and the right to vote.

As well, there are mobility rights, the right to live anywhere in Canada. In Newfoundland and Labrador, at least in my riding, that certainly means a lot. There are a tremendous amount of people in my riding who have such great skills, especially in the oil and gas sector, that they are able to move across this country and around the world for that matter. This is proof of the fundamental right of mobility, and Newfoundland and Labrador stand as a great example of that.

The charter also protects official language and minority language education rights. In addition, the provisions of section 25 guarantee the rights of the aboriginal peoples of Canada. It deals with the interactions within the society, between federal, provincial, and territorial governments, and individuals. In some respects it is Canada's most important law because it can render invalid or inoperative any laws that are inconsistent with its provisions.

We have had this debate throughout the day. Some people have said that there are sections within the charter that go too far on that level, too far in the expression of freedom, and that there is also an air of responsibility that should be exercised as well.

Section 1 deals with that adequately. That is why this charter is a beautiful piece of legislation and a beautiful part of the Constitution, because it does allow that to happen. The responsibility and the right of an individual goes so far as to protect the public interest.

The charter has had a major impact on the promotion and protection of human rights in Canada. With respect to language rights, it has reinforced the rights of official language minorities. With regard to equality rights, it has led to recognition and enforcement of the rights of a number of minority and disadvantaged groups. In penal matters, the charter has clarified to a considerable extent the state's powers with respect to offenders' rights as well.

With respect to other human rights laws, there are many other laws protecting human rights within this great country of ours.

The Canadian Bill of Rights was enacted in 1960, and this has come up quite often here. It applies to the legislation and policies of the federal government and guarantees rights and freedoms similar to those found in the charter such as the ones that I spoke of earlier. Those would be: equality rights, legal rights, freedom of religion, freedom of speech and freedom of association. However, the bill is not part of the Constitution of Canada. It was on April 17, 1982, that we were brought to that new level where the charter has become so essential for us.

● (1620)

The federal, provincial and territorial governments have adopted legislation on human rights and the codifying of human rights, prohibiting discrimination on various grounds in relation to employment, which, as I said earlier, is certainly important for Newfoundland and Labrador, the provision of goods, services and facilities customarily available to the public and accommodation. The legislation differs in its application from the charter's section 15 on equality rights in that it provides protection against discrimination by individuals in the private sector as well as by governments. So there we have other government levels.

Let me expand a bit further by going outside of our own realm. I will quote something that was noted in a publication some time ago. Bruce Porter from the Social Rights Advocacy Centre in the late 1990s said:

The Supreme Court has also emphasized that broadly framed Charter rights must be interpreted consistently with Canada's international human rights commitments to social and economic rights. While international human rights are not directly enforceable as law, the Court has emphasized that international human rights articulate the values and rights that are behind the Charter itself, and that the reasonable exercise of conferred decision-making authority must conform with these values.

There we have it. The values the world is now accepting as fundamental human rights are now being exercised around the world and there is a common thread that runs through all of them. I had that experience earlier when I was at the Council of Europe in Strasbourg, something my colleague would be quite familiar with. At the Council of Europe members have adopted the Convention for the Protection of Human Rights and Fundamental Freedoms. This is a fantastic convention agreed upon by over 100 states. It was the establishment, first of all, of the European Court of Human Rights in Strasbourg, but it sets forth a number of fundamental rights and freedoms: the right to life, the prohibition of torture, the prohibition of slavery and forced labour, the right to liberty and security, the right to a fair trial, no punishment without law, the right to respect for private and family life, to freedom of thought, conscience and religion, to freedom of expression. We see some of the common threads with our own charter, but at the same time it addresses others matters in volatile states where certain fundamental rights are stripped away from people: the right of mobility, the fundamental right of a person to defend themselves, and of course also protection for those forced into slavery situations.

The European Union sees human rights as universal and indivisible. It therefore actively promotes and defends them both within its borders, of the 27 nations of the European Union, and in relations with outside countries including this country, Canada. Although the EU has on the whole a good human rights record, it is not complacent. It is fighting racism, xenophobia and other types of discrimination based on religion, gender, age, disability or sexual orientation, and is particularly concerned about human rights in the area of asylum and migration, which has lately been a huge frontier as we become more mobile throughout the world and as we tackle issues such as one dear to my heart, human trafficking, or as some people call it, human smuggling.

Business of Supply

In this particular context we see now that not only do we adopt some of these common threads, there are other countries that are adopting some of the measures that we have within our own charter. These countries, as mentioned earlier by my colleague from Leeds—Grenville include New Zealand, South Africa, Zimbabwe, Ireland and others. Anyone who believes his or her rights or freedoms under the charter have been infringed by any level of government can go to court to ask for a remedy. The person must show that a charter right or freedom has been violated. If the limit is one set out in the law the government will have an opportunity to show that the limit is reasonable under section 1 of the charter, which is what we talk about here when it comes to the right of responsibility.

As a final note, during the question and answer session I brought up the court challenges program. I fundamentally believe that we have missed a golden opportunity. Since the mid-seventies we had within our own government and within this country a program that helped people who were in dire need of exercising their human rights. For whatever reason they were the most vulnerable. They were not able to afford, whether it was through legal aid or other measures, to exercise their fundamental rights and as a result we have unfortunately gotten rid of a program that helped them greatly.

• (1625)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I did want to follow up on my last question to the member for Leeds—Grenville, as well, but I know the member can answer any question that is thrown his way.

The fact of the matter is that Saskatchewan, under Premier Tommy Douglas, the CCF leader, on April 1, 1947, was the first jurisdiction in Canada to pass a bill of rights act, and we assume because John Diefenbaker, later to become prime minister of Canada, was from Saskatchewan he would be certainly aware of the application of this law in Saskatchewan.

However, interestingly enough, during that period there was a campaign brought on by the Jehovah's Witnesses in Canada. They popularized the idea of the Canadian Bill of Rights that John Diefenbaker eventually brought in because they established numerous libertarian precedents before Canada's highest courts. In 1949, the Jehovah's Witnesses launched a national campaign for the enactment of a bill of rights. On June 9, 1947, they presented a petition to Parliament with 625,510 signatures. And that is very interesting because that amount of people in those days, when people lived on farms, would be an amazing number. Anyway, I asked the—

The Acting Speaker (Mr. Barry Devolin): Order, please. The hon. member for Bonavista—Gander—Grand Falls—Windsor.

Mr. Scott Simms: Mr. Speaker, I did not get the last part, but I could certainly comment on what he talked about.

I want to thank him for that piece of knowledge, that little nugget of knowledge about what has happened, as Saskatchewan has been the genesis and certainly the beginning of many programs that we have in this country that we hold so dear. We are certainly proud to have Saskatchewan in this confederation, whether it be because of health care, certainly because of Tommy Douglas, and also, as he just mentioned, because of the idea of a bill of rights.

I was not aware that the Jehovah's Witnesses had done that at that time. Certainly when they show up at my door, as they do, I will be

apt to thank them, because I was not aware of that and I did not know that they played such a crucial role in creating the bill of rights.

So congratulations to them and I thank my colleague for bringing that up.

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, I thank my hon. colleague for his wise words today and his passionate defence of the Canadian Charter of Rights and Freedoms.

The charter of rights was brought in, in 1982. I was 15 at the time and of course did not really understand or recognize the impact the charter of rights would have on my life. However, if Trudeau had not done what he did when he did it, I probably would not be doing what I am doing here today.

I think it is important to recognize that leadership on these issues makes a real difference.

After being elected in 1997, I sat in this House and had an opportunity to vote for same-sex benefits, pension benefits, for federal government employees. That was a charter issue that forced the issue here on the floor of the House of Commons. I watched as the Reform Party and the Canadian Alliance, the predecessors to the Conservative Party, voted against it.

I then watched the same-sex marriage debate, again a charter issue brought to this House based on the charter of rights, and the Conservatives voted against it.

Then I saw the Conservatives, after the 2006 election, actually bring back to the House the same-sex marriage issue, once again a charter issue.

My question for my colleague is, does he find it a little odd that the Conservatives say they support the charter yet, in this House, every single time they have an opportunity—

• (1630)

The Acting Speaker (Mr. Barry Devolin): Order, please. The hon. member for Bonavista—Gander—Grand Falls—Windsor.

Mr. Scott Simms: Mr. Speaker, that is a valid point. Sometimes, as this goes by, we do not say it often enough that when the defence of the charter is coming from that side, we have to question how sincere it is.

Several of the issues that came up today, as a matter of fact, were about how some people had certain problems with the charter but yet, to be specific, we have received nothing in return. Every time we have asked for a bit of specificity that was never coming in return.

I remember that issue quite well when he talked about it in 2005, about the same-sex marriage, when it was referred to the Supreme Court. There were wails from the other side talking about how it was just a bad thing to do, to get on with it, it is the will of Parliament and such. Yet we were not even allowed to explore the idea of how this was an issue of human rights in the charter.

Business of Supply

[*Translation*]

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, I thank my hon. colleague from Bonaville—Gander—Grand Falls—Windsor for preceding me in this debate, but it is with some sadness that I rise to speak here today on the motion moved by my hon. colleague from Moncton—Riverview—Dieppe.

The Canadian Charter of Rights and Freedoms has been enshrined in our Constitution for nearly 30 years, yet here we are still having to raise our voices to defend it. I find it extremely unfortunate that Canada, a country once recognized as a shining example of how to defend and exercise human rights, must now face censorship under the yoke of this outrageously undemocratic government. I especially object to this fear-mongering and blackmailing regime that is forcing the lifeblood of our society to choose between silence and survival.

The Canada to which I pledged my heartfelt loyalty and allegiance on April 17, 1982, is a Canada where freedom of expression and the right of dissent are intrinsic parts of our vibrant democracy. Coincidentally, I became a Canadian citizen the same day the Canadian Constitution was patriated, the same day the Canadian Charter of Rights and Freedoms was enshrined in that Constitution, which is so fundamental to our democratic maturity.

[*English*]

This serendipity, this stupendous fact of my civic coming of age, has influenced and guided my whole and utter devotion to this country I call mine. As much as I have studied, read and learned about other democracies, none has ever reached for me the standard which I found so uniquely successful in Canada.

It saddens me to no end to stand in the House today to acknowledge the erosion of all that we have achieved as a country at the hands of a Prime Minister who has no other ambition but to exercise power for the sake of power. We do not see the slightest intention of offering Canadians the good governance for which our Constitution and the charter were the guiding principles.

We see no evidence of respect for the enormous effort it takes to reconcile the diversity of our differences while defending the most fundamental of human rights and freedoms. The bottom line is that all we see is a fanatical disregard for the principles of equality that took us so long to achieve.

It saddens me to stand here and defend the essence of Canada. Our charter sets us apart from other countries in the world. Many countries are democratic and have parliaments, presidents or prime ministers, but what sets us apart from them is our charter.

Afghanistan is supposedly a democracy. It just held elections and has a government, but without a charter that frames that government, there is not much in terms of human rights that could be rightly seen to be upheld.

• (1635)

[*Translation*]

Our charter is what guarantees rights and freedoms to our minorities. The Prime Minister says that we are in Afghanistan to help women and children benefit fully from their fundamental rights. However, here in Canada, he has no problem recklessly ignoring them. What is he doing to us?

It saddens me to no end that in 2010, after so many years of fighting to get recognition of the fact that we are all connected by our humanity, we are still here today debating the substance of our charter and the principles behind it. Instead of moving forward and raising the bar, this government is doing everything it can to set us back a few decades.

Fear is the new principle of governance, and the Conservatives know that the charter prevents them from building the fortress state that they have envisioned. The government has determined that Canadians are guilty until proven innocent. We have all become criminals hiding behind the charter.

It saddens me that more prisons and a tough-on-crime agenda are all that this government has to offer to Canadians.

[*English*]

It saddens me that it has come to this, that the government, the so-called Conservative Party, has set out to wedge our great country apart.

[*Translation*]

When the government that was duly elected by Canadians is the first to be found guilty of violating one of the freedoms entrenched in the Charter—freedom of thought, belief, opinion or expression—it becomes clear that our democracy is experiencing troubled times.

The charter protects and governs the right of all citizens to freely express their opinions. This also includes those who, in the name of accountability, ensure the proper governance of our institutions. Since January 2006, the Conservative government has not stopped dealing blows, each more vicious than the last, to the supervisory authorities Canada has put in place over the years. Here are a few examples.

[*English*]

Peter Tinsley, chair of the Military Police Complaints Commission from 2005-09, his contract not renewed because:

Too often, he said, political "horsetrading" and unelected staffers play key roles in hiring and firing watchdogs that serve at the whim of the government they are appointed to criticize.

The bottom line is that Mr. Tinsley became inconvenient when he started asking for documents that would allow him to do his job well.

Chief superintendent, Marty Cheliak, former head of the Canadian firearms program, was sent off to follow intensive French language courses, which was undeniably urgent, when his report on the effectiveness of the gun registry threatened to rain on Bill C-391's parade.

Linda Keen, former president of the Canadian Nuclear Safety Commission, was fired for acting on security concerns about the Chalk River nuclear reactor.

[*Translation*]

Paul Kennedy, former chair of the Commission for Public Complaints against the RCMP, did not have his contract renewed for reasons that remain highly suspicious.

Business of Supply

Robert Marleau, former Information Commissioner of Canada, resigned after just two and a half years of service when he realized that the Conservatives were making his work practically impossible.

I could give a number of other examples of the government's shameless acts of censorship since 2006. However, I believe that the argument has been established and shows, without a shadow of a doubt, that the Conservatives blatantly despise the most fundamental principles of freedom of expression.

The motion put forward by my party today is a warning to Canadian citizens: the government of this Prime Minister sees the Canadian Charter of Rights and Freedoms as an obstacle in its quest to conquer and divide.

It is up to each of us to insist that the government respect the Charter and all the rights and freedoms entrenched therein.

[English]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am not sure how much *Hansard* caught of my last question but I did want to follow up and explain it in a little more detail.

Historically speaking, in 1947 the CCF government of Tommy Douglas passed a Saskatchewan bill of rights, which was the beginning of the bill of rights. That and John Diefenbaker's Canadian Bill of Rights in 1960 were inspired by the Jehovah's Witnesses who were fighting battles of religious freedom. They had established a number of libertarian precedents before Canada's highest courts.

In addition, in 1949, they launched a national campaign for the enactment of a bill of rights. On June 9, 1947, they presented a petition to Parliament with 625,510 signatures, which, I would say is pretty amazing given the rural nature of Canada at the time. That inspired John Diefenbaker, who later became prime minister, to introduce the national bill of rights that he introduced at the time.

The point is that the historical record would indicate that it all started in Saskatchewan under the CCF and that John Diefenbaker was inspired by that because he came from Prince Albert and became prime minister—

•(1640)

The Acting Speaker (Mr. Barry Devolin): Order, please. I would just remind all hon. members that when 10-minute speeches are being given, there is only 5 minutes for questions and comments. I would ask for the co-operation of all hon. members to keep their questions or comments concise and related to what has been delivered. Questions and comments is not an opportunity to make a speech by increments, but rather ought to relate to the speech that was previously made.

The hon. member for Brossard—La Prairie.

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, unfortunately, I really do not have an answer to give to my colleague. Yes, it is wonderful information but I cannot provide an answer to that comment.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the hon. member talked about a large number of senior public servants, and I could add to the list.

It paints a picture. It is a pattern and a culture of bullying. The next one coming, as the member will probably know, is the Parliamentary Budget Officer who has done his job and has been relegated to the Library of Parliament. He is not getting the budget he needs to do the job. He is so frustrated that he has already announced that he will not seek reappointment.

I wonder if the member would care to comment on this pattern of bullying.

Mrs. Alexandra Mendes: Mr. Speaker, I did not even mention the Parliamentary Budget Officer because it has not happened yet, but we do see it coming. Unfortunately, it does confirm the pattern and the will of the government to muzzle everyone who dares criticize or question its direction or intent. I fear for others who we will see in the future.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I want to read a quote to the House that I read earlier. This is from the Standing Committee on Public Safety where the former attorney general admitted that the charter protects individuals who are falsely accused. He stated on *Power & Politics* just a few days ago, that “The charter application is an application that applies generally to those who are falsely accused”.

There are other quotes from the past in 2000 and 1996. The list goes on regarding some of the accusations about the charter, but it seems that we have not received any specific reasons or indications of where the charter falls down from anyone who considers themselves to be a critic of it. I was wondering if the hon. member could comment on that.

Mrs. Alexandra Mendes: Mr. Speaker, I really do not have any comments to make. We have no evidence that any of these criticisms are actually based on concrete cases where the charter became an impediment to either the administration of justice or to the proper governance of our country. I have no indication whatsoever that one of those instances has been brought to light.

Ms. Irene Mathysen (London—Fanshawe, NDP): Mr. Speaker, I welcome this opportunity to participate in the debate regarding the Liberal opposition day motion.

I will be sharing my time with the member for Vancouver Kingsway.

This opposition day motion is definitely very interesting and most timely, and I thank the member for Moncton—Riverview—Dieppe for bringing it forward. That being said, I must first take some time to remind my hon. colleagues in the Liberal Party of their track record, both historically and in the not so distant past, concerning the Canadian Charter of Rights and Freedoms.

The present often has a way of dimming the past, but I am surprised at how quickly my colleagues in the Liberal Party forget their own belittling of the Canadian Charter of Rights and Freedoms. I find it passing strange that they have decided to go forward with this motion considering that, this week alone, it became clear that their Ontario provincial counterparts completely ignored this ever-important statute.

Business of Supply

The flouting of the charter was made clear in the Ontario ombudsman's G20 report. The ombudsman states that the actions taken by the government of Dalton McGuinty were illegal and unconstitutional. The actions by the Liberal Party of Ontario are an excellent example of a government belittling the importance of the Charter of Rights and Freedoms and removing rights and freedoms from the Canadian public. Worse yet, this was done behind closed doors and without public knowledge. Peaceful G20 protestors who had educated themselves on their fundamental rights had no way of knowing that the Ontario government had secretly removed these rights. It is painfully clear that the Liberals breached the rights of Canadians in Toronto just this past summer.

If we go back only about five years, we can find yet another example of the Liberal Party disregarding and undermining the Canadian Charter of Rights and Freedoms. I am speaking of the debate concerning marriage law in Canada, specifically, Bill C-38 and the rights of same sex couples to marry.

On February 21, 2005, my colleague from Mississauga South said this in House:

With respect, my view is that Bill C-38 should not be passed and that the notwithstanding clause under section 33 of the charter should be invoked to provide Parliament with the time it needs to make a fully informed decision.

I have two fundamental problems with this statement. First is the fact that the member and his party saw fit to entertain the use of the notwithstanding clause. I take serious issue with the notwithstanding clause. To be honest, I worry that this clause, which gives this House the right to remove the fundamental rights and freedoms from Canadians, exists at all. I find it shocking that the Liberal Party was considering its use in this situation. To quote from its former leader, former prime minister Trudeau, "There's no place for the state in the bedrooms of the nation".

While I am on the topic of former prime minister Trudeau, let us discuss the actual creation of the Charter of Rights and Freedoms and Trudeau's respect for the rights of Canadians. I would like to draw the attention of the House to Trudeau's breaching of the fundamental rights of Canadians, which he said he so strongly supported. I am speaking of course of his enactment of the War Measures Act during the October crisis of 1970. While historically governments have used this statute during times of crisis, most analysis of Trudeau's use of the War Measures Act says that not only was it unnecessary but it was wrong.

In October 1970, Trudeau specifically targeted communities in Quebec, separatist communities, labour groups and left-leaning communities. He took away their rights of citizenship without any proof that they were involved in the events of October 1970. He presumed guilt without evidence of guilt. Regardless of the fact that the Canadian Charter of Rights and Freedoms had not yet been signed, this is a complete breach of the fundamental rights of Canadians, the spirit of that charter.

Furthermore in 1981, the Liberal government cancelled a conference on women's equality. The women present were told that the government would take care of things. The response of these women was immediate and overwhelming. Doris Anderson, the head of the advisory council on the status of women, resigned the post, and a handful of influential Canadian women organized their own

conference in Ottawa, calling everyone they knew to attend. On Valentine's Day, 1981, more than 1,000 women descended upon Ottawa to ensure that women were protected in the Charter of Rights and Freedoms.

Through an unprecedented grassroots campaign, these women fundamentally changed Canadian history to ensure stronger equality sections in the newly patriated Canadian Constitution's Charter of Rights and Freedoms, section 15 and 28.

• (1645)

While I am indeed happy that sections 15 and 28 were included in the charter, it was disappointing that women had to lobby so hard to be included. It would seem that somehow, perhaps because of the court decision on October 18, 1929, women had the misguided notion that they were not only persons but were recognized as persons by the government.

However, that being said, I would like to turn my focus now to the Conservative government and its record.

The member elect from Vaughan has a highly questionable history when it comes to respecting fundamental freedoms. He has openly stated his opposition to the Canadian Charter of Rights and Freedoms. During his law enforcement career, he flagrantly abused his power when he ordered illegal wiretaps to target minority communities. He demonstrated a complete lack of transparency as a public officer holder.

In 1992, internal police reports indicate that the member elect from Vaughan ordered a wiretap of a civilian member of the city of Toronto's police service board. This is a body that oversees police actions. These actions, for the new member for Vaughan, are highly questionable in a democratic society.

Later during the same individual's tenure as police chief in London, he authorized the now infamous and disastrous Project Guardian. This was essentially an anti-gay witch hunt. Although the originally stated purpose of the operation was to catch pedophiles and expose a child pornography ring, no child pornography ring was ever found. There were convictions for drug possession and prostitution, but no child pornography ring.

Unfortunately during his tenure as police chief in London, the new member for Vaughan had a history of targeting minority communities. The consequences of this behaviour were that it created great distrust of authorities among the people our police services are pledged to protect.

Likewise, during his tenure as police chief in Toronto, *Now* magazine reported that the same member showed his disdain for democracy by trying to require that the police approve public rallies. Various news articles indicate that the corruption scandals in the police force were shielded from public scrutiny in an amazingly unaccountable fashion by the newly elected member for Vaughan.

Controversy follows this member no matter what position he holds. It goes on and on. His apparent disdain for democracy, transparency, accountability and now the Charter of Rights and Freedoms leaves a chilling legacy.

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As we have heard today from many members, the Canadian Charter of Rights and Freedoms is vital because it protects minority groups. The Conservative government itself has shown its disdain for the charter in many ways, from disregarding its obligations to Canadian citizens like Omar Khadr to cancelling the court challenges program.

The court challenges program was an essential tool for Canadians to access protection under the charter. As we know, Canadians from minority groups often lack the fiscal resources to access the justice system and therefore are unable to seek protection under the charter.

The Conservative government chose to cancel the court challenges program for ideological reasons. The Prime Minister's former chief of staff, Ian Brodie, wrote extensively about the faults of the court challenges program.

The House of Commons Standing Committee on the Status of Women wrote a report in 2008 analyzing the impact of the cancellation of the court challenges program. The committee heard expert testimony that showed how the court challenges program improved women's equality in Canada. It upheld the rights of pregnant women and protected them in rape trials. It was essential in terms of making sure they were not revictimized.

Furthermore when it comes to the most vulnerable in our society, the court challenges program significantly changed the lives of aboriginal women. Women like Sandra Lovelace, Jeannette Corbiere Lavell and Sharon McIvor all used the court challenges program. We sacrifice and demean its authority at our peril.

As parliamentarians, we must respect the rights and freedoms of our citizens. Unfortunately at times the rights and freedoms of marginalized Canadians are forgotten and overlooked. The charter enshrines these rights and ensures that all Canadians are equal under the law. It is for this reason that the charter must be respected. It must be upheld.

• (1650)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I wonder if the member would comment on the history of human rights in this country.

On April 1, 1947, under the leadership of CCF premier Tommy Douglas, Saskatchewan became the first province in Canada to introduce a bill of rights. That decision of Tommy Douglas' inspired John Diefenbaker, who was from Prince Albert, Saskatchewan, influenced him and led him to bring in the Canadian Bill of Rights in 1960. That part of history is not well known. In fact, Jehovah's Witnesses brought a petition to Parliament containing 625,000 signatures in 1947. This demonstrates that all the activity in this area is not just recent; it goes back a long way.

• (1655)

Ms. Irene Mathysen: Mr. Speaker, I want to thank my colleague for reminding this House of our history and of the incredible visionary, T.C. Douglas.

In 1947, just after the war, Canadians had laid down their lives for this country. Canadians who had sacrificed for this country returned home to find there were no jobs. Veterans who had pledged to protect our country were disrespected, very much like veterans now are disrespected.

T.C. Douglas came forward with this charter in Saskatchewan in 1947. He told Canadians that we had come of age, that we were a nation and that we needed the kinds of rights and freedoms that would protect every single citizen.

Mr. Diefenbaker too showed wisdom by emulating Mr. Douglas with a bill in 1960, and even more so, understood the importance of the health care system that Tommy Douglas had established in Saskatchewan. Mr. Diefenbaker said we must have that system across Canada.

Canadians are grateful to Tommy Douglas for many reasons. I am grateful to him too.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, this interesting debate gives us an opportunity to provide commentary on who we are and what our values are.

I do not so much look at the charter as a document that protects us from anything but rather as a document that defines us, that probably represents to the world a value system that many countries wish they had, freedom of speech, mobility freedom and all of the things that Canada offers. From a public perspective, that would be the reaction to the charter.

It does concern me when someone talks about the rights of persons who have done wrong in the criminal justice system, in the courts, et cetera, that they have the right to access proper representation. Some would characterize that as giving more protection to those who break the law, whereas we know that many people who are charged are not convicted.

I wonder if the member would care to comment as to whether or not the charter is a matter of protection or a matter of articulating the values of Canada.

Ms. Irene Mathysen: It is both, Mr. Speaker. It sets out a value system as has been indicated, that in extending rights, in guaranteeing rights, in saying that we will ferociously protect those rights, we are not diminishing anyone.

In my own work as a constituency person, I noted that there seems to be a fear out there that ensuring rights to minority groups, new Canadians, our first nations, somehow diminishes the rights of many citizens. That is not true. In establishing or expending those rights, we are making Canada a stronger country.

In terms of guilt and innocence, I would hope that Canada is a country where guilt would have to be absolutely established and innocence is presumed.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, as we all know, Canada is a country of immigrants. I dare say that every member in this chamber either came to this country him or herself or is the son, daughter, grandson or granddaughter of someone who came to this country at some point in the last 200 years. Of course, there are also the first nations people who have been on this land for far longer. However, I think we can say that the vast majority of people are in this country today because they or their relatives came to Canada as a freely chosen place.

We need to remind ourselves why people came to Canada. They came to this country because they were seeking freedom. In many cases, they came to this country because they were fleeing persecution. However, in all cases people were attracted to this country because they thought there was a promise of human rights, civil liberties and a chance to pursue happiness in a secure environment where their lives, property and security were guaranteed by the state.

Of course, we also live in a country that is a multicultural model to the world. We have managed to create a peaceful country where people from every corner of the world, of every religion, every political persuasion, every cultural group and all ethnicities can come together and build a tolerant society where we respect each other, live together, work together and prosper together.

One of the linchpins of this whole dream is a foundation of respect for basic human rights. A very important feature of those basic human rights is the Charter of Rights and Freedoms, which represents Canada's codification of that dream.

We have already heard that the genesis of the Charter of Rights and Freedoms can be traced back to the New Democrats. In 1947, a year before the United Nations General Assembly adopted the Universal Declaration of Human Rights, the CCF government in Saskatchewan, led by Tommy Douglas, passed the Saskatchewan bills of rights act, showing once again something that Canadians know all too well, which is that New Democrats are often at the forefront of progressive social change in this country.

The Saskatchewan bill of rights was a forerunner to the Canadian Bill of Rights enacted by Prime Minister John Diefenbaker's government in 1960 and, of course, the Charter of Rights and Freedoms in 1982. The Saskatchewan bill of rights was the first general law prohibiting discrimination in Canada. It is important that Canadians understand that in this country the party that first brought in laws prohibiting discrimination was the New Democratic Party.

This is in a country where federal governments, Conservative and Liberal, passed racist legislation and legislation that discriminated against Chinese Canadians, Japanese Canadians, first nations and women. The New Democratic Party was the first to insist that legislation be passed guaranteeing the rights that are the foundation of all of those dreams that every new Canadian brought with him or her when settling in this country.

To this day, the Saskatchewan bill of rights broke new ground in Canada and protected civil libertarian values. It is the only legislation in Canada to this day to extend this protection from abuse by powerful private institutions and persons.

That courage was extended in 1970 when Tommy Douglas, again leading the New Democrats, spoke out about the need to protect our rights and freedoms, especially in the face of violence and in the case of civil insurrection. He stated:

We have all been appalled and disgusted by the abduction of two innocent men who are being held as hostages.

He was referring to the 1970 abduction of Pierre Laporte and James Cross. He further stated:

We are not prepared to use the preservation of law and order as a smokescreen to destroy the liberties and freedom of the people of Canada. I say to the government

Business of Supply

that we cannot protect democratic freedom by restricting, limiting and destroying democratic freedom.

Those words, spoken 40 years ago, are as instructive today as they were then. That is because it is easy to protect rights when it is easy to do so.

● (1700)

However, the true measure of a country and the commitment of a government is to protect fundamental human and democratic rights when there are challenges to doing so.

I want to take the Canadian Charter of Rights and Freedoms document and focus a moment on what it does. This is what the charter enshrines in law in Canada. It says:

Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press...;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

Every citizen of Canada has the right to vote...and to be qualified for membership therein.

And to seek office, including in this chamber.

I will stop there. Many countries of the world make it impossible for citizens to vote in elections and make it impossible for people to seek office. We enshrine that in our founding document.

The charter continues to say:

Every citizen of Canada has the right to enter, remain in and leave Canada.

...has the right

- (a) to move to and take up residence in any province; and
- (b) to pursue the gaining of a livelihood in any province.

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Legally, it says:

Everyone has the right to be secure against unreasonable search or seizure.

Everyone has the right not to be arbitrarily detained or imprisoned.

Everyone has the right on arrest or detention

- (a) to be informed promptly of the reasons therefor;
- (b) to retain and instruct counsel without delay and to be informed of that right;...

Any person charged with an offence has the right

...

- (b) to be tried within a reasonable time;
- (c) not to be compelled to be a witness in proceedings against that person in respect of the offence;
- (d) to be presumed innocent until proven guilty according to law in a fair and public hearing...;

In certain serious cases, people have the right to "trial by jury". People have the right to be protected against "cruel and unusual punishment".

Under equality rights, it says:

Every individual is equal before and under the law...without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

The equality rights specifically enshrined in law, the equality between men and women in this country.

Business of Supply

It enshrines official languages and respect for educational instruction in minority language educational rights.

Those are not just words. This is the codification of that dream that attracts people from all over the world to come and want to settle in Canada.

I have heard some disturbing comments, particularly from the government side of the House, about words like “balance”. When it comes to fundamental rights, some of those rights must be balanced, it is true, but some must never be compromised.

There is no balance when one speaks of having the right to be told charges against oneself when one is arrested by instruments of the state. There is no balance when it comes to having the privilege or the right to call a lawyer upon being arrested. There is no balance when one has the right as a Canadian to be safe from cruel and unusual punishment.

Those are not things that are equivocal. Those are things that every citizen of this country has the right to expect, and there is no balance about it whatsoever. Those are fundamental rights that no one has the right to take away. They are basic fundamental human rights.

I am concerned when governments start saying that it is not in every circumstance. Yes, it is in every circumstance. If people are walking the streets of this country, they have a right not to be stopped and searched and have their goods seized without due process of law. People have the right to walk these streets safely, if they are minding their own business, and not be thrown into a prison cell and left there for a week or two weeks without being told the reasons.

Certain members of the government seem to suggest that sometimes it might be the case where, in exceptional circumstances, that might be okay. It is never okay, and this is not just theory.

In Toronto, just four or five months ago, we saw Canadians who had those very rights abridged. Canadians who had simply gathered peacefully, exercising their charter rights to assemble peacefully and to express themselves publicly, had those rights egregiously violated. Members of the government have said nothing. They stand and talk about the Charter of Rights and Freedoms but none of them have stood and said that was wrong. They say that those people can make a complaint to the Police Complaints Commission. It is every citizen's right and every citizen's obligation to defend the charter of rights in this country. As parliamentarians, it is our duty—

• (1705)

The Deputy Speaker: Order, please. Questions and comments. The hon. member for Cape Breton—Canso.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, although I was not able to catch my colleague's entire speech, as I have been in and out of the chamber today, I was very impressed and inspired by some of their speeches that have been given today. I think we on this side of the House agree that the charter has laid the foundation for what we are as a nation and the just society that we are.

I do not know if my colleague made reference to this in his comments, but was he and his party not troubled by the comments

made by the soon to arrive member for Vaughan over the last number of weeks, months and really throughout his career with regard to the charter and what he perceives to be many of its shortcomings?

• (1710)

Mr. Don Davies: Mr. Speaker, the short answer is, absolutely. I believe any Canadian who believes fundamentally in rights and democratic principles would have to be offended by the comments of the newly elected member for Vaughan. The newly elected member said, “Who has reaped the greatest benefits from the Charter of Rights and Freedoms? I would argue that if it isn't common criminals, then it must be the Hell's Angels”.

What a fundamental misapprehension of what the Charter of Rights and Freedoms does for Canadians. I will tell members who has reaped the greatest benefits from the Charter of Rights and Freedoms. Every Canadian citizen in this country has reaped the greatest benefits from the Charter of Rights and Freedoms.

Mr. Fantino also said that “there is often an overreaction about protecting people's privacy in the public domain. Frankly, I do not understand why any person wouldn't want to co-operate fully with the police. Yet, some people seem very concerned with an already overworked Canadian Charter of Rights and Freedoms”.

I am proud to live in a country where citizens express and enforce their charter rights. I am glad we have a charter that is overworked. That tells me we have an active, vibrant population that knows what its rights are and is not afraid to exercise them. That is what makes Canada a great country.

I am extremely concerned about someone who thinks that protecting people's privacy in the public domain is something that can possibly be overstated or overreacted to. With respect, I think Mr. Fantino has a fundamental misunderstanding of the importance of the Charter of Rights and Freedoms to this chamber and to Canadian people.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, after listening to many of the speeches today, I have the impression that the whole issue of rights surfaced around the year 1982 and the ascension of Pierre Trudeau and the Liberal government.

However, to add more balance to the debate, we have to look back to 1947 when Tommy Douglas introduced the Saskatchewan bill of rights and all the activities that led to that and after that with John Diefenbaker, who was also from Saskatchewan, introducing the national Bill of Rights when he was the prime minister of Canada. So we are getting the impression that somehow this issue only surfaced after 1982, when in fact it was an issue long before—

The Deputy Speaker: Order, please. There is less than a minute for the member for Vancouver Kingsway to respond.

Mr. Don Davies: Mr. Speaker, what we can say fairly, and to give credit to early iterations of the Conservative Party, is that the development of respect for fundamental rights, legal rights, democratic rights, social rights and cultural rights, has been part of the development of Canada in the 20th century. That is why it is so pivotal and profoundly important that we respect those rights, that we cherish them and that we be ever vigilant to ensure they are respected.

That is why when we saw 1,000 Canadians in Toronto, the largest mass arrest in Canadian history, having their rights violated, we should be concerned.

The Deputy Speaker: It being 5:15 p.m. and this being the final supply day in the period ending December 10, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the business of supply.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And five or more members having risen:

The Deputy Speaker: Call in the members.

• (1755)

[*Translation*]

(The House divided on the motion, which was negated on the following division:)

(*Division No. 142*)

YEAS

Members

Allen (Welland)	Andrews
Angus	Ashton
Atamanenko	Bagnell
Bains	Bélanger
Bennett	Bevington
Brison	Byrne
Charlton	Christopherson
Coady	Coderre
Comartin	Crombie
Crowder	Cullen
Cuzner	D'Amours
Davies (Vancouver Kingsway)	Davies (Vancouver East)
Dewar	Dhaliwal
Donnelly	Dosanjh
Duncan (Etobicoke North)	Easter
Eyking	Folco
Foote	Fry
Godin	Goodale
Gravelle	Hall Findlay
Harris (St. John's East)	Holland
Hughes	Hyer
Ignatieff	Jennings
Julian	Kania
Karygiannis	Lamoureux
Layton	LeBlanc
Lee	Leslie
MacAulay	Malhi
Maloway	Marston
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathysen
McCallum	McGuinty
McKay (Scarborough—Guildwood)	McTeague
Mendes	Minna
Mulcair	Murphy (Moncton—Riverview—Dieppe)

Murphy (Charlottetown)
Neville
Pacetti
Pearson
Rae
Ratansi
Rodriguez
Russell
Savoie
Sgro
Silva
Simson
Szabo
Valeriotte
Wilfert

Business of Supply

Murray
Oliphant
Patry
Proulx
Rafferty
Regan
Rota
Savage
Scarpaleggia
Siksay
Simms
Stoffer
Tonks
Volpe
Zarac— 98

NAYS

Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Ambrose	Anders
Anderson	André
Armstrong	Ashfield
Asselin	Bachand
Beaudin	Bellavance
Benoit	Bernier
Bezan	Blackburn
Blaney	Block
Bonsant	Bouchard
Boucher	Boughen
Bourgeois	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Brunelle
Cadman	Calandra
Calkins	Cannan (Kelowna—Lake Country)
Cannon (Pontiac)	Cardin
Carrie	Carrier
Casson	Chong
Clarke	Clement
Cummins	Davidson
Day	DeBellefeuille
Dechert	Del Mastro
Demers	Deschamps
Desnoyers	Devolin
Dorion	Dreeschen
Duncan (Vancouver Island North)	Dykstra
Faille	Fast
Finley	Fletcher
Galipeau	Gallant
Gaudet	Glover
Goldring	Goodyear
Gourde	Grewal
Guay	Harper
Harris (Cariboo—Prince George)	Hawn
Hiebert	Hoback
Hoepfner	Holder
Jean	Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)	Kenney (Calgary Southeast)
Kent	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Laforest	Laframboise
Lake	Lauzon
Lavallée	Lebel
Lemay	Lemieux
Lessard	Lévesque
Lobb	Lukiwski
Lunn	Lunney
MacKay (Central Nova)	MacKenzie
Mayes	McColeman
McLeod	Ménard
Menzies	Merrifield
Miller	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Mourani
Nadeau	Nicholson
Norlock	O'Connor
O'Neill-Gordon	Obhrai
Oda	Paillet (Hochelaga)
Paquette	Paradis
Payne	Petit
Plamondon	Poilevire

Business of Supply

Pomerleau	Preston
Raït	Rajotte
Rathgeber	Reid
Richards	Richardson
Rickford	Ritz
Saxton	Scheer
Schellenberger	Shea
Shipley	Shory
Smith	Sorenson
St-Cyr	Stanton
Storseth	Strahl
Sweet	Thi Lac
Thompson	Tilson
Toews	Trost
Tweed	Uppal
Van Kesteren	Vellacott
Verner	Vincent
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wong	Woodworth
Yelich	Young— 172

PAIRED

Members

Baird	Bigras
Duceppe	Flaherty
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Van Loan— 6	

The Speaker: I declare the motion lost.

* * *

[*English*]

SUPPLEMENTARY ESTIMATES (B), 2010-11

Hon. Stockwell Day (President of the Treasury Board, CPC) moved:

That the supplementary estimates (B) for the fiscal year ending March 31, 2011 be concurred in.

The Speaker: 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 Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And five or more members having risen:

● (1800)

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

*(Division No. 143)***YEAS**

Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Ambrose	Anders
Anderson	Armstrong
Ashfield	Bagnell
Bains	Bélanger
Bennett	Benoit
Bernier	Bezan
Blackburn	Blaney
Block	Boucher
Boughen	Braid
Breitreuz	Brison
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Bruinooge
Byrne	Cadman
Calandra	Calkins
Cannan (Kelowna—Lake Country)	Cannon (Pontiac)
Carrie	Casson
Chong	Clarke
Clement	Coady
Coderre	Crombie
Cummins	Cuzner
Davidson	Day
Dechert	Del Mastro
Devolin	Dhaliwal
Dosanjh	Dreeshen
Duncan (Vancouver Island North)	Duncan (Etobicoke North)
Dykstra	Easter
Eyking	Fast
Finley	Fletcher
Folco	Fry
Galipeau	Gallant
Généreux	Glover
Goldring	Goodale
Goodyear	Gourde
Grewal	Hall Findlay
Harper	Harris (Cariboo—Prince George)
Hawn	Hiebert
Hoback	Hoepfner
Holder	Holland
Ignatieff	Jean
Jennings	Kamp (Pitt Meadows—Maple Ridge—Mission)
Kania	Karygiannis
Keddy (South Shore—St. Margaret's)	Kenney (Calgary Southeast)
Kent	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lamoureux
Lauzon	Lebel
LeBlanc	Lee
Lemieux	Lobb
Lukiwski	Lunn
Lunney	MacAulay
MacKay (Central Nova)	MacKenzie
Malhi	Mayes
McCallum	McColeman
McGuinty	McKay (Scarborough—Guildwood)
McLeod	McTeague
Mendes	Menzies
Merrifield	Miller
Minna	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Murray
Neville	Nicholson
Norlock	O'Connor
O'Neill-Gordon	Obhrai
Oda	Oliphant
Pacetti	Paradis
Patry	Payne
Pearson	Petit
Poillievre	Preston
Proulx	Rac
Raït	Rajotte
Ratansi	Rathgeber
Regan	Reid
Richards	Richardson
Rickford	Ritz
Rodriguez	Rota

Business of Supply

Russell
Saxton
Scheer
Sgro
Shipley
Silva
Simson
Sorenson
Storseth
Sweet
Thompson
Toews
Trost
Uppal
Van Kesteren
Verner
Wallace
Warkentin
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)
Weston (Saint John)
Wilfert
Woodworth
Young

Savage
Scarpaleggia
Schellenberger
Shea
Shory
Simms
Smith
Stanton
Strahl
Szabo
Tilson
Tonks
Tweed
Valeriotte
Vellacott
Volpe
Warawa
Watson

Wong
Yelich
Zarac — 200

NAYS

Members

Allen (Welland)
Angus
Asselin
Bachand
Bellavance
Bonsant
Bourgeois
Cardin
Charlton
Comartin
Cullen
Davies (Vancouver East)
Demers
Desnoyers
Donnelly
Faille
Godin
Guay
Hughes
Julian
Laframboise
Layton
Leslie
Lévesque
Marston
Martin (Sault Ste. Marie)
Mathysen
Mourani
Nadeau
Paquette
Pomerleau
Savoie
St-Cyr
Thi Lac

André
Ashton
Atamanenko
Beaudin
Bevington
Bouchard
Brunelle
Carrier
Christopherson
Crowder
Davies (Vancouver Kingsway)
DeBellefeuille
Deschamps
Dewar
Dorion
Gaudet
Gravelle
Harris (St. John's East)
Hyer
Laforest
Lavallée
Lemay
Lessard
Maloway
Martin (Winnipeg Centre)
Masse
Ménard
Mulcair
Paillé (Hochelaga)
Plamondon
Rafferty
Siksay
Stoffer
Vincent — 68

PAIRED

Members

Baird
Duceppe
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)
Van Loan — 6

Bigras
Flaherty

The Speaker: I declare the motion carried.

[*English*]

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC) moved that Bill C-58, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2011 be read the first time.

(Motion deemed adopted and bill read the first time)

Hon. Stockwell Day moved that Bill C-58, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2011, be read the second time and referred to committee of the whole.

Hon. Gordon O'Connor: Mr. Speaker, I rise on a point of order. I believe if you seek it, you will find agreement to apply the previous vote to the current motion.

• (1805)

The Speaker: Is there agreement to proceed in this fashion?

Some hon. members: Agreed.

(The House divided on the motion, which was agreed to on the following division;)

(*Division No. 144*)

YEAS

Members

Abbott
Aglukkaq
Allen (Tobique—Mactaquac)
Ambrose
Anderson
Ashfield
Bains
Bennett
Bernier
Blackburn
Block
Boughen
Breitkreuz
Brown (Leeds—Grenville)
Brown (Barrie)
Byrne
Calandra
Cannan (Kelowna—Lake Country)
Carrie
Chong
Clement
Coderre
Cummins
Davidson
Dechert
Devolin
Dosanjh
Duncan (Vancouver Island North)
Dykstra
Eyking
Finley
Folco
Galipeau
Généreux
Goldring
Goodyear
Grewal
Harper
Hawn
Hoback
Holder
Ignatieff
Jennings
Kania
Keddy (South Shore—St. Margaret's)
Kent
Komarnicki
Lake
Lauzon
LeBlanc
Lemieux
Lukiwski
Lunnay
MacKay (Central Nova)
Malhi

Ablonczy
Albrecht
Allison
Anders
Armstrong
Bagnell
Bélanger
Benoit
Bezan
Blaney
Boucher
Braid
Brisson
Brown (Newmarket—Aurora)
Bruinooge
Cadman
Calkins
Cannon (Pontiac)
Casson
Clarke
Coady
Crombie
Cuzner
Day
Del Mastro
Dhaliwal
Dreeshen
Duncan (Etobicoke North)
Easter
Fast
Fletcher
Fry
Gallant
Glover
Goodale
Gourde
Hall Findlay
Harris (Cariboo—Prince George)
Hiebert
Hoepfner
Holland
Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)
Karygiannis
Kenney (Calgary Southeast)
Kerr
Kramp (Prince Edward—Hastings)
Lamoureux
Lebel
Lee
Lobb
Lunn
MacAulay
MacKenzie
Mayes

Business of Supply

McCallum	McColeman
McGuinly	McKay (Scarborough—Guildwood)
McLeod	McTeague
Mendes	Menzies
Merrifield	Miller
Minna	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Murray
Neville	Nicholson
Norlock	O'Connor
O'Neill-Gordon	Obhrai
Oda	Oliphant
Pacetti	Paradis
Patry	Payne
Pearson	Petit
Poillievre	Preston
Proulx	Rae
Raitt	Rajotte
Ratansi	Rathgeber
Regan	Reid
Richards	Richardson
Rickford	Ritz
Rodriguez	Rota
Russell	Savage
Saxton	Scarpaleggia
Scheer	Schellenberger
Sgro	Shea
Shipley	Shory
Silva	Simms
Simson	Smith
Sorenson	Stanton
Storseth	Strahl
Sweet	Szabo
Thompson	Tilson
Toews	Tonks
Trost	Tweed
Uppal	Valeriotte
Van Kesteren	Vellacott
Verner	Volpe
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wilfert	Wong
Woodworth	Yelich
Young	Zarac— 200

NAYS

Members

Allen (Welland)	André
Angus	Ashton
Asselin	Atamanenko
Bachand	Beaudin
Bellavance	Bevington
Bonsant	Bouchard
Bourgeois	Brunelle
Cardin	Carrier
Charlton	Christopherson
Comartin	Crowder
Cullen	Davies (Vancouver Kingsway)
Davies (Vancouver East)	DeBellefeuille
Demers	Deschamps
Desnoyers	Dewar
Donnelly	Dorion
Faille	Gaudet
Godin	Gravelle
Guay	Harris (St. John's East)
Hughes	Hyer
Julian	Laforest
Laframboise	Lavallée
Layton	Lemay
Leslie	Lessard
Lévesque	Maloway
Marston	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Masse
Mathysen	Ménard
Mourani	Mulcair
Nadeau	Pailé (Hochelaga)
Paquette	Plamondon
Pomerleau	Rafferty
Savoie	Siksay
St-Cyr	Stoffer

Thi Lac Vincent— 68

PAIRED

Members

Baird	Bigras
Duceppe	Flaherty
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Van Loan— 6	

The Speaker: I declare the motion carried.

Accordingly, the bill stands referred to a committee of the whole.

I do now leave the chair for the House to go into committee of the whole.

(Bill read the second time and the House went into committee of the whole thereon, Mr. Andrew Scheer in the chair)

(On clause 2)

[Translation]

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.):

Mr. Speaker, can the President of the Treasury Board confirm that the bill is presented in its usual form?

[English]

Hon. Stockwell Day (President of the Treasury Board and Minister for the Asia-Pacific Gateway, CPC): Mr. Chair, I have researched this matter exhaustively and I can assure my friend that this bill is presented in the same form as the previous bill was.**The Chair:** Shall clause 2 carry?**Some hon. members:** Agreed.**Some hon. members:** On division.
(Clause 2 agreed to)**The Chair:** Shall clause 3 carry?**Some hon. members:** Agreed.**Some hon. members:** On division.
(Clause 3 agreed to)**The Chair:** Shall clause 4 carry?**Some hon. members:** Agreed.**Some hon. members:** On division.
(Clause 4 agreed to)**The Chair:** Shall clause 5 carry?**Some hon. members:** Agreed.**Some hon. members:** On division.
(Clause 5 agreed to)**The Chair:** Shall clause 6 carry?**Some hon. members:** Agreed.**Some hon. members:** On division.
(Clause 6 agreed to)**The Chair:** Shall clause 7 carry?**Some hon. members:** Agreed.**Some hon. members:** On division.

Business of Supply

(Clause 7 agreed to)
The Chair: Shall schedule 1 carry?
Some hon. members: Agreed.
Some hon. members: On division.
 (Schedule 1 agreed to)
The Chair: Shall schedule 2 carry?
Some hon. members: Agreed.
Some hon. members: On division.
 (Schedule 2 agreed to)
The Chair: Shall clause 1 carry?
Some hon. members: Agreed.
Some hon. members: On division.
 (Clause 1 agreed to)
The Chair: Shall the preamble carry?
Some hon. members: Agreed.
Some hon. members: On division.
 (Preamble agreed to)
The Chair: Shall the title carry?
Some hon. members: Agreed.
Some hon. members: On division.
 (Title agreed to)
The Chair: Shall the bill carry?
Some hon. members: Agreed.
Some hon. members: On division.
 (Bill agreed to)
The Chair: Shall I rise and report the bill?
Some hon. members: Agreed.
Some hon. members: On division.
 (Bill reported)
Hon. Stockwell Day moved that the bill be concurred in at report stage.
The Speaker: Is it the pleasure of the House to adopt the motion?
Hon. Gordon O'Connor: Mr. Speaker, I believe if you seek it, you would find agreement to apply the vote from second reading to the current motion.
The Speaker: Is there agreement to proceed in this fashion?
Some hon. members: Agreed.
 (The House divided on the motion, which was agreed to on the following division:)

(Division No. 145)

YEAS

Members

Abbott

Ablonczy

Aglukkaq
 Allen (Tobique—Mactaquac)
 Ambrose
 Anderson
 Ashfield
 Bains
 Bennett
 Bernier
 Blackburn
 Block
 Boughen
 Breikreuz
 Brown (Leeds—Grenville)
 Brown (Barrie)
 Byrne
 Calandra
 Cannan (Kelowna—Lake Country)
 Carrie
 Chong
 Clement
 Coderre
 Cummins
 Davidson
 Dechert
 Devolin
 Dosanjh
 Duncan (Vancouver Island North)
 Dykstra
 Eyking
 Finley
 Folco
 Galipeau
 Gagné
 Goldring
 Goodyear
 Grewal
 Harper
 Hawn
 Hoback
 Holder
 Ignatieff
 Jennings
 Kania
 Keddy (South Shore—St. Margaret's)
 Kent
 Komarnicki
 Lake
 Lauzon
 LeBlanc
 Lemieux
 Lukiwski
 Lunney
 MacKay (Central Nova)
 Malhi
 McCallum
 McGuinty
 McLeod
 Mendes
 Merrifield
 Minna
 Moore (Fundy Royal)
 Murphy (Charlottetown)
 Neville
 Norlock
 O'Neill-Gordon
 Oda
 Pacetti
 Patry
 Pearson
 Poilievre
 Proulx
 Raitt
 Ratansi
 Regan
 Richards
 Rickford
 Rodriguez
 Russell
 Saxton
 Scheer
 Sgro
 Shipley
 Silva
 Simson
 Albrecht
 Allison
 Anders
 Armstrong
 Bagnell
 Bélanger
 Benoit
 Bezan
 Blaney
 Boucher
 Braid
 Brison
 Brown (Newmarket—Aurora)
 Bruinooge
 Cadman
 Calkins
 Cannon (Pontiac)
 Casson
 Clarke
 Coady
 Crombie
 Cuzner
 Day
 Del Mastro
 Dhaliwal
 Dreeshen
 Duncan (Etobicoke North)
 Easter
 Fast
 Fletcher
 Fry
 Gallant
 Glover
 Goodale
 Gourde
 Hall Findlay
 Harris (Cariboo—Prince George)
 Hiebert
 Hoepfner
 Holland
 Jean
 Kamp (Pitt Meadows—Maple Ridge—Mission)
 Karygiannis
 Kenney (Calgary Southeast)
 Kerr
 Kramp (Prince Edward—Hastings)
 Lamoureux
 Lebel
 Lee
 Lobb
 Lunn
 MacAulay
 MacKenzie
 Mayes
 McColeman
 McKay (Scarborough—Guildwood)
 McTeague
 Menzies
 Miller
 Moore (Port Moody—Westwood—Port Coquitlam)
 Murphy (Moncton—Riverview—Dieppe)
 Murray
 Nicholson
 O'Connor
 Obhrai
 Oliphant
 Paradis
 Payne
 Petit
 Preston
 Rae
 Rajotte
 Rathgeber
 Reid
 Richardson
 Ritz
 Rota
 Savage
 Scarpaleggia
 Schellenberger
 Shea
 Shory
 Simms
 Smith

Business of Supply

Sorenson	Stanton
Storseth	Strahl
Sweet	Szabo
Thompson	Tilson
Toews	Tonks
Trost	Tweed
Uppal	Valeriote
Van Kesteren	Vellacott
Verner	Volpe
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wilfert	Wong
Woodworth	Yelich
Young	Zarac — 200

NAYS

Members

Allen (Welland)	André
Angus	Ashton
Asselin	Atamanenko
Bachand	Beaudin
Bellavance	Bevington
Bonsant	Bouchard
Bourgeois	Brunelle
Cardin	Carrier
Charlton	Christopherson
Comartin	Crowder
Cullen	Davies (Vancouver Kingsway)
Davies (Vancouver East)	DeBellefeuille
Demers	Deschamps
Desnoyers	Dewar
Donnelly	Dorion
Faille	Gaudet
Godin	Gravelle
Guay	Harris (St. John's East)
Hughes	Hyer
Julian	Laforest
Laframboise	Lavallée
Layton	Lemay
Leslie	Lessard
Lévesque	Maloway
Marston	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Masse
Mathysen	Ménard
Mourani	Mulcair
Nadeau	Paillé (Hochelega)
Paquette	Plamondon
Pomerleau	Rafferty
Savoie	Siksay
St-Cyr	Stoffer
Thi Lac	Vincent — 68

PAIRED

Members

Baird	Bigras
Duceppe	Flaherty
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Van Loan — 6	

The Speaker: I declare the motion carried.

When shall the bill be read a third time? By leave, now?

Some hon. members: Agreed.

Hon. Stockwell Day moved that the bill be read the third time and passed.

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

Hon. Gordon O'Connor: Mr. Speaker, if you seek it, I believe you would find agreement to apply the previous vote to the current motion.

The Speaker: Is there agreement to proceed in this way?

Some hon. members: Agreed.

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 146)

YEAS

Members

Abbott	Ablonczy
Aglukkaq	Albrecht
Allen (Tobique—Mactaquac)	Allison
Ambrose	Anders
Anderson	Armstrong
Ashfield	Bagnell
Bains	Bélanger
Bennett	Benoit
Bernier	Bezan
Blackburn	Blaney
Block	Boucher
Boughen	Braid
Breitkreuz	Brison
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Bruinooge
Byrne	Cadman
Calandra	Calkins
Cannan (Kelowna—Lake Country)	Cannon (Pontiac)
Carrie	Casson
Chong	Clarke
Clement	Coady
Coderre	Crombie
Cummins	Cuzner
Davidson	Day
Dechert	Del Mastro
Devolin	Dhaliwal
Dosanjh	Dreeschen
Duncan (Vancouver Island North)	Duncan (Etobicoke North)
Dykstra	Easter
Eyking	Fast
Finley	Fletcher
Folco	Fry
Galipeau	Gallant
Généreux	Glover
Goldring	Goodale
Goodyear	Gourde
Grewal	Hall Findlay
Harper	Harris (Cariboo—Prince George)
Hawn	Hiebert
Hoback	Hoepfner
Holder	Holland
Ignatieff	Jean
Jennings	Kamp (Pitt Meadows—Maple Ridge—Mission)
Kania	Karygiannis
Keddy (South Shore—St. Margaret's)	Kennedy (Calgary Southeast)
Kent	Kerr
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lamoureux
Lauzon	Lebel
LeBlanc	Lee
Lemieux	Lobb
Lukiwski	Lunn
Lunney	MacAulay
MacKay (Central Nova)	MacKenzie
Malhi	Mayes
McCallum	McColeman
McGuinty	McKay (Scarborough—Guildwood)
McLeod	McTeague
Mendes	Menzies
Merrifield	Miller
Minna	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Murray
Neville	Nicholson
Norlock	O'Connor
O'Neill-Gordon	Obhrai
Oda	Oliphant
Pacetti	Paradis
Patry	Payne
Pearson	Petit
Poilievre	Preston
Proulx	Rae
Raitt	Rajotte
Ratansi	Rathgeber

*Private Members' Business***PRIVATE MEMBERS' BUSINESS**

[English]

CANADA POST CORPORATION ACT

The House proceeded to the consideration of Bill C-509, An Act to amend the Canada Post Corporation Act (library materials), as reported (with amendments) from the committee.

The Deputy Speaker: There being no motions at report stage, the House will now proceed, without debate, to the putting of the question on the motion to concur in the bill at report stage.

● (1810)

Mr. Merv Tweed (Brandon—Souris, CPC) moved that the bill, as amended, be concurred in.

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

Some hon. members: Agreed.

(Motion agreed to)

The Deputy Speaker: When shall the bill be read a third time? By leave, now?

Some hon. members: Agreed.

Mr. Merv Tweed moved that the bill be read the third time and passed.

He said: Mr. Speaker, I am honoured to sponsor this bill that seeks to amend the Canada Post Corporation Act to include the library book rate.

The importance of the library book rate to Canadians can be clearly seen in the sheer volume of petitions that I have tabled before the House over the past few years.

These are petitions representing the support of hundreds, if not thousands, of Canadians for a reduced rate of postage for library materials. Bill C-509 is my third attempt to enshrine the library book rate into the legislation, and thanks to the support of my colleagues from all parties, I am confident that this bill will finally become law.

The library book rate is a highly discounted postal rate offered by Canada Post. This discounted rate has existed since 1939, and it is used by libraries to reduce the cost of offering inter-library loans and helps to provide equal access to printed library books for all Canadian readers regardless of their location, whether they live in rural or urban or remote Canada, everywhere.

The use of the library book rate has not changed significantly since its inception despite advances in access to electronic library materials. From 1996 to 2005, the library book rate was run in accordance with a memorandum of agreement between Canada Post Corporation and the Department of Canadian Heritage regarding both the library book rate and the publications assistance program.

As many of us are aware, the publications assistance program was replaced by the Canada periodical fund on April 1, 2009, and so no longer exists.

Regan	Reid
Richards	Richardson
Rickford	Ritz
Rodriguez	Rota
Russell	Savage
Saxton	Scarpaleggia
Scheer	Schellenberger
Sgro	Shea
Shiple	Shory
Silva	Simms
Simson	Smith
Sorenson	Stanton
Storseth	Strahl
Sweet	Szabo
Thompson	Tilson
Toews	Tonks
Trost	Tweed
Uppal	Valeriot
Van Kesteren	Vellacott
Verner	Volpe
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wilfert	Wong
Woodworth	Yelich
Young	Zarac — 200

NAYS

Members

Allen (Welland)	André
Angus	Ashton
Asselin	Atamanenko
Bachand	Beaudin
Bellavance	Bevington
Bonsant	Bouchard
Bourgeois	Brunelle
Cardin	Carrier
Charlton	Christopherson
Comartin	Crowder
Cullen	Davies (Vancouver Kingsway)
Davies (Vancouver East)	DeBellefeuille
Demers	Deschamps
Desnoyers	Dewar
Donnelly	Dorion
Faillie	Gaudet
Godin	Gravelle
Guay	Harris (St. John's East)
Hughes	Hyer
Julian	Laforest
Laframboise	Lavallée
Layton	Lemay
Leslie	Lessard
Lévesque	Maloway
Marston	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Masse
Mathyssen	Ménard
Mourani	Mulcair
Nadeau	Paillé (Hochelaga)
Paquette	Plamondon
Pomerleau	Rafferty
Savoie	Siksay
St-Cyr	Stoffer
Thi Lac	Vincent — 68

PAIRED

Members

Baird	Bigras
Duceppe	Flaherty
Guimond (Rimouski-Neigette—Témiscouata—Les Basques)	
Van Loan — 6	

The Speaker: I declare the motion carried.

(Bill read the third time and passed)

The Speaker: It being 6:10 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

Private Members' Business

The memorandum of agreement between the Department of Canadian Heritage and Canada Post for the library book rate was allowed to expire in 2006. Since that time, Canada Post has continued to offer the rate without a formal agreement with the government.

While the rate has been continuously offered since 1939, it is not referenced in either the Canada Post Corporation Act or its associated regulations. The rate is a traditional offer by our post office that Canada Post has continued to respect. In fact Canada Post has not raised the library book rate since 2005 and has recently announced that the rate will remain the same in 2011. As a result, next year will be the sixth year in a row that libraries and Canadian lenders have enjoyed stable rates, and Canada Post is to be commended for continuing to offer subsidized library book rates these many years.

The library book rate is an unregulated parcel rate, and Canada Post determines the library book rate on an annual basis as it does for all of its unregulated rates. The rate is far lower than normal parcel rates and can be used only by public, university and non-profit libraries to send books. Based on a per item cost by weight and destination, the library book rate covers shipping both to and from the borrowing library or individual library patron.

In 2006 to facilitate the processing of library book parcels, Canada Post developed the library book shipping tool in association with the Canadian Library Association and l'Association pour l'avancement des sciences et des techniques de la documentation. The tool is provided to libraries free of charge and has been used for the library book rate since 2007.

I think we all agree that Canadian library collections are a national asset, one that thanks in part to the library book rate is accessible to all Canadians through a resource-sharing network among Canadian libraries. Inter-library loans ensure equitable access to a composite Canadian library collection of some 465 million items to all Canadians through their local libraries.

Libraries are also a cornerstone for public information, literacy and early childhood activities across the country as well as offering services to new immigrants and supporting citizen engagement. The resource sharing enabled by the library book rate makes it possible for libraries to support a wide range of formal and informal education, research, literacy and lifelong learning pursuits of their patrons and communities.

● (1815)

More than 2,000 libraries actively use the library book rate, and an estimated one million Canadians benefit directly from it annually. Approximately 65% of volumes mailed under the library book rate are destined for libraries and library users in small towns, rural locations and remote communities, thereby allowing these users to access collections held in libraries across the country.

[*Translation*]

What is more, the library book rate is of capital importance to minority francophone communities. It allows francophones, regardless of where they live, to access books in French.

[*English*]

The library book rate also allows users to access local material found only in rural community libraries. It enables libraries to ship books to those users whose access to libraries is limited, such as remote residents and those living with disabilities or any impairment that prevents them from visiting their local library.

Library associations and users have long been encouraging the government to make more than just books eligible for this highly discounted postage rate. Library collections have changed significantly over the last several years. They have expanded to include new materials as technology changes. For example, CDs, DVDs and books on tape are now common components of library collections, facilitating access to those with a print disability and those who enjoy alternative formats.

This bill not only seeks to enshrine the library book rate in the Canada Post Corporation Act, but it also seeks to enshrine a wider definition of library materials, including new media materials.

It must be clearly understood that expanding the program to include other materials as well as books will increase the cost of offering this rate for Canada Post. I believe over time that rate will go down based on the weight and content of the products that will be shipped in the future.

The corporation already pays for the majority of the real costs for shipping books under the library book rate, and expanding the program will increase the corporation's costs in line with user uptake. But it is a matter of public policy rather than one of profit-making for the crown corporation.

The library book rate is an important and traditional offering by Canada Post. The library book rate is in keeping with the best Canadian traditions of ensuring universal access regardless of where Canadians live in our vast country. Nonetheless, it is clear that many Canadians would derive greater benefit from the library book rate were it expanded to include other library materials.

These are the reasons I have presented this bill. I thank our government and members of the opposition for offering their support for the same.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, this bill is as important to me, being from a rural riding, as it is to the member for Brandon—Souris. I currently have 193 communities spread over my large riding. A countless number of libraries in my riding rely on this program to a great extent.

I will be supporting my colleague's bill and I am supporting it for all the right reasons, because as the member himself said, "it is a matter of public policy rather than one of profit-making". That is exactly what this is about. This is a good public policy, one that should be continued, and I would like to congratulate him on that.

I have been approached by many people who talk about this particular rate as being advantageous because it allows people in smaller communities to receive material that has already been received in larger communities, simply because they have the resources and the people causing the demand that is there. This allows them to move this product around.

Private Members' Business

Let us hope that the expiration of this program does not happen. The continuation of this program is of the utmost urgency.

My colleague talked about expanding to include different materials. I wonder if he could elaborate on that, on what other products or materials would be included in this public policy.

I would like to congratulate him for bringing this issue forward.

• (1820)

Mr. Merv Tweed: Mr. Speaker, as time moves forward, things change. We used to carry mountains of books in our book bags and they had a tremendous weight. People across Canada have told me that we need to move to new technology. I would suggest that one book would far outweigh 10 or 15 disks being shipped to a community library and shared. I hope over time this will actually reduce rates unless we have a huge uptake, and I hope for that as well.

I hope we move into the 21st century with new materials. Some of us still have VCRs, but many of us have moved now to disks, tapes and other technologies that help people learn.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I want to congratulate the member for sticking with this bill.

Last time I spoke to him about this issue, the member indicated that the Ontario regional library might be looking at an increase of perhaps \$70,000. If we multiple this by the 2,000 libraries across the country, we would be looking a very huge increase.

Fundamentally, the member's problem was that he is unable to get information from Canada Post. I was hoping to speak with him before we started the debate tonight.

The question I have for the member is: Does he have any new information that he can give us as to the potential scope of the cost of this measure?

Mr. Merv Tweed: Mr. Speaker, it was difficult at the time of the presentation of my bill to get the exact numbers.

I referenced in my comments the fact that three years ago Canada Post, working with the library association, developed a tool that would measure it. I am told that the actual cost as of today, and it may vary, give or take, is around the \$5 million mark.

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I just want to say that I am from northern Alberta, and in my constituency I have had an unbelievable amount of mail supporting this particular bill.

Could the member advise the House about how much support he has received across the country? I have received support from many of the 47 communities in my riding, including Boyle, Athabasca and Slave Lake. They have been vigorously supporting this bill.

Could the member advise the House how many libraries across the country have been supporting this particular bill?

Mr. Merv Tweed: Mr. Speaker, obviously the libraries across Canada have supported this bill from the start.

What I am very pleased with is the overwhelming number of people who have signed petitions and sent letters of support. For me

personally, it has been a wonderful experience meeting people across Canada who have the same interest and that is increasing their access to information.

Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.): Mr. Speaker, I am proud to participate in the third reading debate of Bill C-509.

I would like to thank my hon. colleague, the member for Brandon—Souris, for his numerous introductions of this bill and his commitment to the cause.

I commend my colleague for putting forward a valuable modernization of the Canada Post Corporation Act. I also want to thank the member for accepting my amendments in committee.

As my party's crown corporations critic, I continue to support this bill because it is good government policy, and I have suggested that my caucus do the same.

My party does support greater service for, and more affordable access to, library materials for Canadians in rural and remote areas, seniors, new Canadians and those with disabilities. We support a reduced postal rate for all library materials and we support the new definition of library materials to include all forms of modern media.

I participated in the debate at the committee stage of the bill. We amended the definition of library materials in clause 1 to include a more comprehensive list of new modern media, books, magazines, records, CDs, CD-ROMs, audio cassettes, video cassettes, DVDs and other audiovisual materials.

This is a valuable expansion of the definition and takes into account the current reality of choices among consumers both young and old. It leaves the door open for the quickly changing and ever-evolving modern media environment.

Also, in clause 3, we required Canada Post Corporation to come before Parliament to request an increase in the library rate.

Finally, through my amendment, the committee added in section 21.2 a review of the definition of library materials to be considered at least every 10 years to keep the legislation and the always varying list of new media as current as possible.

This bill and its amendments will protect the library rate for many years to come.

Canada Post offers libraries, both public and university, a reduced rate to move books not only back and forth across the province, but the country as well. Bill C-509 will put this discounted postal rate into legislation and keep it there. The original intent was to allow libraries to feel confident they were not going to wake up one morning without any consultation and find that the rates had either been increased to full retail or to some other amount.

Canadians rely on the book rate for transferring materials across the country. Libraries have become dependent on the book rate. It allows them to transfer materials around the country.

Private Members' Business

It is imperative that our libraries continue to be well stocked. There was a concern that larger metropolitan libraries would stockpile or hoard some of the more modern media that is available without the ability to transfer them affordably. The bill will assist in a very cost-effective way of transferring these materials and hopefully put a stop to the stockpiling.

On maintaining the library book rate, the Canadian Library Association, CLA, lends its full support to the bill, and rightly so. It explained that over 2,000 libraries across Canada rely on the library book rate for transferring materials back and forth. Canadians from coast to coast to coast, especially students, new citizens, the disabled and those living in rural and remote communities, are able to take full advantage of the system.

Quite simply, the fact that libraries can share hard copy materials with one another at an affordable rate allows people to obtain information on a regular basis.

As we know, information is king, knowledge is eternal and we in the Liberal Party stand for lifelong learning. By implementing Bill C-509, libraries would be able to ship all forms of modern media across the country at a reduced postal rate.

As the CLA pointed out, it is imperative that we retain the preferred library book rate for many reasons. Without a sustainable library book rate, the CLA stated the following concerns:

First, it would create a two-tiered service for Canadians: simply those who could afford to borrow materials and those who cannot.

Second, material would be difficult to obtain if it is not regularly transferred between libraries. This would make things very difficult for the elderly, students, the disabled and rural residents.

Third, it would put added pressure on libraries to recoup costs and remain viable due to a lower supply and ultimately fewer visitors.

Fourth, it would strain smaller libraries. Their ability to loan would be in jeopardy due to a lower supply and would lead to diminished lending.

● (1825)

As the member for Brandon—Souris pointed out in his speech back in May, the library book rate has been in existence since 1939. Libraries have become dependent on the rate and it has allowed them to transfer material affordably across the country. Although Canada Post has kept the rates at reasonable levels throughout the years, it has periodically increased them in order to keep up with inflation and other economic factors. Bill C-509 would put an end to that.

The bill addresses the concern that Canada Post could ad hoc increase the library rate by requiring it to obtain a mandate from Parliament prior to doing so. We achieved this in clause 3 as amended in committee.

By expanding the definition of which materials can be sent at a reduced postal rate, we are better serving Canadians from coast to coast to coast and especially in remote and rural communities. I am in full agreement that as technology advances, Canadians have a desire to keep up with the trends and the need for advanced information as it grows. It is imperative that our libraries are well stocked with modern media and that they share it with as many

libraries as possible. Without such measures, there is a growing concern of stockpiling material and not sharing it with the smaller rural libraries. They simply could not afford to transfer the material and smaller libraries would definitely suffer as a result.

In this modern day of Internet, speedy file transfers, email, social media and large broadband, it is refreshing to know that I can still walk into a library and borrow a tangible item like a book, a newspaper, a music CD, a movie, a DVD and even an e-book. I know that the residents of Mississauga—Streetsville feel the same way. For this reason and for those that I have raised earlier, we have a responsibility in this place to maintain this fundamental right for all Canadians.

Once again, my colleague from Brandon—Souris has my full support. I will be voting in favour of Bill C-509. I encourage my caucus members to do the same and I encourage all members to follow suit.

● (1830)

[*Translation*]

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, in Canada and Quebec we have the Library Books Service. What, exactly, is that? It is a program that allows all libraries to send library books through the mail to other libraries in Canada, at rates that are lower than regular parcel rates. This is available to recognized public libraries, university libraries and other libraries that are maintained by non-profit organizations or associations and are for public use in Canada.

The primary purpose of the Library Books Service is to enable libraries to exchange books. Over 2,000 libraries—90% of public libraries and over 60% of university libraries—have access to this service, which can benefit a million Quebecers and Canadians per year. This represents over 3 million packages every year. This is a vital service for all libraries, especially those in remote regions. Small non-profit or academic libraries can easily access all of the books available in Canada.

To ship books at the library book rate, a library must complete the application form found on the website of the Canadian Library Association. Delivery rates are available only through a special electronic shipping system.

Videocassettes, CD-ROMs and DVDs cannot currently be sent through the library books service, and the bill would include these materials in this service.

Also known as the library book rate, or LBR, this service was established in 1939 and originally was directly funded by the Government of Canada. Canada Post gave preferential postal rates for certain types of periodicals under the publications assistance program, PAP, which was created and subsidized by Canadian Heritage.

Because of a 1997 World Trade Organization decision that preferential postal rates given to Canadian publications had to be paid directly to publishers and not via Canada Post, the cost of this rate then had to be absorbed by the crown corporation.

For the good of the public, Canada Post provides funding for the PAP within the framework of a government guideline. While Canada Post provides postal services to all Canadians, it does not have the mandate to promote Canadian culture by subsidizing postal rates for Canadian publications. This is the responsibility of the Department of Canadian Heritage. It should be said that postal subsidies from the PAP will end on March 31, 2010.

Since the library book rate is not considered part of the PAP, this program does not currently fall under the political authority of any federal department. Bill C-509 amends the legislation so that the crown corporation can reach an agreement with Canadian Heritage in order to maintain the library book rate and ensure the continuity of the service.

Consistent with Canada Post's obligation to ensure universal service, the service charter for Canada Post introduced in the fall of 2009 states:

As required by the Canada Post Corporation Act, Canada Post will charge postage rates that are fair and reasonable and, together with other revenues, are sufficient to cover the costs incurred in its operations.

The delivery rate offered in the context of the library book service is not funded by the federal government and Canada Post must therefore absorb the cost. Being a crown corporation that must support itself financially, the reduced rate can always be called into question and there is no regulation or legislation at this time to ensure that the reduced postage rate can be maintained in the long term.

• (1835)

It should be noted that in the past 30 years, the Canada Post Corporation has undertaken a major restructuring of its services in order to boost profits, even if that means going against the principle of universal postal service accessible to all and making continued attacks against the public postal service.

Although it says it continues to make a profit, CPC continues to engage in major restructuring that is having a direct impact on sectors it considers less profitable and public postal service. The library book rate is in itself a heavy burden for a company, and getting rid of the reduced rate might be a natural step for a company that is streamlining.

If the preferential rates given to libraries were eliminated or significantly increased, libraries could no longer continue to offer those services. In that case, postage could increase from \$1 to over \$14 a kilogram, and public libraries would have to absorb that increase, reduce services or have library patrons pay for postage.

Private Members' Business

A number of concerns have been raised with regard to maintaining the reduced library book rate. In 2005, Canada Post confirmed the possibility of putting an end to the inter-library loan program, a service that has been renewed year after year.

A brief published as part of the strategic review of Canada Post indicated that there was no official requirement for Canada Post to provide the library book rate, but that public pressure to do so has always been strong. In 2007, the crown corporation estimated that it had lost \$6 million in revenue by maintaining this program.

Thanks to pressure from libraries and organizations in the library sector throughout the country, Canada Post agreed to renew the rate on an annual basis. The latest renewal will expire on December 31, 2010. After that, the future of the library book rate is uncertain, which is why Bill C-509 is so important.

Bill C-509, An Act to amend the Canada Post Corporation Act (library materials), sponsored by the Conservative member for Brandon—Souris, in Manitoba, was introduced twice as Bill C-458 in 2007 and another time as Bill C-322 in 2009. It would reduce the rate of postage for library materials under the library books service.

First, the bill broadens the definition of “library materials” to make audiovisual materials, such as videocassettes, CD-ROMs and DVDs, eligible for Canada Post's library book rate, which currently applies only to books.

The second clause amends subsection 19(1) to enable the corporation to “[provide] for a reduced rate of postage for library materials” by order of the Governor in Council.

Currently, the CPC can make regulations:

- (g) providing for the transmission by post, free of postage, of
 - (i) letters, books, tapes, records and other similar material for the use of the blind, and
 - (ii) mailable matter relating solely to the business of the Corporation and addressed to or sent by a person engaged in that business;

Lastly, the bill adds subsection 21(1), which enables the crown corporation to maintain the library book rate otherwise than by regulation by agreement with the Minister of Canadian Heritage regardless of regulations made under subsection 19(1) quoted above.

The Bloc Québécois supports the principle underlying Bill C-509.

The Bloc Québécois believes that access to knowledge and information is a pillar of society and the knowledge economy. That is why all Quebecers and Canadians, whether they live in rural or urban communities, must have free and easy access to a broad selection of books.

The Bloc Québécois also believes that providing a reduced postage rate is part of Canada Post's obligation to ensure universal, accessible service.

Private Members' Business

• (1840)

This service has proven very useful.

Audiovisual material is becoming more and more important nowadays, and the Bloc Québécois believes that there is good reason to include it in the definition of “library materials” so that these items can also be eligible for a reduced rate.

Therefore, the Bloc Québécois supports Bill C-509 in principle.

[*English*]

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I am glad to speak today in support of Bill C-509 and also to the importance of the library book rate.

The bill is intended to amend the Canada Post Corporation Act to protect the reduced postage rate for library materials, a measure that is especially important to rural Canadians who treasure their libraries and access a wide variety of materials just as much as their counterparts in the bigger city centres.

I congratulate the member for Brandon—Souris for sponsoring the bill. I understand that he has been committed to this issue since his election in 2004. He is right in trying to ensure that the book rate is maintained. On that aspect of this initiative, we can certainly agree. This special postal rate is important for all manner of reasons, not the least of which is it protects the opportunities of many Canadians who, for one reason or another, cannot share in the kind of library experiences most people have available to them. In that respect, I believe the member for Brandon—Souris has his heart in the right place with the intent of the bill.

There are ways this legislation could be made stronger, and I will speak to that in a moment. However, it is important to look at what is right about the book rate and this bill first.

As I mentioned, the book rate has served our library community and Canadians by ensuring a reduced postal rate for library materials since it was introduced in 1939. It allows our libraries to share each other's materials at a relatively low cost so smaller libraries, for example, can have access to the larger collections that exist primarily in Canada's bigger cities. That is critically important to remember when we discuss this.

The book rate serves smaller communities, the disabled and our students very well and it sends the right kind of message with respect to learning opportunities and literacy for all Canadians. It preserves the spirit of libraries by maintaining access to materials without driving up costs. It makes it possible to be literate and educated by texts, no matter what an individual can otherwise afford.

It is that opportunity for Canadians, for students, seniors, persons with disabilities and residents of rural communities that this rate serves best. In many cases, it brings the resources to people who would otherwise be unable to get to them. If the rate were lost, how many Canadians would see their education and entertainment from library resources wither?

The book rate allows libraries to better serve the people who are able to visit them as well. It allows for interlibrary sharing and helps to provide service that extends beyond the abilities of any one institution. The low rate that allows for this effective sharing of

resources must be maintained or we could see our libraries offer less access to important texts, effectively creating a two-tiered library system in our country.

I want to point out that the rich and diverse resources available in Canadian libraries are not always found in our bigger centres. The sharing of materials is a two-way street and it is often the smaller, dare I say, out of the way libraries that retain truly unique materials in their collections.

It is clear that there are good reasons for Canada Post to maintain an appropriately priced book rate and I believe this bill's inclusion of CDs, CD-ROMs, DVDs and other audiovisual materials recognizes the changes to what libraries lend out and the evolution of how we consume information.

Still, it is important for us to take a look at how the bill could be made better and how the government could protect postal services as well.

It is not unreasonable to say that the legislation is designed to help preserve a level of service from Canada Post. It is natural then to take this opportunity to scrutinize the government's record when it comes to Canada Post, to review the way the government is asking the arm's-length corporation to operate and how it is ensuring what services will be provided by Canada Post.

• (1845)

With that in mind, I think it is fair to say that the intent of the bill runs counter to the more meaningful messages we see the government deliver to Canada Post and, by extension, to rural communities that rely on postal services to go about their daily business.

It is fairly clear that the idea of a lower rate for library material implies a subsidized price. To be able to do that, Canada Post needs to make money in other areas. Traditionally, one of the best ways for it to make money has been with international mail. However, the government has other things in mind when it considers the lucrative international mail market.

The Conservatives do not see it as a steady source of revenue to assist Canada Post to better serve Canadians. They see it as a way for someone to make profit. In this case, the government supports what are called remailers. The remailers are already cutting into Canada Post's exclusive privileges for international mail and the government has done nothing to stop them. If Canada Post loses this important revenue, it will see its budget slashed by as much as \$80 million a year.

What happens when the fiscal capacity of Canada Post is compromised like this? Services suffer. Just ask the people of Constance Lake First Nation who went a few years without local delivery before pressuring the government to finally re-establish a post office in their community. At the time, they had to drive 40 kilometres to Hearst to get their mail. That is the kind of service the government is glad to have Canada Post give rural Canadians.

Private Members' Business

I honestly think a lot of people in this place do not understand the importance of rural and small town postal service. They cannot appreciate the way a rumoured post office closure goes through a town like a wildfire.

The constituency I represent, Algoma—Manitoulin—Kapuskaing, has no big city. It is largely a collection of small towns and communities that are proud of their independence and contribution to Canada. Alongside that pride is a sense of vulnerability as well. I have seen this in places like Moonbeam, Chapleau and Iron Bridge, where rumoured post office closures can truly pre-occupy a town.

There is a fix for this particular problem. That would be to replace the moratorium on rural post office closures, with a policy that specifically protects these outlets. Once again, without appropriate funding, that becomes more and more difficult to do. Therefore, it becomes a question of the government's will to ensure Canada Post is a healthy and responsive corporation that has the funding available to preserve rural postal services. That includes the kind of mail we are talking about in this bill specifically.

I will return to Bill C-509 and talk about a specific shortcoming that has been identified and spoken to by my colleague, the member for Hamilton Mountain. She has already given a great speech on this legislation and has lauded the member for Brandon—Souris for his initiative. In that speech, she pointed out a critical oversight in the way any change to the book rate would be approved.

In the bill any changes to the rate will have to be approved by cabinet. This puts too much faith in the hands of too few people. If the book rate is as important as we have been saying in this debate, then it is only natural that the appropriate place to pass judgment on a change to the rates is in this chamber, where hundreds of members can weigh in on any proposal in a transparent process that ensures the voices of the communities most affected are heard. This would be a welcome change that would make the bill even better.

New Democrats are glad to continue our support of the bill and are pleased to see the addition of a parliamentary review of the materials covered by the book rate at least every 10 years.

There are a number of other pressing issues relating to Canada Post that we would like to see addressed as well and we will continue to take every opportunity to raise them in this place.

• (1850)

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, it is my pleasure to rise and speak to Bill C-509, An Act to amend the Canada Post Corporation Act (library materials).

This bill was introduced by my friend and colleague, the hon. member for Brandon—Souris. At this time, I would like to recognize this member's efforts and his determination in addressing this important issue and moving this bill forward. He deserves to be recognized.

I would also like to commend the member for his work as chair of the Standing Committee on Transport, Infrastructure and Communities. I consistently hear positive comments from members of all parties for his work there and his efforts to be objective. I think, frankly, that has had a great deal to do with this bill moving forward,

the fact that not only is he addressing an important issue but the manner in which he consistently treats all of his colleagues.

I say that because it is important. The politics of Parliament are often very divisive over very real and tough political issues, but oftentimes members of different political parties come together to address important public policy issues. That is exactly what has happened here, and it has happened under the leadership of the member for Brandon—Souris.

Why is this issue so important? At this point what I would like to do is actually read, in part, from a letter from Joan Welch, chair of the Edmonton Public Library Board, who has approached me, as frankly hundreds of Canadians, thousands of Canadians, from across the country have approached their members of Parliament on this issue, spurred by the member for Brandon—Souris.

Ms. Welch approached me and said, with respect to this bill, formerly Bill C-323:

The Bill calls for an amendment to the Canada Post Corporation Act to provide for a reduction in the rate of postage for library materials.

Since 1939, Canadian public libraries have been able to exchange books at a reduced postal rate, known as the Library Book Rate. Since 1997, the costs of the program have been incurred by Canada Post. However, financial support by Canada Post is not guaranteed. Bill C-322 would provide that the Government of Canada support a concessionary postal rate for Canada's public libraries, thus guaranteeing the long-term sustainability of the program. The legislation would also expand the Library Book Rate program to include non-print materials such as CDs, CD-ROMS, and DVDs.

As the member for Brandon—Souris pointed out, some people have moved beyond his technological expertise and have moved beyond the eight track and the VHS tape. Ms. Welch concluded:

The Edmonton Public Library Board urges you to support the passing of Bill C-322. This bill will recognize the vital and necessary function libraries perform daily in Canada. Libraries not only help educate the public, they provide life choices for their users, help promote and engender literacy, and contribute to the quality of life of people of all ages, ethno-cultural groups and demographic backgrounds everywhere.

We ask for your assistance in supporting this bill. Please also urge your fellow MPs to support it.

I am doing that here today. I do want to thank Joan. I want to thank all of the libraries in my constituency who have approached me about this issue for their efforts, frankly, in engaging an important public policy issue in an appropriate manner by contacting their members of Parliament.

Just for some background, I do want to recognize that the library book rate did expire in 2006. Since that time Canada Post, however, has continued to offer the rate without a formal agreement with the government.

It should also be recognized that Canada Post has not raised the library book rate since 2005 and has recently announced that the rate will remain the same in 2011. As a result, next year will be the sixth year in a row that libraries and Canadian lenders have enjoyed stable rates. I do wish to commend Canada Post for continuing to offer these library book rates for these many years.

Colleagues who have spoken before me have spoken very well to the substance of the bill, but I do want to address some of the other issues.

Private Members' Business

I do want to thank libraries, frankly, for their efforts on a number of issues. First, on literacy. Literacy, as we know, is an issue of national importance. It is a very challenging public policy issue.

It is one our Senate colleague, Jacques Demers, is working very hard on, and he very courageously has stepped forward to acknowledge his own challenges. He is working with a lot of the literacy organizations on a national level and moving this issue forward.

I think we should also recognize Senator Joyce Fairbairn for her work on this issue on the Liberal side in the Senate. They should be recognized for their efforts on literacy.

I also want to recognize the efforts of the government in terms of the investments they have made in literacy. I think it is very important to do so.

● (1855)

It is also important to recognize the role that libraries have as gathering places in all of our communities. I can recall as a youngster going down to the Southgate Library, which has since moved to a much bigger location, and whether it was books or music I was being introduced to a whole series of authors who I have enjoyed since then. In fact, it turned me into a lifelong book lover, and I think we have to recognize the role that libraries play. I would certainly like to recognize the libraries in Edmonton, Devon and Leduc, which, when I as a member of Parliament ask to have a town hall meeting, are the first to step forward and say this is an issue, this is a public forum, we need to have public forums like this. They are very responsive in terms of offering their spaces. The library close to my office in Edmonton consistently has people coming in and saying that if we have any books that we are not using and we feel may be of benefit, whether they deal with politics or Parliament or whatever, please pass these on to them and they will ensure they are accessible to people. The role libraries play in the community must be acknowledged and that is another reason why this issue is so important.

I would also like to recognize the school libraries. All of us as members of Parliament have the opportunity to speak to students of all ages and go to school libraries. I want to recognize a very special person. As a youngster, Mrs. Ryan, who was in my high school library, was one of the persons who made me interested in politics. She would recommend a book here or there. I do have to acknowledge she did not share my political beliefs, so as I was reading more of people like Friedrich Hayek and she was happy that I was reading but perhaps a little distressed at some of the material that I was reading. But people like that do need to be recognized. They do have a tremendous impact on people.

I also want to recognize the important role of libraries in terms of lifelong learning, but also the role that teachers play. One of the reasons I asked the member for Brandon—Souris if I could speak to this issue today was the fact that I am the son of two schoolteachers. My father taught math and social studies and my mother was an English teacher and she taught English as a second language for 20 years. She knows perhaps more than anyone in our family the importance that libraries have and the importance that a bill like this, if passed by this Parliament and I am fairly confident it will be, will have in terms of educating people. Because someone like her would certainly say to the House that libraries are obviously important for

all Canadians, but especially for her as a teacher of English as a second language for 20 years and for new Canadians who come to this country with very little. Libraries are their window to the languages of English or French in this country, are their window to Canadian society. So many Canadian authors are introduced to them this way, and the role that libraries play for new Canadians must be emphasized as well.

I would like to finish by again commending my colleague from Brandon—Souris for his outstanding effort in pushing the bill forward. Frankly, without his leadership and without him activating people across the country in terms of petitioning Parliament, writing and phoning their members of Parliament, this issue would not have come this far. I am very confident that Parliament will adopt the bill and I wish to see it receive royal assent as soon as possible so that libraries can continue to rely on this excellent service, rely on what Canada Post provides to them, and continue to provide the excellent service to Canadians of all walks of life wherever they may live forever in this country.

I encourage all my colleagues in the House to support this important bill as it goes forward.

● (1900)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am very pleased to speak to Bill C-509 and I congratulate the member for sticking with the effort that he has put into it. He is nearly at the five-year mark now in trying to get this bill through.

I find it particularly interesting that we have a bill here that is supported by all members of the House and it takes five years to get it through the House, and it is not even there yet. In the next seven minutes we will be finishing the first hour of debate on third reading and, because of the government's policy in making certain that we proceed into the second hour, this bill will not be up again, unless it is traded up, until March.

We all know that by March we could be involved in another election. I know that when the House is prorogued private member's bills are reinstated when the government starts up again, but I believe elections do kill all bills. That is my understanding, contrary to what I read in the notes.

I find it amazing that we had all parties supporting the bill and after five years, although this bill could have made it through today, it will now be March before it makes it through, and then it has to go to the Senate, and hopefully no election will occur.

I am confident that we will be back here debating this bill again. I wish that were not the case, but certainly it is.

In reviewing some of the background on this bill I looked to the member for Brandon—Souris, whom I have known for a long time. He is a hard-working member of Parliament. Part of his background from 2009 indicates that since 1939 libraries in Canada have been able to exchange books at a reduced postal rate, historically known as the “library book rate”, originally funded directly by the Government of Canada. In 1997, a ruling by the World Trade Organization required that the cost of the program be incurred by Canada Post.

I was not aware of that. I have spoken on this bill before and I had read all of the background information, but I was not aware that it was a 1997 ruling by the World Trade Organization that required the costs to be incurred by Canada Post.

I was very pleased to hear the government member say this evening that Canada Post has agreed to continue the reduced rates for yet another year.

I do know that the member has had a difficult time in attempting to ascertain the cost of this initiative. The fact of the matter is that when we do produce legislation before the House one of the things we do, whether we are in government or opposition, is attempt to try to quantify the cost to the treasury so that we can understand the extent of the issue.

The member has indicated this evening that we are looking at a potential \$5 million cost item here. In previous discussion on the matter, we looked at the Ottawa Public Library, for example, where the postage increases would be in the neighbourhood of \$70,000. We did the math and multiplied that by the 2,000 libraries across the country. Of course, that would be a very large increase for these libraries to absorb.

One of the other positives that the member has added into the bill is the provision that other types of media would be covered. I recognize that today we are dealing with many types of media other than just books: CDs, CD-ROMs, DVDs. These types of materials should weigh a lot less than transferring actual books from library to library. This type of activity should lower the cost to the libraries over time.

● (1905)

The abilities that the libraries will have once they are connected with high speed Internet is another element that may have been discussed in the debates, although when I reread all of the *Hansard* at the second reading debate, I did not see any talk of it. We have seen a program over the last few years, starting with the previous Liberal government, to tie in municipalities, hospitals and libraries as well into high speed Internet connections so that the material can be transferred that way.

In the future I would think that books that are not actually scanned in to the Internet already will be put on line, certainly books in regional and rural libraries over time. That will be one way to be able to access material right across the country and across the world.

However, that day is not here yet. We know, for example, that in the member's own riding of Brandon—Souris, the Brandon hospital has the capability of putting X-rays on disks and sending them to Winnipeg, because the high speed connections are there. At least that was the case the last time I toured it, which was a year or two ago.

Adjournment Proceedings

However, to deliver material to the hospital in Russell, I believe it was, the material had to be taken off, put on a diskette, taken to the bus depot and sent off to the Souris hospital so that the doctors could then decipher the material and read it. However sooner or later a high speed connection will be made and the Internet will be connected through to that hospital in that particular town, and the material will be sent directly through those connections. At that stage, there will be less and less reliance on Canada Post for transferring materials between libraries.

This is something that is very important. It really gets down to the history of the country and the connection with our rural roots. It is not long ago—

The Deputy Speaker: Order. 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.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

HEALTH

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, I am very pleased to have the opportunity to speak to the very important issue of tobacco labelling.

Over the past few months, Canadians have witnessed a bizarre spectacle from the Conservative government's Minister of Health. This past September in a closed door meeting the minister managed to overturn six years' worth of research and waste more than three million dollars' worth of funding in an announcement that stunned both her provincial health minister colleagues and Canadians across the country. Of course, I am referring to the decision to halt the rollout of renewed tobacco warning labels.

After years of product testing and impact research, these groundbreaking labels were ready to be printed and sold by January 2010. That is almost a year ago.

The new tobacco labelling rules would have replaced images which, frankly, after nearly a decade have gone stale, with new and updated photos. Studies have proven that images like these would decrease smoking rates but only if they are kept current. After a decade, I think we can all agree that it is time for a facelift.

There was even more to the program that the minister blocked. Health Canada would have increased the size of warning labels from the current 50% of the package to 75% of the package. To top it all off, every single tobacco product sold in Canada would have featured a 1-800 quit line that would link smokers struggling to quit with experts trained to provide that kind of advice.

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These were regulations that Canadians wanted and would have been proud to support. It would have returned Canada to the forefront of the global fight against tobacco use, a position we used to have when our country first introduced warning labels to the world back in 2000.

In the weeks leading up to the surprise announcement, there was a sharp jump in the number of meetings the government held with representatives of the tobacco industry. From the Department of Health to the PMO, the government had twice as many meetings with big tobacco than with representatives of the health care community and civil society.

The results of this lobbying speak for themselves. The Minister of Health has sold Canadians out to big tobacco and allowed smoking regulations in Canada to languish. Instead of using labelling that science has proven to be effective, we get weak-kneed statements about Facebook and Twitter to try to do the job the government will not do itself. It is clear that the government cannot be trusted to stand up for the health of Canadians.

In light of this sordid and altogether incredible story, my questions for the government are simple. Why did the Minister of Health ignore Canadians' concerns and cave in to the tobacco lobby? Why is the government switching from scientifically based labelling to untested social media? Why is the government not capable of doing both at the same time? What is the minister waiting for?

• (1910)

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, that is really unfortunate. Of course I disagree with pretty much every statement the member made. She seems to be providing more misinformation and making more personal attacks instead of working with the government on this important issue.

I am pleased to rise this evening to discuss our government's commitment to tobacco control and our continued efforts to protect youth in particular.

As members are aware, the Minister of Health has indicated that the department continues to examine the renewal of health warning messages on tobacco packaging. I am pleased to outline for the House today what has been done to date and what remains to be completed on the project.

Canada is a world leader in tobacco control. However, no country in the world with a similar political and economic environment has a lower smoking rate. Only 18% of Canadians smoke and 13% smoke daily. This is a substantial decline from the over 50% who smoked in 1965.

Successive tobacco control strategies and actions since the 1990s, a strong Tobacco Act, collaboration with the provinces, territories, non-governmental organizations, community organizations, as well as the changing attitudes of Canadians toward smoking have all contributed to the smoking rate of 18%.

We are encouraged by the results of the recent Canadian tobacco use monitoring survey which showed that fewer young Canadians are smoking. In 2009, 286,000 teens were smoking, which at 13% is

the lowest smoking rate recorded for this age group since Health Canada first reported smoking prevalence.

I am also very pleased to note that the smoking rate among young adults, that is, those 20 to 24 years of age, has decreased significantly to a low of 23%. This is an important change given that this is the age group with the highest smoking prevalence.

The health and well-being of our children is a priority for the Government of Canada. That is why we have followed through on our commitment to protect young people from tobacco industry marketing practices that encourage them to smoke.

Last fall we made changes to the Tobacco Act which will make it harder for industry to entice young people to use tobacco products.

Specifically, we put in place additional restrictions on tobacco advertising to address what had become a substantial increase in tobacco advertising in publications that were easily accessible to young people.

We also established minimum packaging contents for little cigars and blunt wraps, putting an end to the tobacco industry's practice of selling these products in single units or in kiddie packs that were obviously too attractive and easily affordable for youth.

Finally, we banned flavours in little cigars, cigarettes and blunt wraps, sending an important message to tobacco manufacturers that marketing tobacco to youth will not be tolerated.

Canada's banning of flavours and additives recently received acclaim from 130 countries that participated at the Conference of Parties to the Framework Convention on Tobacco Control which was held in November in Uruguay. In fact, the Conference of Parties agreed to embed this idea as a key best practice for countries to adopt in the guidelines to support the regulation of tobacco content and emissions.

Clearly the government's actions position Canada as a world leader in tobacco control.

Regarding health warning messages, Canada was the world leader in implementing full colour pictorial messages covering 50% of cigarette packages in 2000, and many countries have since followed suit.

Canada is also one of the few countries in the world to have rigorously tested the effectiveness of health warning messages. Our results indicate that the messages encourage smokers to quit and discourage youth from starting to smoke.

Health warning messages on tobacco packaging are an important tool but they must be factored into a larger tobacco control strategy. Hard-hitting health warning messages on the dangers of tobacco should not be a stand-alone initiative.

The social environment has changed significantly since health warning messages were introduced 10 years ago. It is a good time to refocus our efforts to ensure the warnings reach the largest number of smokers possible while remaining effective and cost efficient.

Adjournment Proceedings

While the research conducted in recent years on potential images for new health warning messages has allowed refinement and ensured they appeal to a wide spectrum of smokers, we recognize there are better—

• (1915)

The Deputy Speaker: Order. The hon. member for Halifax.

Ms. Megan Leslie: Mr. Speaker, Canada was a world leader on tobacco control.

I would like to point out that all the information the parliamentary secretary presented to us was about the past. Meanwhile, these changes are ready for rollout in January. Canadians have been waiting. Smoking-related illnesses and deaths keep rising while the minister dithers and makes promises that she has no intention of keeping.

We have no problem with a comprehensive approach. In fact, we would welcome it. That is not what the government is offering. A comprehensive response would mean using new social media and printed warning labels, not instead of printed warning labels. Twittering to Canadians while selling out to the industry is not only the wrong choice but is a deadly choice that will affect all Canadians.

Again I ask, what is the minister waiting for?

Mr. Colin Carrie: Mr. Speaker, again the member is wrong. There is no indication from the government that we will be using social media instead of packaging.

It is really unfortunate that when it comes to standing up to big tobacco, we take no lessons from the NDP. The NDP voted against the \$15.8 million for the tobacco strategy. The NDP would rather start a campaign of misinformation, which the member continues this evening, instead of working with the government on an anti-tobacco strategy, which is exactly what we are doing.

This is not a time to play partisan politics. We are dealing with lives of Canadians. The NDP should be ashamed of itself.

INFRASTRUCTURE

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, I am rising to talk about a question I asked in the House. The government promised recreational infrastructure then turned down thousands of qualified projects across British Columbia. In B.C. alone, almost half of the proposals were rejected.

The Minister of State for Science and Technology bizarrely responded by saying that I was absolutely incorrect and that there were a number of projects accepted across the country, creating jobs from coast to coast to coast. Yes, there were some accepted, but almost half were rejected. That was my point.

Then the minister of state, again bizarrely, went on to say that I voted against any money for any arena in any part of Canada, which again was completely false, since the Liberal Party supported the government's budget in order to support people during a recession period.

In going over that interaction, I was very disappointed at the hon. minister of state's answer. It is an illustration of the lack of integrity in question period, in terms of answering the question, and it is a

lack of respect for Parliament's role, which is to hold the government to account.

I have to wonder whether this lack of transparency by the minister of state has a purpose and serves the government's partisan, self-serving use of public funds. The money for recreational infrastructure was far more targeted at Conservative ridings than the percentage of Conservative ridings itself because 60% of the funds went to Conservative ridings, when only 46% of ridings are Conservative. We have seen this in other programs. We have seen it in the facilities to improve access for the disabled, where 90% of funds went to Conservative ridings.

Another point I made was that every sign for the Conservative's action plan cost money. Whether it is replacing a doorknob or a light bulb, there is a sign. Those signs cost, on average, over \$2,000 per sign. This money should be used for recreational infrastructure, for playgrounds, for fitness facilities and senior centres, for field houses, all the things that were turned down by the minister responsible for the recreational infrastructure funding.

Canadians need recreational infrastructure funding for their health, for equality. Community centres in Vancouver Quadra, like Kerrisdale Community Centre, Point Grey and Dunbar, are desperate funds to update aging facilities so they can serve the public. The government, sadly, does not care much about families and their needs for recreational infrastructure. It has wasted money that should be spent on the priorities of families. It has wasted \$1 billion with the G8-G20 nonsense that did nothing for Canadians. That funding could have funded every recreational infrastructure project across Canada.

My concern is the government's priorities are misplaced and its funding, using taxpayer dollars, is mismanaged.

• (1920)

Hon. Lynne Yelich (Minister of State (Western Economic Diversification), CPC): Mr. Speaker, over 18 months ago, my department, Western Economic Diversification, was tasked with the roll-out of economic action plan programs in western Canada and we delivered.

Through the recreational infrastructure Canada program known as RInC, we have been working tirelessly to get western Canadians back to work and to stimulate the economy. WED put out a call for applications and, as with any desirable program, the demand far exceeded the available funding. Over 1,600 RInC submissions were received from across the west requesting in excess of \$400 million in funding from the federal government.

Consistent with the objectives and guidelines established for RInC, WED's due diligence focused on ensuring projects could start quickly and create jobs while almost meeting the March 31, 2011 deadline. In the end, 718 RInC projects were approved.

Adjournment Proceedings

Because of this careful consideration, our investments are seeing results. As of October 7, more than 210 RInC projects are complete and over \$50 million has been disbursed to communities. Our work under Canada's economic action plan is helping realize our government's goals under this program. From the Pacific Ocean to Hudson Bay, communities are hiring again and the western economy is making a recovery.

Without RInC funding, communities, such as Port Alberni, British Columbia, would not have the capital to support the construction of the new Alberni athletic hall, a central gathering place for first nations and locals. The original facility was destroyed by a fire in May 2009, which forced the cancellation of many annual sporting activities and events. This new facility will officially be open for business next month and already the bookings have been piling in.

Another success can be seen in the northern rural community of Buick Creek, British Columbia, where our funding is replacing an outdoor arena with a new indoor arena. This facility can now be used as an ice arena for an extra six months of the year and can be converted for basketball and indoor soccer.

Tom Walker, mayor of the district of North Cowichan, spoke about our government's RInC investment, as someone in the sports field, saying:

This would not have been possible without the commitment of the federal government to improving infrastructure and promoting healthy and active lifestyles for our citizens.

Wendy Lambert, coordinator of the Chemainus Community Schools' Association, had this to say about RInC funding in her community. She said:

In a small town like Chemainus, people know each other well. Now, with this new fitness equipment, we are getting to know each other really well, as we huff and puff side by side, getting into shape! [People]...are loving their new circuit! By contributing to this project, Western Economic Diversification Canada has supported a small Canadian business; delayed lay-offs and increased working hours in a field burdened by cutbacks, and created a brand-new part-time job in the not-for-profit sector. Citizens have a unique opportunity for healthy activity.... It's a win-win.

Outcomes such as those illustrate how RInC objectives are being met and how important impacts have been made by our investments, mostly in terms of stimulating local economies and building healthy, vibrant communities.

I have demonstrated our work through Canada's economic plan in creating opportunities for western communities. Work is well under

way, jobs are being created and our government's action plan is benefiting western Canadians.

● (1925)

Ms. Joyce Murray: Mr. Speaker, just listening to the hon. minister's words, if the stimulus is helping to realize government goals, what are those goals? Is it the record deficit of \$56 billion and record debt that the borrow and spend government has put Canada into? The stimulus funding helped to do that.

She said that they delivered. What did they deliver? They delivered far fewer jobs, according to the Parliamentary Budget Officer, than they claimed. It did not work. Youth unemployment is sky high. Temporary jobs are replacing full-time jobs. She claimed that all of the spending stimulated the economy. It did not work. The economy is sputtering and there are record debt levels for Canadian families.

The government has been wasteful with the public dollar, with historic borrowing and spending tendencies, and it has put Canadians in such a deep hole that unfortunately it will take the Liberals, once again, to dig Canadians out.

Hon. Lynne Yelich: Mr. Speaker, as I have already demonstrated, our government responded quickly to the global economic downturn with our economic action plan and, throughout our plan, we took decisive steps to protect incomes, create jobs, ease credit markets and help workers and communities get back on their feet.

Part of this plan was an investment of \$500 million to improve recreational infrastructure in communities across the country. This includes 718 projects in western Canada and 224 projects in British Columbia, including, in the constituency of Vancouver Quadra, the École Jules Quesnel Playground, the Miraloma Cricket Club, improvements to UBC's recreational facilities and a new turf field at Jericho Park.

Work is well under way, jobs are being created and our government's action plan is benefiting western Canadians.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:27 p.m.)

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