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(HANSARD)

Monday, March 18, 2013

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Monday, March 18, 2013

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1105)

[*English*]

HOMES NOT CONNECTED TO A SANITATION SYSTEM

The House resumed from February 5 consideration of the motion.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is a pleasure to rise to address this issue today, knowing full well how important it is that all homes across our country have the ability to deal with this very important issue, which affects water quality. This is an opportunity for governments to work together to resolve these issues, which are of national importance. I would argue that many rural communities that need water or sanitation systems require financial resources to achieve success, and the federal government needs to play some role in that.

The motion brought forward requesting financial support to bring homes connected to septic systems up to a standard should be debated. I would have thought the motion would have received support from all sides. The Liberal Party previously indicated that it supports the motion and would like to see it pass, thereby obligating the government to do something that we believe is very important. One of the substantial differences between the Liberal Party and the Conservative Reform Party is that we see value in investing capital in infrastructure across this country.

The Chrétien government discussed infrastructure from coast to coast to coast and how the federal government needed to play a role. If we are to build our country, we need to build upon our infrastructure. Former Prime Minister Chrétien was quite keen on the three levels of government getting together and coming up with agreements on investments.

I had the opportunity the other day to talk about infrastructure programs. I made reference to an overpass on Kenaston in the city of Winnipeg that would never have been done had the federal government not come to the table. This is because the federal government has a much larger purse than any municipality. Many municipalities have low population bases. They do not have the resources necessary to invest in water or septic systems. If the money does not flow, if they do not get co-operation from Ottawa and in good part from the provinces, it will never exist or it will be very difficult for it to exist.

Speaking of numbers, somewhere in the neighbourhood of 25% of homes, a significant percentage, are connected to septic systems that are not up to a what we would classify as a good quality standard. I would ultimately argue that we need to improve that overall percentage. The only way that can be done is for Ottawa to play a leading role.

The motion needs to be supported, at the very least in principle. I recognize the government is having a difficult time with the motion. However, if the government recognizes that there is a need to improve the standard across this country, that is a step forward. Then, recognizing that need, how do we best address it?

The best way to address the need is through strong leadership from Ottawa. Many would suggest, particularly government members, that it is a municipal responsibility and that municipalities are ultimately responsible for the bulk of that 25%. However, it does not matter where we go in Canada. From coast to coast to coast, we find that the need is there, and the reason there is this need all over our country is that the municipalities do not have the tax base necessary to bring these homes up to an acceptable standard.

If the municipalities do not have the resources, where do we look to get the job done? It may be argued that some provinces are in a better financial position than others to deal with these communities. Some provinces may have the necessary internal wealth and resources to enter into agreements with their local municipalities and provide additional funding for their rural municipalities. There is no doubt that some provinces are in a better position to deal with this issue. However, I would argue that this is a national interest and it should be a national concern, which is why we need to see leadership come from Ottawa.

We are suggesting that at the very least Ottawa should sit down with the different stakeholders to paint a much broader picture of the issue at hand. With that picture, we would get a better idea of what it would take to get the job done. However, without Ottawa's participation, this is not going to happen. It is as simple as that. We might see a little bit here and there, scattered throughout the country, but at the end of the day, if Ottawa is not prepared to come to the table, then it is not going to happen.

To that degree, this is the difference between the Conservative government and what the former Liberal government demonstrated, and what we see within the leadership of the Liberal Party today. We recognize the value of bringing people to the table to work on agreements that would make a difference. We demonstrated that first-hand through infrastructure programs when we were in government. We had all three levels of government sitting at the table and participating. Moneys were allocated and projects that would not have been possible were made possible because Ottawa at the time made the decision to get directly involved, which is something that is not being realized today. Until the government recognizes the important role it has to play, this issue will ultimately cause problems in many of our rural communities, if not all of them.

If we think of the environment and septic systems, we will find that there are many shortcomings. For parliamentarians and concerned Canadians who want to deal with this issue, which has a fairly profound impact on our environment and the lifestyles of thousands of people, I would suggest, and I refer mostly to the Conservative members of Parliament, that they reconsider their position and how they vote on this particular motion.

The principle of the motion is good. We are going to be supporting it and we challenge the government members to do the same. Many government members like to say that they represent rural Manitoba. A good way to demonstrate their support for rural Canadians would be to support the motion.

● (1110)

[*Translation*]

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Mr. Speaker, I rise today to support the hon. member for Argenteuil—Papineau—Mirabel's motion to correct an injustice done to rural Canadians.

One would expect a party that campaigned on the slogan "Our region in power" to support this important official opposition motion.

As in all rural regions of Canada, thousands of people in my riding of Laurentides—Labelle live close to lakes and waterways. Maintaining the quality of these regions' sanitation systems is vital to people and environmental protection.

The safety of communities' drinking water depends on the state of their septic systems. The same is true of the survival of the tourism and recreation industry, a major development focus in my riding. These communities are responsible for maintaining water quality by maintaining their sanitation facilities. However, infrastructure programs are not being given adequate financial support to bring septic systems up to new environmental standards.

Everyone pays the same taxes whether they live in an urban or rural area, so everyone should be able to benefit equally from those tax dollars.

As an MP who represents a rural riding, I am very proud to defend this motion, which seeks to ensure fairness among people living in urban and rural areas.

Supporting my colleague's motion would be a good opportunity for the Conservatives to take action and show Canadians that the federal government is implementing practical measures to help the regions.

Motion No. 400 seeks to make the waste water services that are currently available to people in urban areas accessible to people in rural areas as well.

Although the federal government is investing in bringing municipal waste water systems up to standard, over 25% of Canadians are not connected to these urban systems and are therefore not receiving any subsidies.

As is often the case in my riding, many homeowners depend on residential septic tanks. Right now, 25% of Canadians have to pay out of their own pockets to maintain and upgrade their septic systems.

If the Conservatives were really listening to people in the regions, they would quickly realize that the municipalities support this motion.

Many municipalities in Laurentides—Labelle have openly expressed their support for my colleague's proposal. Ten of them —the RCM of Antoine-Labelle, Sainte-Adèle, La Macaza, Ivry-sur-le-Lac, Lac-Saguay, Rivière-Rouge, La Minerve, Sainte-Marguerite-du-Lac-Masson, Val-David and La Conception—have demonstrated their support for the motion by adopting a city council resolution.

I will not read the resolutions sent to my office, but I would like to mention some important points included in the preamble to the resolution adopted by the City of Sainte-Marguerite-du-Lac-Masson. It states:

> ...in peri-urban areas, a number of septic systems of isolated dwellings are outdated and need to be brought up to standard, work that is both important and urgent;
>
> ...this situation poses a significant potential risk to the water quality of our waterways, lakes and rivers;
>
> ...because of the high cost of the work, some residents are delaying bringing their system up to standard, which means an increased risk to water quality and public health;
>
> ...the federal government [must support] the municipalities that need to build or repair their waste water systems.

These points expressed by the City of Sainte-Marguerite-du-Lac-Masson very clearly indicate the problem and the needs facing the municipalities in my riding.

The septic system issue is problematic for many other groups in the riding of Laurentides—Labelle, besides the municipalities I just mentioned. For instance, the Regroupement des associations pour la protection des lacs et cours d'eau des Hautes-Laurentides, which represents 19 associations and municipalities, is working on this priority issue. In fact, one of its key active projects is the search for funding to renovate individual septic systems.

Therefore, by moving this motion, my colleague from Argenteuil —Papineau—Mirabel has really identified a key problem facing our municipalities. By following through on a resolution from the Federation of Canadian Municipalities, the member has proven that she really is listening to Canadians.

● (1115)

I am truly grateful to her for moving a motion that is so in tune with the actual needs of our fellow Canadians.

This motion would definitely get us much closer to equality among Canada's various regions. More importantly, this motion would help protect the environment, which is another issue the Conservative government has mostly been ignoring.

Outdated septic systems in some rural regions threaten water quality and public health. As the Pays-d'en-Haut RCM points out, the health of a waterway or lake depends heavily on whether surrounding septic systems comply with current regulations. Septic systems can leak water contaminated with fecal coliform bacteria and nutrients such as phosphorus and nitrogen. When contaminated water enters the water table and flows into our lakes and waterways, algae and aquatic plants proliferate. We know that fecal coliform bacteria contain a number of pathogens that threaten human health.

Maintaining high waste water treatment standards is critical, but that comes at a cost. Individuals simply cannot afford it. As we all know, the current government often leaves people in the regions out in the cold. Recent cuts to employment insurance are a harsh example of how, in many respects, the Conservatives could not care less about people in the regions. Maintaining existing infrastructure programs will only perpetuate the unfair treatment of people in rural areas.

Motion No. 400 is a preventive measure. Helping create programs that provide financial support for upgrading residential septic systems will help us avoid the enormous cost of decontaminating lakes and rivers.

It is time for the federal government to come up with a long-term vision. By expecting the provinces and municipalities to deal with this by themselves, the Conservatives are just putting off confronting an issue that affects all Canadians. I think they are trying to shirk their responsibility by turning a blind eye and pretending the problem does not exist.

I hope that the government will stop ignoring the problem and try to understand that the need is great. The people in my riding need the measures proposed by my colleague. We must take steps to protect water and public health by studying the possibility of establishing financial support programs to bring up to standard septic systems not connected to sanitation systems.

● (1120)

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Mr. Speaker, in keeping with my typical approach to parliamentary speeches, I will be speaking about financial support for septic systems by presenting the basic elements of the issue at hand, specifically the effect that waterfront activities have on the integrity of our country's waterways. I will also describe how public involvement is an enabler of change in the country and how industrial development is a key driver of economic growth in Canada. As I have done many times before, I will critique every aspect, and I will show that big industry is also responsible for phosphate emissions.

In the past, the public has demonstrated that involvement and awareness ultimately drive an industry's action, particularly when that industry produces consumer goods. We have witnessed the public's ability to put issues such as sustainable development and social acceptance front and centre, to the point where these concepts have been taken up and are now practically trademarked. In fact, there has been green washing. Companies have picked up on these concepts, knowing full well that people pushed them to the forefront and that they are particularly important issues for consumers. These concepts have been hijacked.

I will also be speaking about certification bodies, such as ISO standards, which came about when I first began practising, while I was still at university. It was a new topic at the time. People supported the changes. Companies and industry simply followed suit and decided to make a commitment in order to meet the public's expectations.

Issues surrounding aquatic reserves, water and the integrity of our water are hot topics for debate lately. Thanks to the experience I have gained during my nearly two years in the House, I can state that nothing is left to chance in Canada's Parliament. There is a reason we have studied these issues. If memory serves me correctly, I have spoken to this topic at least three times over the past two years.

The last time I checked, the government opposed profiting from or commercializing water and bulk water exports. However, we have observed something else: when there is very little clarity and transparency, it is very likely that discussions are being held at another level and out of sight of the people. At present, there is foot-dragging and pussyfooting around, and people are backpedalling. That is why this government was forced to say that water was not for sale. This paranoia spread across the country, however, because of the lack of transparency and clarity of the government's actions at present. That is why I will speak briefly to this issue.

Although the motion before us puts Canadians at the centre of the debate around waste water from rural residences as a significant source of pollution and eutrophication of bodies of water, public involvement must go hand in hand with heightened social and environmental responsibility on the part of our society's corporate sector. I mentioned that ISO standards were being studied at universities about a dozen years ago. In fact, if my memory serves me well, when I studied corporate law in 2004 in graduate school, corporate social responsibility was already an emerging issue and the so-called intellectual circles were beginning to discuss it.

This issue has now been taken up by the general public and debated in the mass media. A few years ago, it was still rather obscure. That is why I examined ISO standards during my studies. At the time, industry voluntarily subscribed to these standards because the public expected it to. The commitment to meet ISO 14001 and 9001 standards lent an air of trustworthiness to companies. About a dozen years have passed and this has now become mainstream in the sense that Canadians are embracing it.

● (1125)

When I started my speech in the House about my colleague's motion, I wanted to show that public opinion will often dictate the direction industry will take. In this case, if people want to upgrade their septic systems and are also concerned about phosphate emissions, there is a very strong chance that a large segment of industry will simply follow their lead. We have seen it happen. As everyone knows, when the public mobilizes, it can have a big impact. Industry and the manufacturers that produce consumer goods will follow their lead.

I mentioned sustainable development. We now have access to fair trade and organic products. It was no accident that manufacturers came out with these products. The demand is there. Market studies showed that the public was evolving. All across Canada attitudes had been progressing, whether people liked it or not. Industry has always adapted. In this case, industry's direction in the near future will probably be dictated by this mobilization and by the public's interest in this important issue.

The public's interest in inadequate, outdated, plugged or substandard septic systems will help considerably reduce inputs of phosphorus, the primary cause of eutrophication of waterways and lakes. It is now well known that these inputs of phosphorus can stimulate the development of large blooms of cyanobacteria.

My colleagues probably agree that what we need now is action and meaningful support from the federal government for initiatives to upgrade sanitation and septic systems.

I spoke about the advantages earlier. This is a step in the right direction. There is a very strong chance that this could encourage an entire segment of society to change. Major producers of phosphate, phosphorus and other contaminants will simply follow suit and decide to upgrade their systems.

We must not fool ourselves. Industry is largely responsible for this pollution. Canadians will have to take a stand individually. My colleagues have said that many people who live along rivers are in financial difficulty. Therefore, it is essential that the Canadian government implement a program to ensure that an unfair burden is not placed on people who want to be in compliance or who simply want to improve their quality of life and their environment. The immediate neighbours will be able to see the positive impact and benefit from it. It is highly likely that this initiative will grow exponentially and that Canadian society as a whole will benefit greatly from it.

I submit this respectfully.

● (1130)

Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, I am pleased to rise today to support Motion No. 400 moved by the hon. member for Argenteuil—Papineau—Mirabel.

In my opinion, this motion, which aims to protect the water and public health of our communities, is very important and vital. I will read the motion because I think it is worthwhile to go over it again:

> …the government should study the possibility of establishing, in cooperation with the provinces and territories, one or more financial support programs, inspired by the one proposed by the Federation of Canadian Municipalities, that would bring up to standard the septic systems of homes not connected to a sanitation system, in an effort to ensure urban/rural balance, lake protection, water quality and public health.

First of all, I congratulate my colleague on her motion. It proves that she truly is a practical MP who listens to her constituents. I find a number of aspects of this motion very interesting.

Ninety per cent of my riding is rural. We have a number of rivers, including the Yamaska River. Moreover, the Organisme de bassin versant de la Yamaska, an organization I work with in the riding, supports my colleague's motion. Environmental groups are vital in our ridings.

I am also worried about the Yamaska River, which runs through my riding. It is one of the most—if not the most—polluted rivers in Quebec. A motion like this one is definitely very important to my riding, and many environmental organizations support it.

It is also interesting that the motion addresses the notion of fairness among urban and rural areas. As we know, the government invests millions of dollars every year to help municipalities upgrade their sewer systems. The municipalities are often tapped-out and need a little help from the federal government.

At present, 25% of Canadians do not have access to municipal sewer systems. This means that they have to maintain a septic tank on their property, at their own expense. One-quarter of Canadians have to pay for this themselves—and it can cost $5,000, $10,000, $15,000 or even $20,000.

Not everyone can afford these upgrades, so they simply ignore the issue, which is harmful for the environment. These people need a little help. The federal government needs to show some leadership when it comes to the environment for once.

In rural areas, many septic systems are outdated and some need significant or urgent work. The clock is ticking and something needs to be done.

Again, fairness for rural areas is very important. People who live in isolated communities also deserve proper services and should not be penalized. They should not have to pay just because they live in a rural area.

We are simply asking the government to help these people meet environmental standards. These standards are crucial; we are talking about our water. Water is a vital resource that is very plentiful in Quebec and Canada. However, it seems to me that we sometimes take it for granted, since it is so abundant.

This reminds me of a personal story. A few years ago, I went to visit some friends in Belgium and we started talking about water. They told me that, basically, people who live in Quebec and Canada have so much water that they do not care about it; they do not look after it or take care of it. They said that we do not pay any attention to it, that we waste it and pollute it. I said that that was not true.

However, it made me stop and think. I thought that perhaps, deep down, Canadians do have that attitude. Perhaps we should be doing more to clean up our rivers and lakes and to help people who want to meet the standards but are financially unable to do so. I cannot imagine that many families in rural Canada want to go $20,000 into debt for a septic tank.

● (1135)

It would be good if the government stepped in, especially if you consider the fact that people in urban areas have access to sewage systems and do not have to pay for them. Can we all agree that this is a basic necessity?

Obviously, this is also a matter of public health. We are talking about drinking water. If the water is unfit, we cannot simply stop drinking it. There are also fish, shellfish and so on. It will be a problem if we cannot fish and eat them. There is also the issue of ecosystems. It is a serious problem when an ecosystem is transformed because of pollution. We cannot allow that to happen in Canada or anywhere else in the world. There are many problems related to this issue. We are suggesting a solution that would put a halt to these kinds of problems. The marine and earth ecosystems are interconnected and interdependent. We cannot allow this to go on any longer because sewers and drinking water are both matters of public health.

Earlier, I spoke about urban-rural balance. The municipalities do not necessarily have the means to enforce these standards. People are therefore being asked to upgrade their own septic tanks, which could cost $20,000. Yes, the municipality is responsible for enforcing this law. However, if we put ourselves in the shoes of the people living in small rural municipalities that may have only 1,000 residents, we realize that the person who may be required to take on $20,000 in debt is a brother-in-law, neighbour or friend. These are not costs that the municipality can cover. What is more, it becomes very difficult to enforce the law.

For example, the mayor of Saint-Barnabé-Sud in my riding, unlike the mayor of Montreal, is not a full-time mayor. Elected officials in small rural communities have a difficult time enforcing such things and finding the necessary funding. It is hard enough for them to find funding to deal with sewer systems, so members can imagine how difficult it would be to find money for septic tanks. We are talking about communities that have very few residents but that cover very large areas. People live on this land and farm it. They need help and so we must give it to them. In my opinion, it is the government's responsibility to help them.

Speaking of municipalities, it is interesting to note that the Federation of Canadian Municipalities supports this motion. In fact, the motion is largely inspired by the resolution adopted by the Federation of Canadian Municipalities in 2009. The resolution confirms that it is relevant and urgent that the federal government provide funding to help bring septic systems up to standard. The Federation of Canadian Municipalities considered this issue in 2009 and asked the government to take action. The federation is a large organization made up of over 2,000 Canadian municipalities. These people know their business. They asked the government to take action, but the government did nothing. Now, my colleague is addressing the situation, and I thank her for that.

I urge the government to vote in favour of the motion. For once, it would be nice to see that the government cares about our water, our environment and Canadians' quality of life.

● (1140)

The Acting Speaker (Mr. Barry Devolin): The hon. member for Argenteuil—Papineau—Mirabel for her five-minute right of reply.

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Mr. Speaker, I am pleased to close the debate by stating the facts and the truth. The government's response to the motion was to try very hard to ignore the issues raised.

First, according to the Conservatives, the matter falls under provincial jurisdiction and the federal government should not intervene. However, it is the regulation of individual septic systems that falls under provincial jurisdiction.

In response to a petition signed by Canadians who supported my motion, the Minister of Human Resources and Skills Development said:

> In Canada, all levels of government share responsibility for managing waste water collection, treatment and disposal.

Therefore, nothing prevents us from working with the provinces and territories to find an effective and responsible way to help Canadians living in rural areas.

[*English*]

Waste water management is a shared responsibility, and that is why my motion specifically calls on the government to work with provinces and territories and municipalities.

The federal and provincial governments already provide up to 85% of the funds requested by municipalities to build or upgrade their waste water management infrastructures. However, in rural areas, it is impossible to do so. Therefore, while rural Canadians pay the same taxes as everybody else, they are left to fend for themselves.

[*Translation*]

At the same time, we are polluting our waters, our lakes and rivers, and harming our public health and our economy.

According to Environment Canada, the effects of waste water and these pollutants on ecosystems and human health include: causing the death of fish and damaging the habitat of certain species, leading to their decline; creating an environment that is toxic to invertebrates, algae and fish; polluting beaches and restricting human recreation, which is problematic for our regions' economies; and threatening human health, aquatic life and wildlife.

[*English*]

For 30 years now, waste water from isolated dwellings has been identified as a significant source of pollution and eutrophication of our waterways. Inadequate, outdated, clogged or non-compliant septic systems increase loadings of phosphorus, the main source of eutrophication, in rivers and lakes.

It is now well known that this increase in loadings in phosphorus can promote the development of excessive cyanobacteria, well known as blue-green algae.

[*Translation*]

The Conservatives were saying that the federal government already has invested in this area, which completely contradicts the argument of the provincial jurisdictions. Unfortunately, this claim is far from true. The CMHC program they referred to has no relevance to the issue in question.

That said, I appreciate that the minister and parliamentary secretary admitted that the federal government could implement support measures like the ones proposed in Motion No. 400.

As I mentioned during the first hour of debate, Gore Township, in my riding, has said:

> ...the CMHC and Société d'habitation du Québec programs...do not address the socio-economic issue being described and...the funds allocated for the region...are laughable compared to potential demand;

Applications for upgrading septic systems are not eligible under the program's criteria.

[*English*]

Meanwhile, rural homeowners living on small or fixed incomes are often forced to ignore the inadequacy of their septic systems and the environmental impact because they just do not have the means to invest in upgrading them.

Finally, because this motion only proposes that we study the possibilities for financial support, I want to remind my colleagues that there is no cost to voting for this motion. It is also worth noting that programs such as guaranteed loans would mean we could be helping Canadians at no long-term cost. Especially when we consider how much we would save in the cleanup of our lakes and rivers, I would say it is definitely a motion worth supporting.

● (1145)

[*Translation*]

In conclusion, I want to thank all of my colleagues who will support this motion on Wednesday.

I also want to thank all the municipalities and watershed groups for supporting and helping with this motion. I thank the FCM, which initiated this idea.

I also want to thank Scott Pearce, the mayor of Gore Township, in my riding, who has worked hard on this issue for many years.

I sincerely hope that my colleagues from all parties realize that what the Conservatives are saying is false and that they will vote for what their constituents want.

The Acting Speaker (Mr. Barry Devolin): The time provided for debate has expired. The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Barry Devolin): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Barry Devolin): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion the nays have it.

And five or more members having risen:

The Acting Speaker (Mr. Barry Devolin): Pursuant to Standing Order 93, the recorded division stands deferred until Wednesday, March 30, immediately before the time provided for private members' business.

[*English*]

SUSPENSION OF SITTING

The Acting Speaker (Mr. Barry Devolin): The House will stand suspended until 12 o'clock.

(The sitting of the House was suspended at 11:47 a.m.)

SITTING RESUMED

(The House resumed at 12 noon.)

GOVERNMENT ORDERS

RESPONSE TO THE SUPREME COURT OF CANADA DECISION IN R. V. TSE ACT

The House proceeded to the consideration of Bill C-55, An Act to amend the Criminal Code, as reported (without amendment) from the committee.

● (1155)

[*English*]

SPEAKER'S RULING

The Acting Speaker (Mr. Barry Devolin): There are six motions in amendments standing on the notice paper for the report stage of Bill C-55. The Chair has been informed that Motion No. 2 will not be proceeded with. Motions Nos. 1 and 3 to 6 will be grouped for debate and voted upon according to the voting pattern available at the table.

I shall now propose Motions Nos. 1 and 3 to 6 to the House.

● (1200)

MOTIONS IN AMENDMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP), seconded by the hon. member for Thunder Bay—Superior North moved:

Motion No. 1

That Bill C-55, in Clause 2, be amended by replacing lines 10 and 11 on page 1 with the following:

""police officer" means any officer or constable employed for the preservation and"

Motion No. 3

That Bill C-55, in Clause 3, be amended by replacing line 18 on page 1 with the following:

"tion if the police officer has reasonable grounds, a record of which is subsequently made,"

Motion No. 4

That Bill C-55, in Clause 5, be amended by adding after line 27 on page 3 the following:

"(d.1) the number of interceptions in respect of which no proceedings were commenced and, for each such interception, the offence that the police officer sought to prevent in making the interception;"

Motion No. 5

That Bill C-55, in Clause 5, be amended by adding after line 35 on page 3 the following:

"(f.1) a description of the reasonable grounds recorded by the police officer in accordance with section 184.4 for each interception;"

Motion No. 6

That Bill C-55, in Clause 5, be amended by adding after line 38 on page 3 the following:

"(g.1) the number of interceptions in respect of which no arrests were made and, for each such interception, the offence that the police officer sought to prevent in making the interception;"

She said: Mr. Speaker, I want to begin by thanking my colleague, the hon. member for Thunder Bay—Superior North, for seconding these motions.

As the House will know, this legislation was brought forward in place of or at least after Bill C-30 was withdrawn. It was the so-called protecting children from Internet predators act. I do understand the reasons for urgency.

This legislation, Bill C-55, is in direct response to a decision of the Supreme Court of Canada in R v. Tse, in which the court found that the current emergency wiretap provisions failed the charter test. The court suspended its ruling for 12 months to allow the House to remedy those sections of the Criminal Code such that they would conform with the charter. The clock started ticking when the Supreme Court rendered its decision, which was April 13 last year. We have a small amount of time to correct those mistakes.

I want to start my discussion of the amendments I am putting forward by stressing that I also support Bill C-55. It is, overall, well crafted and meets the challenge of ensuring that this extraordinary power of the state to obtain emergency wiretaps without a warrant—and this is what we are talking about—which is quite an egregious invasion of the privacy of the individual citizen, is balanced and only justified in exigent circumstances when certain standards have been met. It is only charter compliant, according to the Supreme Court decision in R v. Tse, if there are adequate oversight mechanisms put in place.

My amendments go directly to the point that we do not want Bill C-55 to be struck down by a future court because we failed to put in place the adequate oversight provisions and because we failed to get the balance just right, based on the advice of the Supreme Court.

I am just going to take a moment to go back to the ways in which the Supreme Court of Canada's decisions around these matters have evolved in very recent years. It was not long ago that our major authority, the precedent from the Supreme Court of Canada that governed in this area, was a 1990 case, R v. Duarte, in which Mr. Justice La Forest found that:

> as a general proposition, surreptitious electronic surveillance of the individual by an agency of the state constitutes an unreasonable search or seizure under section 8 of the *Charter*.

It takes quite a bit of evolution within court decisions to ask how we justify sections 183 and 184 of the Criminal Code in allowing the state, without access to a warrant or even judicial review of any kind, to go forward and wiretap private communications.

That process is now settled in a new precedent of the Supreme Court of Canada in R v. Tse, in which the court ruled in the majority that yes, in these exigent circumstances, where, for instance, there is a kidnapping or another criminal event where a life is at stake and there legitimately is not time to get to a judge for a warrant, it is now going to be acceptable under the charter.

What is not acceptable under the charter is when these powers are not adequately supervised. I think that needs to be a foundational point that is stressed here. These are intrusions into the private lives of Canadians that in any other circumstance would be viewed as charter violations. This House must craft, very carefully, that rare exception when we are going to let the state intrude on our personal communications.

I am troubled, sometimes, when I hear the comment: "Why would we worry if people want to wiretap criminals? The only people who would be worried about that would be people who have something to hide".

We need in this country to constantly remind ourselves why we prize the Charter of Rights and Freedoms, and before the Charter of Rights and Freedoms why western democracies, the British Empire, our common law, and centuries of practice and respect for the rule of law recognized that the state has no business knocking down a person's door. It is literally pushing through doors and breaking into houses and invading our privacy, which in an electronic era includes wiretapping.

● (1205)

We have to remind ourselves why civil liberties matter. We have to remind ourselves of this fairly constantly, because in not just this instance but in other laws passed through this place, we are seeing an erosion of our respect for the idea of civil liberties through resort to such rhetoric as "Well, only criminals need to worry" and "We shouldn't be so worried about criminals as we should be about victims." A victim of an injustice of the state invading our civil liberties is no less a victim than the person mugged on the street. We need to pay attention to civil liberties. That is why I am putting forward my amendments.

The court ruled very clearly in R. v. Tse that the failure of the current Criminal Code provisions was a failure to have adequate accountability measures. The court did not set out what the accountability measures should look like with any degree of specificity, so Bill C-55 attempts to, and does, put forward accountability measures; however, will they pass the charter test in a future Supreme Court case? My submission to the House—and I urge other members to vote with me—is that we make the bill much safer and more secure against being struck down later by improving the accountability measures.

The amendments I put forward would ensure, for instance, that the intercepted communications would require an Attorney General report, which would include records of all those wiretaps for which no charges were ever laid and would require the police officer in question to memorialize the reasonable grounds he or she had at the time for seeking warrantless wiretap evidence. We would record and report as much information as possible to ensure that the oversight statutory process in Bill C-55 would meet any future charter challenge.

My amendments are based on recommendations primarily from three groups that testified before the Standing Committee on Justice and Human Rights: the Canadian Bar Association, the British Columbia Civil Liberties Association and the Criminal Lawyers' Association. Those three bodies recommended, in the language I have used, the amendments I am putting forward today.

They strive to ensure that there be a requirement to publicly report the numbers of persons whose communications were intercepted but who were not subsequently charged. They include a requirement for the police officer's justification for the interception to be recorded and memorialized and would also ensure that if subsequent judicial authorizations were obtained on the same grounds as for the interception under section 184.4 of the Criminal Code, evidence obtained by a further section 184.4 interception may be ruled inadmissible.

The other piece I want to mention briefly is something that was not part of the *res judicata* of R. v. Tse but that was certainly significant *obiter dicta*, and that was the court's concern that the definition of "peace officer" was overly broad. I cite the decision of the court on this matter, and there was not a dissent. At paragraph 57 of R. v. Tse, the court noted it would agree that:

> We, too, have reservations about the wide range of people who, by virtue of the broad definition of "peace officer", can invoke extraordinary measures permitted under s. 184.4. That provision may be constitutionally vulnerable for that reason.

I am not saying that the Minister of Justice has not taken account of this *obiter dicta*. The revised Bill C-55 no longer uses the term "peace officer". The revised Bill C-55, in clause 2, changes the term "peace officer", which was overly broad and could include anything from mayors and reeves and so on, to "police officer", but then in the definition adds an element of overly broad definition by saying:

> "police officer" means any officer, constable or other person employed for the preservation and maintenance of the public peace

I remain concerned despite the quite interesting testimony, and I thank the justice critic for the official opposition, who pursued this point with the Minister of Justice. I am less sanguine about leaving in the term "or other person", so one of my amendments would remove the term "or other person" to further clarify the act and ensure that it is not constitutionally vulnerable.

I will conclude by saying that my amendments are put forward in the interests of ensuring that Bill C-55 will survive any future charter challenge and I recommend them to my colleagues.

● (1210)

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, I am pleased to speak today about Bill C-55, the response to the Supreme Court of Canada decision in R. v. Tse act. This bill responds to the Supreme Court of Canada decision that found section 184.4 of the Criminal Code to be unconstitutional. Section 184.4 provides authority to intercept private communications without prior judicial authorization in dangerous situations such as kidnappings, in order to respond to an imminent threat of harm when the time constraints do not permit obtaining a judicial authorization.

The purpose of Bill C-55 is to ensure that the critical preventive tool that I have just described remains available to police officers in life-threatening situations while offering the appropriate accountability and privacy safeguards in compliance with the Supreme Court decision in R. v. Tse.

The court declared the provision unconstitutional on the sole basis that it does not provide sufficient accountability measures and indicated that constitutional compliance could be achieved by the addition of a requirement for after-the-fact notification to persons whose private communications have been intercepted under section 184.4 of the Criminal Code, similar to the notification requirements for other wiretaps. This bill proposes to add this safeguard.

Bill C-55 also proposes additional safeguards that, while not required for constitutional compliance, would enhance the privacy of Canadians by increasing transparency and ensuring appropriate limits on the use of section 184.4. The bill proposes a reporting requirement that would require the Minister of Public Safety and the Attorneys General of the provinces to report annually on the use of section 184.4 of the Criminal Code. This requirement already exists for other wiretaps, so it seems logical to extend it to wiretaps used in exceptional circumstances as well.

Another safeguard proposed in this bill would limit the power to wiretap without prior judicial authorization in situations of imminent harm by restricting the availability of this power to offences listed in section 183 of the Criminal Code. Currently, the Criminal Code makes this authority available for any unlawful act, which covers a broader range of conduct.

Lastly, the government is proposing to limit the availability of this extraordinary power to police officers only. Currently, section 184.4 of the Criminal Code is available to peace officers, which, as defined in section 2 of the Criminal Code, includes not only police officers but also mayors, immigration officers and fishery guardians.

Now that I have given a brief overview of Bill C-55 and its proposals, I would like to address what are now the five report stage motions that were tabled by the member for Saanich—Gulf Islands.

Motion No. 1 proposes to amend Bill C-55 to further restrict the class of persons for which the section 184.4 wiretap power is available.

This proposal is problematic. The definition of "police officer" that is included in clause 2 of Bill C-55 was taken from the existing definition of "police officer" in the Criminal Code. It is carefully tailored to ensure that it includes all persons who need access to the authority to intercept private communications in exceptional circumstances without a judicial authorization.

I would like to take this opportunity to again repeat that the proposed definition of "police officer" already exists in the Criminal Code in the context of dealing with the forfeiture of proceeds of crime and that it also exists in other statutes. It has been judicially interpreted as including only those who are statutorily appointed to carry out duties of preservation and maintenance of public peace. Privately hired individuals, such as security guards in a shopping mall or an office building, do not fit within this definition, as they are not statutorily appointed.

The removal of the category of "other person" from the definition of "police officer" as proposed in Motion No. 1 is unnecessary. For these reasons, this amendment is not advisable.

I will address Motions Nos. 3 and 5 together, as the change proposed in Motion No. 5 is a result of a change proposed in Motion No. 3.

Motion No. 3 proposes to add a requirement in the bill that a police officer make a record of the reasonable grounds that formed the basis for his or her decision to intercept private communications without a judicial authorization in exigent circumstances under section 184.4 of the Criminal Code. Motion No. 5 proposes to add this record to the annual report that would be made in relation to the use of the section 184.4 wiretap power.

Creating a record-keeping requirement as proposed in Motion No. 3 would undermine the goal of section 184.4, which is to enable a rapid response in cases of imminent harm. As was recognized in the Supreme Court of Canada decision in R. v. Tse, it would be impractical to require the police to create contemporaneous records in exceptional situations in which the police need to act very quickly.

● (1215)

The Supreme Court of Canada was satisfied that an after-the-fact notice provision for those persons whose private communications were intercepted in exceptional circumstances, as envisaged by clause 5 of Bill C-55, would adequately meet that need.

An additional reason for not supporting Motion No. 5 is that the creation of an additional reporting requirement would be inconsistent with what it is currently being reported in relation to other wiretap powers.

The creation of a divergence from existing reporting practices is equally a problem for the proposals in Motions Nos. 4 and 6, which propose to add new reporting requirements with respect to the number of interceptions in relation to which no proceedings were commenced or no arrests were made in the offences that the police sought to prevent in making these interceptions. The proposals in Motions Nos. 4 and 6 are, therefore, not advisable.

The reforms proposed in Bill C-55 are designated to protect the safety of Canadians in a way that is appropriate, proportional and respectful of privacy interests. I am confident that the bill would achieve the correct balance in this regard.

Furthermore, although I appreciate the efforts of the member opposite, the report stage amendments proposed to Bill C-55 that are currently before this House for consideration are ineffective, ill-advised and inappropriate.

For these reasons, I urge the House to defeat the motions tabled by the hon. member for Saanich—Gulf Islands.

As well, I hope that all members will support the timely enactment of the bill as it was introduced. The Supreme Court of Canada suspended its declaration of invalidity in R. v. Tse until April 13 to allow the need for Parliament to ensure the constitutional compliance of section 184.4 of the Criminal Code. As it now stands, if the bill does not come into force before the suspension expires, section 184.4 would not longer be available for police to do wiretaps in the exceptional circumstances contemplated in section 184.4, which are designated, of course, as circumstances in which lives are at risk.

I urge this House to pass the bill.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, let me get to one point in the time I have for a question. It is related to the overly broad definition of "police officer or other person".

The reason this issue was put forward by the Canadian Bar Association was actually to get it right. This is not to say that there are not other places in the Criminal Code where we find that definition, but in this specific instance, which is a quite extraordinary intrusion of the state into the personal lives of its citizens, it is trying to make it clear that not just anybody can do this, and that even within the police force, as the Canadian Bar Association letters to the committee pointed out, certainly "Special training and oversight are necessary for police officers who have such potentially intrusive power."

It is basically suggesting that maybe it is not the cop on the beat who gets warrantless wiretap permission in exigent circumstances. Those same persons, by the way, should be capable of saving their notes from the case. Handwritten notes are all that are required to memorialize why they thought there were legitimate grounds to seek this extraordinary power of intruding into people's private lives.

● (1220)

Mr. Robert Goguen: Mr. Speaker, while many police officers may be qualified to seek the right to intercept private conversations, not all officers are designated to do this. As suggested by the hon. member, those who do go forth have specialized training to do these interceptions. There is a focus in the RCMP and other police forces to ensure that those who do intrude on the rights of individuals are specially trained. Of course, in exigent circumstances, to require additional delays that may put people's lives in danger is certainly not advisable.

We know that when these wiretaps are obtained in exigent circumstances, they act immediately; however, after the fact and as quickly as possible, that is usually followed by the police authorities seeking a judicial authorization. There is a temporary period when immediacy requires that they intercept, but it is usually followed, in most circumstances, with a requirement to get a judicial authorization warranting this intrusion.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I think one of the concerns expressed was on the timing of the legislation that the government brought forward.

When the Supreme Court made the decision back in April of last year, we knew we had one year to straighten up the legislation. It does not take 10 months to come up with the legislation. Why did it take the government so long to present it before the House? The delay ensured that we would have to provide fast passage, whereas there seemed to be significant interest in being able to have some dialogue, whether in committee or in further debate at second reading. It becomes a timing issue. Why did the government wait as long as it did to bring in the legislation?

The member would know that the Liberal Party is supporting the bill and its passage because we recognize the urgency, but why did it take so long for the government to bring it forward?

Mr. Robert Goguen: Mr. Speaker, there was a lot of due diligence done to determine exactly what should be done in amending the act and making it constitutional. We know the government always takes great measures to ensure the constitutionality of all its acts. Therefore, the time it took was attributable to the fact that we wanted to ensure all constitutional requirements were met and that we could make the best amendments possible to ensure we protect the rights of private citizens.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, my colleague who just asked the Parliamentary Secretary to the Minister of Justice the question, hit the nail on the head. The problem with Bill C-55 is that we find ourselves passing this bill at the last possible minute. As we say in English, time is of the essence. If this bill is not passed by April 13, we will have a legal vacuum.

I would like to make some clarifications so that we know what we are talking about.

Section 184.4 of the Criminal Code is very clear. It talks about interception of communications in exceptional circumstances. If Bill C-55 is not passed in accordance with the Supreme Court of Canada decision, rendered last year in R. v. Tse, section 184.4 will no longer exist. Currently, this section states that, in exceptional circumstances:

> A peace officer may intercept, by means of any electro-magnetic, acoustic, mechanical or other device, a private communication where:

People are concerned about their conversations being intercepted and heard. Under section 184.4, which was at the centre of R. v. Tse, the conditions for the officer are that:

> (*a*) the peace officer believes on reasonable grounds that the urgency of the situation is such that an authorization could not, with reasonable diligence, be obtained under any other provision of this Part;

In other words, there was absolutely no other way to obtain authorization for this type of interception.

> (*b*) the peace officer believes on reasonable grounds that such an intervention is immediately necessary to prevent an unlawful act that would cause serious harm to any person or to property;

This means that, after all due diligence, there is no possibility of obtaining authorization. That is a little difficult in the city. In Gatineau, for example, justices of the peace are available practically 24 hours a day for this type of authorization. The chances that it would be impossible to obtain authorization and that section 184.4 of the Criminal Code would not apply are great. These are truly exceptional cases, and it is important to put that into context.

There must also be reasonable grounds to believe that such an interception is immediately necessary to prevent an unlawful act that would cause serious harm. Serious harm must be more than just a possibility; it must be imminent.

The third condition is as follows:

> (*c*) either the originator of the private communication or the person intended by the originator to receive it is the person who would perform the act that is likely to cause the harm or is the victim, or intended victim, of the harm.

It should also be said that the ruling in R. v. Tse did not require a review of interception in its entirety. I appreciate what my Green Party colleague was trying to do with her amendments, but since time is of the essence, we should be concentrating on what the Supreme Court has asked Parliament to do. We were not asked to review the entire reporting process and so on. Yet the majority of the member's amendments address those topics, which were not even mentioned in the Supreme Court ruling.

The Supreme Court said the unless a criminal prosecution results, the targets of the wiretapping might never learn of the interceptions and would be unable to challenge police use of this power. There is no other measure in the code to ensure specific oversight of the use of section 184.4.

After all that I have said about this section, if that were the case and a person was never criminally prosecuted, it would be quite possible that he would never know that he had been the target of a wiretap or that his conversations had been intercepted. That is the crux of the issue in the R. v. Tse ruling.

The Supreme Court said that in its present form, the provision fails to meet the minimum constitutional standards of section 8 of the charter. I would like to emphasize the word “minimum”. The NDP is not saying that Bill C-55 is a legislative model when it comes to wiretapping, interception or invasion of privacy as set out in part VI of the Criminal Code. Those are exceptions.

● (1225)

Still, before voting on my colleague's proposed amendments and on Bill C-55, we should consider whether the measures and changes proposed by Bill C-55 respond to the guidance provided by the Supreme Court of Canada:

> An accountability mechanism is necessary to protect the important privacy interests at stake and a notice provision would adequately meet that need, although Parliament may choose an alternative measure for providing accountability.

Those who take the time to read Bill C-55 will see that it calls for an accountability mechanism. People whose communications are intercepted will be notified of the interception.

Still according to the Supreme Court:

> The lack of notice requirement or some other satisfactory substitute renders s. 184.4 constitutionally infirm.

That is all the Supreme Court of Canada said in R. v. Tse. Without sufficient information, we still do not know whether section 184.4 is excessively broad in scope because it confers power that may be exercised by peace officers as well as police officers. Nevertheless, the Supreme Court did indicate that it considered the matter. As always, the Supreme Court will not rule until the matter has been debated, nor will it rule on the matter debated unless it goes before the court. With respect to the issue of who would be given permission to carry out the kind of interception set out in section 184.4, the Supreme Court did not discuss it and made no decision on the matter.

One good thing about Bill C-55 is that, even in the absence of a decision by the Supreme Court, it restricts the scope of section 184.4 to police officers and other persons employed for the maintenance of the public peace by removing the term "peace officer".

Section 2 of the Criminal Code lists just about every category of public officer, from mayor to meter reader. Indeed, virtually every type of public officer was covered, giving the impression that the scope of the provision was fairly broad. The power conferred under section 184.4 is one that should not be given to just anyone. In that regard, I am pleased that the government brought forward a bill that addresses one of the issues that the Supreme Court raised but did not rule on. As I see it, in matters of criminal law, an ounce of prevention is worth a pound of cure. The rights of persons subject to trial are at issue here. Insofar as providing an opinion is concerned, Bill C-55 is the Conservatives' response to the Supreme Court's request.

The bill also contains some things that the Supreme Court did not request. All of the provisions amending section 195 of the Act and the requirement for various types of reports have been added to ensure greater accountability. Who would not want that? Certainly more can be done at some point in the future.

However, as to whether Bill C-55 will respond to the questions and guidance of the Supreme Court of Canada before April 13, 2013, all of the witnesses who testified before the committee were of the opinion that it will.

All of the witnesses, whether they represented the Canadian Bar Association or the CLA, were unanimous in their support of Bill C-55. They made a number of minor suggestions. However, since it was not their job to resolve all of the problems concerning interception but rather to address the issue of the constitutionality of section 184.4, I am reasonably satisfied with the responses provided by departmental officials.

All of the questions which the member raised in her amendments have been answered by the minister or by Department of Justice officials. In this regard, there is no need at this point in time and given the context of Bill C-55 to go forward with what my hon. colleague is proposing. We received the answers to our questions when the bill was studied in committee.

● (1230)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I want to thank my colleague for her statement.

I read all of the testimony given in committee, and, as I said earlier when I addressed the House, the minister answered my colleague's questions. Nevertheless, some serious questions remain concerning this bill.

Does my colleague agree with me that the changes brought about by today's amendments would improve the bill?

Ms. Françoise Boivin: Mr. Speaker, I will answer the question as follows.

When we looked at the definition of police officer or when we had queries about the contents of reports, we understood that much of this falls under provincial jurisdiction. Therefore, I think we have to focus on the answer to be given to the dictates from the Supreme Court of Canada.

This does not mean that we cannot study the other aspects in greater depth, but they give rise to other problems. I personally do not have a clear-cut answer as to whether using the amendment creates more problems than it solves. That is what was raised by this type of amendment.

Regarding the R. v. Tse case, it would be preferable to leave the text as it stands. Later on, other steps will perhaps have to be taken in terms of wiretapping or interception. However, on the basis of R. v. Tse, the response is more than appropriate.

There are still questions about closing the definition of "police officer", as my colleague wants to do. Witnesses told us that this would cause some problems. In some places, the situation is perhaps not described in the same way, but there is already a clear picture of this other person who keeps the peace.

Regarding the fact that time is limited, I think that the government will have to take the blame, because it is the government that is pushing for this exercise to be carried out so quickly. That being said, the only question the House must ask is whether the response to the principle requested by the Supreme Court is appropriate. The answer is simply: yes. Unfortunately, what is left leads to too many other questions.

● (1235)

Mr. Raymond Côté (Beauport—Limoilou, NDP): Mr. Speaker, I thank my colleague from Gatineau for her speech.

I would like to come back to the exceptional nature of Criminal Code section 184.4. She expressed her views on this issue very clearly. This is an important key to understanding the extent to which this section is limited in its scope.

Her speech made me think about how imminent the threat has to be to cause a police officer to use these section 184.4 provisions rather than the provisions of sections 186 or 188, for example, of the Criminal Code.

I would appreciate it if the member would go into a little more detail about this issue of imminent threat that could justify and support the fact that section 184.4 is simply being amended by replacing the term "peace officer" with "police officer"?

Ms. Françoise Boivin: Mr. Speaker, as I mentioned with regard to section 184.4, the imminent threat is not the only factor involved in making that interception; the peace officer must have reasonable grounds to believe it is impossible to obtain the consent of a justice of the peace. So there is a set of criteria.

Limiting access to section 184.4 to peace officers or police officers, within the obvious meaning of that term, was another way of shutting a door that could have been opened before the courts in future and on which the Supreme Court could have ruled.

Sometimes we get the impression the government does not really check its bills to ensure they comply with the charter. For once, however, and this is rare, we sense that the government has listened to the Supreme Court's decision here.

[*English*]

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, at the risk of repeating a lot of what has been said here today, I want to elaborate on a few things, notably part VI of the Criminal Code, which deals with the activity of intercepting communications and thwarting crime as a result of that.

The reason we are here is the decision in R. v. Tse. When it came down, it seemed kind of odd at the time. It was just on the other end of the fiasco we had with Bill C-30, when it was introduced in the House. At that time there was a huge public campaign to thwart Bill C-30 because of the overarching measures contained within it and how it went against the spirit of privacy. When it comes to section 8 of the charter, and the charter itself, the charter challenges would have been ad nauseam for a lot of this bill.

Why the government did not wait in this particular case until after the decision is beyond me. It knew it was coming. Nonetheless, as a result of that it brought the bill into the House and then took it back out because of the public campaign against it, I would assume. As a result, we now have this bill, which complies with the judgment that came down from the court case in April 2012.

Here we find ourselves at the last minute on the eve of April 2013. We were given ample notice and yet here we are, up to the last minute. Why the Conservatives would push the envelope like this, I am not quite certain. However, in doing that, Bill C-55 now looks at the decision that came down and how it goes against the Constitution.

Many of my colleagues have already brought up section 184.4, which in this particular situation allows the police officers to intercept imminent communications. In other words, in any particular situation they do not need the paperwork to get that done.

Section 184.4 was originally composed as follows:

> A peace officer may intercept, by means of any electro-magnetic, acoustic, mechanical or other device, a private communication where
>
> (a) the peace officer believes on reasonable grounds that the urgency of the situation is such that an authorization could not, with reasonable diligence, be obtained under any other provision of this Part;

It goes on to state:

> (b) the peace officer believes on reasonable grounds that such an interception is immediately necessary to prevent an unlawful act that would cause serious harm to any person or to property;

The final point under (c) of section 184.4 states:

> (c) either the originator of the private communication or the person intended by the originator to receive it is the person who would perform the act that is likely to cause the harm or is the victim....

Here we have a situation where some people may feel we are circumventing the privacy issue for the sake of the immediacy of what is happening; we are able to intercept without certain legal authorities.

There is no doubt that for us and for millions of Canadians, on the surface this would cause a lot of concern, certainly for privacy. Police officers do not need that particular authorization under certain circumstances in order for them to intercept the communications, and therefore this is what we are struggling with right now.

The question was put forward and an opinion is now with us regarding this particular case.

The principal amendment addresses the fatal flaw identified by the Supreme Court. In this situation, Bill C-55 provides that after-the-fact notice be sent, as is the case for other forms of interception. That is what this is coming down to. The court decided this is not congruent with the charter because of the fact that the after-notice was not present in this particular situation. This is where the court has asked us to have a look at it and this is why we have Bill C-55. I certainly agree and voted in favour of it during second reading.

Essentially, this comes down to part VI of the Criminal Code. At the very crux of this is how we deal with the centrepiece of federal legislation on electronic surveillance by law enforcement agencies.

● (1240)

The court summarized the current scheme of part VI of the code as follows, and I would like to thank the Library of Parliament for providing some of this information, the legislative summary:

> Part VI of the Code makes it an offence under s. 184(1) to intercept private communications. Sections 185 and 186 set out the general provisions governing the application and the granting of judicial authorizations for the interception of private communications.

There we have it. The interception of these private communications, electronic surveillance of a potential unlawful act, is written in part VI, and it talks about the legal authority to do so, whether it be authorizations or judicial authorizations. Section 184.2 is the other part of that, providing for judicial authorization with the consent of one of the persons being intercepted for up to 60 days.

Let us get to the crux of what we are talking about today. In 1993, Parliament introduced two provisions to permit interceptions without judicial authorization in two exceptional cases. Those would be section 184.1, which permits interception with a person's consent, and what we are talking about here today, which was ruled upon, section 184.4, which authorizes the power to intercept private communications in an emergency for the purpose of preventing serious harm. Neither of these two sections is subject to the requirement to report to Parliament or to provide after-the-fact notice.

This bill is going to change this, so that after-notice is sent to the particular people involved in the investigation, which is incongruent with other sections where other people were surveyed under judicial authorizations or had their communications intercepted.

The other part they got into on this particular case, which was very interesting, was about reporting to Parliament, as well as changing "peace officer" to "police officer". As many of my colleagues have already pointed out, within the code itself, the idea or definition of a peace office as described is very broad indeed. We are talking about, as my colleague from the NDP pointed out, mayors, reeves and court officers. It is a very broad description. What has happened here is that the bill has taken it and defined it down to a police officer.

I will get to the amendments from my colleague from Saanich—Gulf Islands in a moment.

In doing so, the other part would be that the court examines the text of section 184.4 closely, with particular attention to phrases that limit its scope. The court concluded that Parliament had incorporated objective standards and strict conditions into the provision itself. That part was fine. The onus would remain on the Crown to show in any particular case that the conditions for the use of section 184.4 had been met. Nonetheless, as I pointed out, the court was concerned that there was no requirement that authorities notify individuals after the fact that their private communications had been intercepted. That is not congruent with other means of judicial authorizations to find and intercept people's private communications.

The final thing was whether to report to Parliament or not. In other places and in other sections, the court considered reading in a notice of requirement, but determined that this would not be appropriate. That is one of the measures it considered. However, because of the notification, the court ruled it to be against the charter. The section on reporting to Parliament was something it added. In it, the court says that "electronic surveillance under the Code is an effective investigation technique used especially by law enforcement agencies" and therefore requires a reporting to Parliament from the Minister of Public Safety and the Attorney General of Canada. Currently, they prepare an annual report on law enforcement's use of warrants for video surveillance and certain authorizations to intercept private communications pursuant to part VI. The ruling here is, and this particular bill addresses, that incongruent with part VI, it allows the reporting within Parliament procedure to continue as well.

I did not have much of a chance to talk about the amendments currently here. My colleague talks about the record keeping, which I have some trouble with, particularly because of the machinations involved. This is an immediate situation, in cases of using section 184.4, and I will therefore be voting against this particular measure, as well as other measures, which I am sure I will get into in questions.

● (1245)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, in general, we on the opposition benches are supportive of the revised Bill C-55. However, as the member for Bonavista—Gander—Grand Falls—Windsor noted at the beginning of his remarks, the government had since April of last year to make the changes to sections of the Criminal Code dealing with emergency wiretaps without a warrant. Would the member care to speculate as to why it is that we find ourselves here at the last moment trying to get the bill through the House?

Mr. Scott Simms: Mr. Speaker, that is a very good question. It seems to me that the pattern in this particular case, which is similar to what the Conservatives brought about with the Senate reform, is to push it to the very last minute to seek opinion.

What is most bizarre is that the Conservatives introduced Bill C-30, which caused the most trouble, yet they knew that the decision from the Supreme Court was pending. If they had that decision, they would probably have had a better launching pad for Bill C-30. Unfortunately for them at the time, Bill C-30 became a hornet's nest of opposition across the entire country. They had to scrap it, step back and then wait for the Supreme Court decision to move ahead with Bill C-55, which by the way, may point out that the current legislation is better than they had imagined. It has been tested with the fixes we are doing here today, such as with section 184.4. It points out that the current laws in place were sufficient with a few tweaks here and there, and that is what we are doing with Bill C-55.

Therefore, the hornet's nest created around Bill C-30 was not really necessary. Apparently, because they pulled the legislation back, I guess they did not even agree with what they wrote, as bizarre as that may sound.

● (1250)

[*Translation*]

Mr. Raymond Côté (Beauport—Limoilou, NDP): Mr. Speaker, I thank my colleague from Bonavista—Gander—Grand Falls—Windsor for his speech. It was a great privilege for me to work on the Standing Committee on Justice and Human Rights for a number of months and thus to associate with the member for Mount Royal, who, as everyone remembers, was Minister of Justice at another time.

The member for Mount Royal has often raised concerns regarding the rule of law in the creation of new statutes. That is something quite fundamental because we have seen the government make some mistakes in that regard.

Following his speech, I would like my colleague to give us more details on this question of the rule of law and on the protections afforded by such fundamental instruments as the charter in developing legislation or amendments to the Criminal Code.

[*English*]

Mr. Scott Simms: Mr. Speaker, I agree with my colleague. Obviously any modern, advanced, progressive democracy puts provisions in place to protect the privacy of each and every individual. However, that has to be weighed with the protection of our society, and in this particular situation, we must make sure that undue harm would not come to others. Yes, the rule of law has to be followed, but we also have to protect privacy. This is the balancing act we have here.

In the judgment that came down in R. v. Tse, the court noted that the interception under section 184.4 is limited to urgent situations where there is an immediate necessity to prevent serious harm and judicial pre-authorization is not available with reasonable diligence. Therefore, we have to put the safeguards in. We have to be narrow and specific as to how this would be executed.

In the particular case of section 184.4, judicial authorization is not required. Right away that tells us that it could be a fundamental breach of privacy, and essentially that is what it is. However, due to the egregious circumstances dictated in this particular situation, which require short notice, we have to make provisions within our rule of law so that the police officers could execute within that situation, so that no harm would be brought upon another individual.

[*Translation*]

Mr. Raymond Côté (Beauport—Limoilou, NDP): Mr. Speaker, I am pleased to rise to address Bill C-55.

I did not work directly on this bill as a member of the Standing Committee on Justice and Human Rights because I unfortunately left that committee, although I fortunately have the great privilege of sitting on the Standing Committee on Finance. However, I have excellent memories of my time on the Standing Committee on Justice and Human Rights, despite the problems the members the New Democratic Party are facing on that committee.

In reference to the question I put to my colleague who previously spoke with regard to the rule of law and basic protections, we have moved a motion in the context of Bill C-55. That is why the member for Mount Royal spoke on the subject. He shared the same concerns when he was Minister of Justice. This is an excellent example of the reconciliation of imperatives. We can reconcile certain imperatives even though we belong to different parties. I remember some good exchanges I had with the member for Mount Royal over the fact that he approved of a number of measures we had taken.

Like all of my NDP colleagues, I support Bill C-55. However, I am going to be quite harsh. Objectively, Bill C-55 was a pleasant surprise. I think the government was compelled to respond to the Supreme Court's decision. Yet, even today, as reported in *The Globe and Mail*, the justice minister continues to reiterate his full support for Bill C-10, the omnibus bill that unfortunately was passed and will create many problems.

Portions of certain sections of the Criminal Code and other acts that were amended by Bill C-10 could eventually be invalidated. Moreover, this bill has created an excessive amount of work for Parliament. This situation could have been avoided if the government had been open and much more rigorous that it generally is. I would remind the House that Bill C-55 is the exception.

Of course, reinventing the wheel or showing too much originality was not possible, because the decision was very clear and compelled the government to find solutions that meshed perfectly with the Supreme Court's observations.

This brings us back to our duty as elected representatives and as members of these important and fundamental committees known as the standing committees of the House of Commons.

We have a responsibility to stay informed and adapt to today's realities on an ongoing basis, all the while complying with immutable principles. We have a responsibility when it comes to passing legislation.

In this regard, I hope that Bill C-55 will serve as a model for the government and will prompt it to be more disciplined and especially to show more respect for all of our country's institutions. The government must start by showing respect for the Canadian justice system, for Canada's Parliament, a fundamental institution, and more especially for the House of Commons.

Understandably, there can be differences of opinion, and the government may not always agree with the views expressed by members of the opposition parties. However, the government has a responsibility to respect these views and the fact that people have different opinions. It also has a duty to respect the principle of accountability, which unfortunately is too easily flouted.

In the case of the committee that I had the privilege to serve on last fall, too often the government denied the obvious and rejected the opinions of experts whose positions were quite clear. It is truly a shame. After all, while it may be possible to some extent to defend ideological stances, these have absolutely no place when it comes to governing and establishing conditions for a just and fair society.

● (1255)

The government has made that mistake over and over again.

I repeat, Bill C-55 is a pleasant surprise. In the wake of what my hon. colleague from Gatineau said, I will come back to some important points related to section 184.4. They may seem like minor details, but these changes are important. They do not affect the essence of section 184.4.

The bill defines the term "police officer", which applies to section 184.4. The bill then continues:

> A police officer may intercept, by means of any electro-magnetic, acoustic, mechanical or other device, a private communication if the police officer has reasonable grounds to believe that
>
> (*a*) the urgency of the situation is such that an authorization could not, with reasonable diligence, be obtained under any other provision of this Part;
>
> (*b*) the interception is immediately necessary to prevent an offence that would cause serious harm to any person or to property; and
>
> (*c*) either the originator of the private communication or the person intended by the originator to receive it is the person who would commit the offence that is likely to cause the harm or is the victim, or intended victim, of the harm.

My colleague from Gatineau accurately explained the special nature of section 184.4. Let us not forget that sections 186 and 188 cover virtually every case that would justify a warrant to breach a person's privacy. There are, of course, cases in which the imminence or urgency of the situation, when it is a matter of minutes or hours, would permit someone in authority under the Criminal Code to act quickly without permission to provide genuine assistance and intervene to prevent mischief or a crime.

This is perfectly reasonable. The only problem is with the consequences of such an action. The amendments made to the various parts of section 195 are particularly important. We strongly support them simply because they provide a form of transparency and openness that allows for self-discipline and generally avoids any abuse of police power. First of all, no one wants abuse of this kind from the police. Police officers who possess this extraordinary power ought not to be exposed to situations of potential abuse by themselves or others against anyone here in Canada because it could lead to serious breaches and the public's loss of confidence in police departments.

We believe that section 195 is a step in the right direction in terms of accountability, and that it would set out clear guidelines for the application of section 184.4. In my view, this constitutes significant progress. It is a fundamental and necessary improvement. It would deal with the problems inherent in R. v. Tse that were before the Supreme Court.

I would like to end by saying that it was a pleasure to be able to comment on Bill C-55. I think, and especially I hope, that it will be passed relatively quickly. It is nevertheless deplorable that the government took so long to allow us to review it in this House.

● (1300)

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I thank my hon. colleague for his excellent speech.

I would like to point out that Bill C-55 is the Conservatives' latest attempt after their Bill C-30, if I am not mistaken, failed.

Why do the Conservatives have these kinds of failures? It is obviously because they try to fast-track everything. They want to move very quickly and not allow debate. The two omnibus budget bills are indisputable proof of that.

Does my hon. colleague think that the Conservative government should now ensure that all justice bills are in line with the charter and the constitution, instead of simply basing bills solely on its political agenda and short-sighted ideology?

● (1305)

Mr. Raymond Côté: Mr. Speaker, I thank my colleague from Drummond for his question.

I think that there is cause for some legitimate concern. I did not talk about the case of the former Department of Justice jurist who said that, unfortunately, the groundwork was not being done at the department. That case is obviously running its course.

What is very disappointing is that the government continues to deny it and insists on fast-tracking flawed bills at all costs.

Bill C-30 was particularly disappointing. Fortunately, public pressure made the government back down. Bill C-55 fixes some things that Bill C-30 would not have fixed. Bill C-30 would have unfortunately created more problems than solutions.

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I would like to congratulate my colleague on his speech and his new role on the Standing Committee on Finance of which I used to be a member. I know that my colleague will do incredible work there. I am now a member of the Standing Committee on Justice and Human Rights.

As my colleague mentioned, hon. members will recall the comments made by the Minister of Public Safety with regard to Bill C-30. He said that anyone who did not support the bill stood with child pornographers. This shows that there is a lack of understanding and a problem with regard to openness and discussion.

The hon. member for Terrebonne—Blainville talked about how flawed Bill C-30 was. The bill was supposed to make the corrections required by the Supreme Court ruling.

I would like the hon. member to comment on the Minister of Public Safety's views and on Bill C-30.

Mr. Raymond Côté: Mr. Speaker, I would like to thank my colleague and congratulate him on his new role as a member of the Standing Committee on Justice and Human Rights. I am sure that he will do a remarkable job there. He had an excellent track record as a member of the Standing Committee on Finance.

Frankly, the Minister of Public Safety's inappropriate remark is disappointing and shows the government's worrisome lack of openness when it comes to governance and accountability.

The Minister of Public Safety's verbal attack aside, the fact remains that he is responsible and accountable to the House. In my opinion, he seems to want to do as he pleases with impunity. However, things do not work like that in society. Whether it is in the smallest unit of society, namely, the household or family unit, or in community life in general, when an individual interacts with hundreds of people, he has to be able to make concessions and think about others, something the Minister of Public Safety seems incapable of doing.

Mr. Hoang Mai (Brossard—La Prairie, NDP): Mr. Speaker, I rise today in the House to speak about Bill C-55, An Act to amend the Criminal Code, the government's response to the Supreme Court's decision in R. v. Tse.

As my colleague explained, I now have the pleasure of sitting on the Standing Committee on Justice and Human Rights. Before that I sat on the Standing Committee on Finance. Now, I have the pleasure of working with our justice critic, the member for Gatineau. Since becoming a member of this committee and working with her, I have discovered that her knowledge of the justice field is incredibly broad and that she does extraordinary work. As with all the files on which she has worked, she led the team very capably and clarified our position on Bill C-55.

Our position is clear: we are in favour of Bill C-55 because it is a step in the right direction. We have supported the bill at every stage because it resolves one of the legal problems in the Criminal Code. The R. v. Tse ruling made it possible to tell the government that the Criminal Code, as enacted in 1993, with the wiretaps provisions, was unconstitutional. I will discuss this unconstitutional aspect a little later on.

I believe the bill is a step in the right direction. It updates the wiretapping provisions that the Supreme Court of Canada had ruled unconstitutional. In the R. v. Tse decision, the Supreme Court of Canada found that an emergency wiretap authority without a court authorization in situations of imminent harm could be justified under the Canadian Charter of Rights and Freedoms.

Certain amendments therefore had to be made. Section 184.4 of the Criminal Code was enacted in 1993 and was unconstitutional, primarily because it contained no accountability measures. I repeat, section 184.4 must be used only in exceptional circumstances. It is an emergency measure. Wiretapping is an infringement of privacy. However, in certain cases, such as in the cases discussed, it is a necessity, as it also involves public safety.

We as legislators must balance the two aspects: public safety with freedom and the right to privacy. Fortunately, this is what the bill does. The law as it was in the past made it impossible to achieve this balance.

The Supreme Court made a rather pressing and important point in its decision. According to the Supreme Court, the Criminal Code, as it stands, is unconstitutional. The court therefore directed the government to introduce a bill to address the problem. The Supreme Court gave the government until April 13, 2013, to enact amendments to ensure that the justice system can function legitimately. Unfortunately, when the government took power, it introduced many bills that it felt were more important, but did not really do what the Supreme Court asked of it.

I will return to Bill C-30, but I would like first to discuss Bill C-55 in more detail. The issue here is the reporting requirement for interceptions of private communications. This is important. We need to know what is going on and we need accountability. This bill concerns the requirement to report, which is important.

Bill C-55 provides that any person who has been the object of an interception must be advised within a period of 90 days to three years. Several questions were raised about the three-year time period, but after hearing witnesses, in particular those from the Department of Justice, we understood that there were reasons that made this acceptable. Of course, the time period will not always be three years. We hope that it will be shorter. However, we are reassured by the fact that those who have been under electronic surveillance will be advised thereof. The bill also restricts what categories of people can make such interceptions.

● (1310)

One of the problems with Bill C-30, which I would like to discuss further, is that it allowed almost anyone to do so, and placed certain obligations on telecommunications companies and so on. Now that has been clarified somewhat. The bill says that the police have the right to intercept communications. Witnesses raised questions about whether this should be clarified and whether it should go still further. Should it be a higher-ranking officer, such as a police supervisor? When we heard the witnesses and thoroughly analyzed the question, we found the definition adequate in terms of being understandable, particularly when applied more broadly to the Criminal Code.

I would like to say more about Bill C-30, because the Supreme Court requirement told the government to come back with a bill that was not unconstitutional by April 13, 2013. We are aware of the fact that it takes a great deal of time for a bill to work its way through the parliamentary legislative system.

The government began by introducing Bill C-30.

● (1315)

[*English*]

Bill C-30 required telecom providers in Canada to monitor user data and be prepared to hand over personal information to authorities without a warrant or judicial oversight. We saw that as a big problem, and a lot of members stood in the House and said that, including my colleague from Terrebonne—Blainville, who is the NDP critic.

[*Translation*]

He is an incredible colleague who fought very hard. The public also helped us by expressing its opposition to this bill.

Canadians must not forget what the Minister of Public Safety said at the time.

[*English*]

On February 13, 2012, the minister, in answer to a question on Bill C-30, said:

> Mr. Speaker, I thank the member for the opportunity to tell him that every province unanimously supported moving forward with the legislation that was introduced first under the Liberal government, by his party. As technology evolves, many criminal activities, such as the distribution of child pornography, become much easier. We are proposing measures to bring our laws into the 21st century and to provide the police with the lawful tools that they need. He can either stand with us or with the child pornographers.

When we look at history, we know the government made a huge mistake with the bill, and it knows it. Bill C-30 was wrong. The fact that a minister could speak that way and then come back and say that maybe it was a mistake and the bill went too far, it was not maybe, it really did. When he spoke like that, it showed narrow-mindedness. If Conservatives want to collaborate and work on better legislation, especially after the Supreme Court told us to do it, we hope there will be better preparation by members opposite in the future.

[*Translation*]

The NDP was very pleased that the minister and the government admitted their mistake and realized that they had gone too far. There was no reason for them to attack the protection of privacy. The scope of their legislation was too broad and they were asking telecommunications companies to obtain information without a warrant. Canadians and my constituents were outraged. I heard this from many of my constituents.

[*English*]

OpenMedia came up with a campaign to go against it. Once in a while, the government actually listens to what people have to say, and I am glad it did. I wish the government would have done it before coming up with such a bill, but coming back with Bill C-55 is a good thing. The government has looked at what needs to be done. The Supreme Court was pretty clear that we needed to amend the law so that we followed what the charter said, which the government did. That is why we support it. It is really important that the rule of law, the Constitution and the charter be respected.

[*Translation*]

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I really appreciate my colleague's comments. He is quite right about the first bill introduced to deal with this matter, Bill C-30.

I am wondering if he would talk about why it is important for the government to ensure, before introducing bills, that all the proper steps have been taken. First, its lawyers must examine the bill and the government must listen to the advice it receives. The problem should not be addressed when the bill is before the courts. Bills that make sense and that will work should be introduced.

Could the member talk a little more about the fact that the Conservatives may have problems with people who give them bad advice?

● (1320)

Mr. Hoang Mai: I would like to thank my colleague for her very fitting question.

We are here today with this kind of bill before us because the previous government—a Liberal government—did not do its homework with regard to complying with the Charter of Rights and Freedoms.

We can indeed see the problem quite clearly in this case. Bill C-30 is one example, but many bills have been passed. As I explained in my speech, the government drafts bills on the back of an envelope, as it were, without really verifying whether they violate the charter. What is really troubling is that it is ultimately taxpayers who must pay more because there are costs. The government is sued by other provinces or other organizations and then has to draft an entirely new bill.

My colleague from Gatineau, our justice critic, was very clear on that point and she even moved a motion. We wanted to study the mechanism in place because we felt it did not work very well. In particular, someone like Mr. Schmidt said that the government was not doing its job, that it was not determining whether its bills in fact complied with the charter. So there is a problem in this area. The government should do its homework and work harder to ensure compliance with the Charter of Rights and Freedoms.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I want to thank the member for his speech.

This debate obviously concerns my amendments. I want to ask the member whether he supports the idea that it is very important for this House of Commons and for all members to make this bill as strong as possible, to make it comply with the charter. Politicians and groups of expert lawyers currently feel that the bill is a little too weak because we have not added the amendments to obtain more compliance reports or to determine whether a police officer can use this section of the Code.

That is my question.

Mr. Hoang Mai: Mr. Speaker, I would like to thank the member for Saanich—Gulf Islands for her question.

In theory, yes, we agree that attention must be paid to the charter and that privacy must be protected. That is very important. Wiretapping must be used in emergencies and really on an exceptional basis.

My colleague raised certain points when we studied this bill in committee. First, we received assurances from the witnesses who were there. They represented all kinds of positions. They were not simply government people. We really got assurances in that respect. I know that my Liberal colleague also proposed an amendment regarding reports, but subsequently changed his mind. The witnesses told us that the provinces already had a certain duty to prepare reports in that respect.

[*English*]

Provincial law enforcement agencies have certain obligations they have to fulfill. We felt comfortable with the explanation that those were in line with what we wanted in terms of protecting civil rights and the right to privacy.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I am glad to add my remarks to the debate on Bill C-55. As we have seen, the Conservatives are learning a hard lesson about the proper consideration that should be put into drafting a bill. Unfortunately, this is being learned at the expense of the taxpayers.

Hard-working Canadians know that to save time and money, it is important to do things right the first time. As the old saying goes, and my mom was a seamstress, so I heard this a lot, “measure twice and cut once”. That is a phrase I hope the Conservatives will keep in mind when it comes to drafting legislation going forward.

It is important to assure Canadians that this chamber gives proper consideration to any and every bill before the House, especially those that affect some of the rights and freedoms most cherished by the Canadian people. While I am thankful that the judges of the Supreme Court are able to reinforce our charter rights and declare legislation unconstitutional if it violates these rights, I am in agreement with my extremely knowledgeable colleague from Gatineau, who expressed concerns in her speech to this bill at second reading about sending people to court. Again, it is not because I do not have faith in the courts. I have every belief that our courts work to protect Canadians and defend the Constitution. In fact, the need for tabling bills like Bill C-55 reinforces my statement. However, the process of this roundabout way of making legislation is costly, and there are problems accessing justice.

If we do our job properly the first time, if we give a bill the proper consideration when it is drafted and make sure that it complies with the Canadian Charter of Rights and Freedoms as well as the concerns of Canadians, we will avoid many of these issues. If we do our job to the best of our ability, then I have no issue with having to redraft legislation at the request of the court. It is the job not being done right the first time that I, along with hard-working Canadians, take issue with.

Before I speak further to the content of Bill C-55, we must reflect on its history. In 2012, the Conservatives introduced Bill C-30 as an attempt to resolve every conceivable problem related to surveillance. Thankfully, Canadians were not afraid to speak up to ensure that their rights and freedoms were protected from a government that sought to unreasonably limit them. Public opposition to this bill erupted in a swarm of online campaigns and a general backlash. To quote the B.C. Civil Liberties Association:

> It incorporates many, many people into a web of suspicion that shouldn't be there. The growth of the database nation presents a grave danger to democracy.

It incorporates many, many people into a web of suspicion that shouldn't be there. This is what we are seeing over and over again from the Conservatives. They are basically trying to say that people on EI are criminals, because now they are sending police there. They are treating seniors with disrespect. They are trying to label people as if they were not abiding by the rules, and they are. It is the Conservatives who are not.

A poll conducted by Angus Reid Public Opinion demonstrates that the majority of Canadians felt that the bill was too intrusive. The bill was not only very unpopular among members of the Canadian public, but it piled onto elements of the Criminal Code that are unconstitutional, as noted by the Supreme Court. This is reflected in the Supreme Court of Canada's decision in R. v. Tse. In that decision, the judges of the court ruled that the emergency wiretap provision in section 184.4 of the Criminal Code was unconstitutional. The judges stated that accountability measures must be put in place. The court gave Parliament until April 13, 2013 to amend the provision to make it constitutional.

It is clear that Bill C-55 was drafted to respond to the concerns expressed by the courts, and at the eleventh hour, I must say. Specifically, Bill C-55 would require reporting on the interception of private communications made under section 184.4. It would narrow which individuals can intercept private communications. People who have been wiretapped would have to be notified. It would also limit the use of wiretapping to offences listed in section 183 of the Criminal Code.

Finally, we would have some consideration given to accountability and notification. Both are necessary to protect the important privacy interests at stake. I am glad that Bill C-55 would consider the concerns expressed by the courts. We have to thank the Canadian public, which voiced its opinion on this.

● (1325)

It is a shame, however, that instead of considering these issues and trying to fix legislation that is already in place, we get bills like Bill C-30 that seek to further limit our rights and freedoms that are protected under the charter. Instead of ensuring that what we already have is working, the Conservatives attempt to pile on legislation that would further limit our rights and freedoms. This is the most ineffective and inefficient way to enact policy.

On this side of the House, New Democrats will continue to hold the Conservatives accountable with respect to the rights and freedoms of Canadians at every stage of the legislative process and will ensure that things are done right the first time. That is why I want to express my concerns about elements of Bill C-55. While the recommendations of the courts are being implemented, we must ensure that the bill is not simply an updated version of the wiretapping provisions the Supreme Court deemed unconstitutional or the surveillance bill that the Canadian people so rightly opposed.

When considering this type of legislation, we want to make sure that we are equipping our law enforcement professionals with the tools they need to do their jobs effectively and efficiently. We want to do this in a way that limits the rights and freedoms of Canadians as little as possible. We want to ensure that the voices and concerns of the Canadian people are reflected in the legislation that is ultimately meant to protect them. As discussed by the Supreme Court, it is a matter of striking a reasonable balance between an individual's right to be free from unreasonable searches or seizures and society's interest in preventing serious harm. At every stage of the process, we must consider these conditions.

This is no easy task and is not one we can simply glance over. The Canadian public expressed its concerns about the former Bill C-30, and we are committed to having those concerns reflected in Bill C-55. As stated by the Canada Research Chair of Internet and E-commerce Law, Dr. Michael Geist:

> Bill C-30 may be dead, but lawful access surely is not. On the same day the government put the bill out of its misery, it introduced Bill C-55 on warrantless wiretapping. Although the bill is ostensibly a response to last year's...decision from the Supreme Court of Canada, much of the bill is lifted directly from Bill C-30.

● (1330)

[*Translation*]

Of course, all members are aware of the campaign that helped Canadians share these concerns with their MPs and challenged members to defend privacy.

My office is always receiving inquiries regarding the protection of privacy. Canadians jealously guard section 8 of the Canadian Charter of Rights and Freedoms under which everyone has the right to be secure against unreasonable search and seizure.

However, no voter has ever come to the office to request that unreasonable limits be imposed on Canadians' right to privacy. With a government that is trying to pass laws that would allow it to spy on its citizens, Canadians have the right to be concerned.

On this side of the House, we will continue to oppose unreasonable search and seizure. The Conservatives must respect the reasonable limits that have been set out by the courts.

It is ironic that the Conservatives, who claim to want to reduce government intervention, are seeking to pass a legislative measure that will turn Canada into a country that is monitored in a Big-Brother-like fashion. Canadians are right to be wary of any legislative measure put forward by the Conservatives that limits the rights and freedoms guaranteed by the charter.

[*English*]

As we saw during the uproar in response to Bill C-30, Canadians are paying close attention on this front. Now it is time for the government to listen to Canadians as well as to the courts.

The NDP will continue to fight to uphold the rights and freedoms of Canadians. It is important that these rights and freedoms are given proper consideration before drafting and tabling legislation to ensure that things are done right the first time. We must ensure that the guidelines set out by the courts regarding this new bill are followed. We must ensure that it strikes a reasonable balance between an individual's right to be free from unreasonable searches or seizures and society's interest in preventing serious harm.

Finally, we must ensure that all of this is done right the first time. We owe it to Canadians to ensure that anything that goes through the House is given proper consideration, especially when it involves the rights and freedoms of the Canadian people. Given the history of Bill C-30 and the Supreme Court decision in Tse, we believe that the current bill, Bill C-55, strikes a balance between personal freedoms and public safety. We expect that consideration of this sort be implemented in all bills passed before the House so that we do not get more bills like Bill C-30.

[*Translation*]

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I would like to thank the hon. member for her excellent speech and the comments that she made about Bill C-55.

Throughout this early afternoon, I listened to what the other members had to say about the importance of this bill, which will remedy a flaw or close a loophole that the Conservatives left in Bill C-30, which is truly an aberration. The Conservatives ended up abandoning this bill because public pressure put them in their place.

The Conservatives are in the bad habit of doing things too quickly, without worrying about respecting the charter and the Constitution, for example. This is a problem that we do not mention often enough and a Conservative shortcoming.

I would like the hon. member to comment on omnibus bills such as Bill C-38 and Bill C-45, two bills that are nearly 800 pages long and that were examined very quickly. The government does not take the time to check whether it is abiding by Canada's key pieces of legislation, namely, the charter and the Constitution.

● (1335)

Ms. Carol Hughes: Mr. Speaker, I thank my colleague for his question. He is absolutely right. The charter and the right to privacy must be protected, something the government seems to forget. The government prefers to introduce legislation that quite often ends up before the courts. This does not protect Canadians, nor does it put to good use the taxes Canadians pay in order to receive services that help us to manage Canada.

Chris Parsons, from Technology, Thoughts & Trinkets, said, and I quote: "the Canadian government struggled to explain [Bill C-30]—and the need for all of its elements—to the public. In the face of public dispute over the legislation's need the government sent the legislation to committee before second reading. The Canadian Association of Chiefs of Police strongly supported the government, as did individual police chiefs from around the country. This extended to calls for examples of where the legislation would have helped to resolve criminal cases."

However, Canadians saw what this bill was really about. We are very glad that they managed to be heard.

Mr. François Choquette: Mr. Speaker, since we are talking about Bill C-55, I would like to add something important. In Bill C-30, and in the former act, the problem was the imbalance. We support Bill C-55 because it helps to restore balance. In the past, people were able to intercept telephone conversations without having to be accountable or needing to warn the person being spied on, which was inconsistent with the Charter of Rights and Freedoms. That is why it is important to do things properly. It is also why the NDP will always take these matters seriously and respect the charter and the Constitution.

I would like my honourable colleague to comment on the fact that the balance between the charter and justice is being restored.

Ms. Carol Hughes: Mr. Speaker, we do not know why the government has waited so long to address a relatively simple issue of freedom and public safety. We should be asking the government—and I am certain that my colleague would agree—to tell us whether, after this debate, its priorities when it comes to justice will be more in keeping with the charter and the Constitution, rather than the Conservative political agenda. That is the question we should be asking the government, as I am sure that the answer would be quite telling.

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, I am delighted to take part in the debate on C-55, An Act to amend the Criminal Code, in response to the decision of the Supreme Court of Canada in R. v. Tse.

As many of my colleagues pointed out during the previous debate, Bill C-55 is, I believe, a fair legislative measure that strikes a balance between protecting people's privacy and preserving public safety.

The bill now before us at report stage amends the Criminal Code to provide safeguards related to the authority to intercept private communications without prior judicial authorization under section 184.4 of the Criminal Code.

Among other things, the bill would require the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under section 184.4. It also provides that a person who has been the object of such an interception must be notified within 90 days. Lastly, it narrows the class of individuals who can make such an interception and limits those interceptions to offences listed in section 183 of the Criminal Code.

In the decision in R. v. Tse, the Supreme Court of Canada found that a wiretap authority without a court authorization in situations of imminent harm could be justified under the Canadian Charter of Rights and Freedoms. However, the court declared that section 184.4 of the Criminal Code, which was enacted in 1993, was unconstitutional because it contained no accountability measures.

Specifically, the court found that section 184.4 of the Criminal Code violated section 8 of the charter because it did not contain a safeguard such as the requirement to notify persons whose private communications had been intercepted. The court therefore asked Parliament to adopt the necessary legislative measures to make this provision constitutionally compliant. The court gave Parliament until April 13, 2013 to amend the provision in question.

Therefore, I am delighted to attest to the government's efforts to comply with the court's decision by bringing forward the requested safeguards within the prescribed time frame. The Criminal Code amendments that are being debated today will therefore directly respond to the guidance from the court by adding the safeguards of "notification" and "reporting" for section 184.4.

As I mentioned earlier, this amendment appears to achieve a reasonable balance between respect for Canadians' privacy and the security that the state must provide through its laws.

The bill proposes giving notice within 90 days to a person whose private communications were intercepted in a situation of imminent harm. It also requires the preparation of annual reports on the use of wiretaps under section 184.4. These amendments will also limit police authority to use this provision.

Like the experts who shared their views with the committee, I am of the opinion that the bill strengthens public safety while clearly limiting invasions of privacy. It also sets out a very strict framework for the use of wiretapping methods under section 184.4 and the related accountability.

The NDP believes it is absolutely essential that these investigation measures include oversight and accountability mechanisms that are clear and specific. We also have deep faith in our judicial institutions. The Supreme Court of Canada ruled in the interests of all Canadians, and it goes without saying that Parliament must comply with the ruling that was made according to our Constitution and the Canadian Charter of Rights and Freedoms. These are the very foundations of our democracy and we must respect them.

I join with my hon. colleagues in supporting this bill, responding as it does to a need in our society. In light of all the evidence heard in the House and in committee, there is no doubt that the proposed text is a fair compromise that reflects the expert opinions heard during the drafting and consideration of the bill.

● (1340)

Canadians have the right to be protected in extremely serious situations, such as abductions, bombings or other similar incidents. They also have the right to be protected from abuse by a poorly thought-out legal system, which may cause them harm.

The only thing I would like to point out is the fact that the government waited until the last minute to comply with the court's decision, when the official opposition has been calling for these changes for some time.

We all know that certain provisions were proposed in the now-defunct Bill C-30, but it was obvious that the government was going much too far in its desire to impose a law and order agenda on Canadians.

The opposition strongly criticized the flaws in Bill C-30 and its potential to create abuse when it was introduced in the House, and Canadians did not take kindly to this invasion of privacy in the name of Conservative ideology that panders to the Conservatives' electoral base.

As a result of political, media and public pressure, the Conservatives had no choice but to retreat and go back to the drawing board, consulting the players concerned. They came back with Bill C-55, a bill that is more thoughtful, more balanced and more likely to find consensus among the public.

However, it would have been more judicious and quicker to propose legislation like Bill C-55 from the start, in order to comply as quickly as possible with the court's decision.

Bill C-55 is proof that consensus, compromise, consultation and healthy debate in our institutions are not enemies of our democracy or of progress in Canada.

To conclude my remarks, I would like to invite the government to take the same action in all the bills it proposes and listen to the people, our fellow Canadians.

● (1345)

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I very much appreciated my colleague's speech and her wish that the government would change its way of doing things.

It is important to realize, and I wonder whether she is aware, as I am, that it took a Supreme Court decision. The court simply put the repercussions of its decision of nearly a year ago on the back burner to force the government to take balanced action.

I also share her desire to see the government show somewhat more respect for the compatibility of these acts and regulations with the charter and the Constitution. I will not hold my breath, but at least we can salute the fact that the government did not really have a choice: it either had to come to this decision or lose the benefit of section 184.4 of the Criminal Code.

I would like my colleague to say more about this part of her intervention.

Mrs. Anne-Marie Day: Mr. Speaker, the hon. member is completely correct about what she just alluded to.

What I fail to understand is that we have a charter and it is very easy to check whether a bill is unconstitutional before introducing it and moving on. There are people who can check this out from a legislative standpoint.

I cannot understand why it took two bills, Bill C-30 and Bill C-55, to achieve this result and for people being wiretapped to be protected, like our system.

Mr. François Choquette (Drummond, NDP): Mr. Speaker, as we know, Bill C-55 is of great interest to me, particularly because it reveals and illustrates the extent of the Conservative government's failure. The government always wants to move too quickly without showing any concern for our country's most democratic and most important documents, the Canadian Charter of Rights and Freedoms and the Constitution.

On this topic, I would like my hon. colleague to explain how the failure of Bill C-30 and the recent introduction of Bill C-55 show that it is important, when drafting a bill, to take the time to ensure that it is consistent with the Canadian Charter of Rights and Freedoms and Canada's Constitution.

The fact that the Conservative government wanted to do everything in its power to push through Bill C-30, even though it respected neither the substance nor the spirit of the charter, is indicative of the government's lack of interest in and sensitivity to the importance of Canadian institutions.

That is the question I would like to ask my hon. colleague, particularly in view of omnibus bills like C-38 and C-45, which were put together very quickly and did not comply with the prescribed time limits.

● (1350)

Mrs. Anne-Marie Day: Mr. Speaker, indeed, the government needs more respect for this process in drafting bills and in implementing bills that become laws.

Yes, we must also give police officers the tools to take action when they have reasonable grounds to believe that a situation is urgent. Yes, this is necessary if there are reasonable grounds to believe that immediate interception is important. We must also inform people who are under surveillance, but there is a process to follow.

If we want this country to remain a democracy—something we are proud of—we must be very careful about what we are doing. We cannot act based on panic and put innocent people under surveillance without warrants.

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Mr. Speaker, first of all, today's discussion on Bill C-55 gives me another opportunity to congratulate the government for scrapping its ridiculous Bill C-30. The infamous Bill C-30 claimed to solve all the world's problems, but it showed that the Conservatives are unable to come up with a well-thought-out policy. It has now been replaced by the much more balanced Bill C-55.

The NDP feels that Bill C-55 is a suitable response to the court's demands, because it:

> (*a*) requires the Minister of Public Safety and Emergency Preparedness and the Attorney General of each province to report on the interceptions of private communications made under section 184.4;
>
> (*b*) provides that a person who has been the object of such an interception must be notified of the interception within a specified period;
>
> (*c*) narrows the class of individuals who can make such an interception; and
>
> (*d*) limits those interceptions to offences listed in section 183 of the *Criminal Code*.

Of course, we in the NDP support this bill. However, I would like to point out a couple of things to this House. First of all, the Conservatives are forcing us to pass this bill in record time because the Supreme Court gave them until April 13 to amend the legislation. Yet the Supreme Court issued that request a year ago. So why did the minister wait until 20 sitting days before the Supreme Court's deadline to introduce the bill? That is not the most responsible way to treat such an important bill, nor is it a responsible way to govern.

Once again, the Conservatives are clearly trying to do whatever they can to project an image of competence and rational planning, but what we are really seeing in this House is the exact opposite.

The press release on this bill issued by the Minister of Justice states that, "the introduction of this legislation is part of the government's plan for safe streets and communities...."

The Conservatives must really take Canadians for fools. Everyone knows that this bill is the result of a request from the Supreme Court. They did not really have a choice, and this is not the result of government policy. In fact, the government revealed its policy in Bill C-30, which was not at all what Canadians wanted, and the government had to back down.

It is nice to see that a good plan has been put forward, since the previous plan was so flawed.

In addition, the minister has the audacity to ask for our unconditional support of this bill.

I am sorry, but I am proud to say that my NDP colleagues and I will never give our unconditional support to a bill without thoroughly studying it first. We know just how irresponsible this government can be and we have seen its lack of respect for laws and justice. We also know that it is not very good at prior consultation.

Contrary to this government's irresponsible attitude, the NDP always wants to study anything, like this bill, that will have an impact on society, unlike the minister who views the formalities and procedures for complying with the Constitution and charter as luxuries. The NDP and I are aware of the public's concerns about wiretapping. We understand that very well, given that this government bases its position on vengeance and punishment rather than on justice.

After a rigorous study, we believe that this bill complies with the Supreme Court's decision. It even goes beyond that and strikes a genuine balance between personal freedom and public safety. This is a refreshing finding, particularly when we see how the Conservatives improvise here in the House from day to day. So this is a breath of fresh air, and the result of everything the public has done to combat Bill C-30. That was utterly incredible.

● (1355)

This also shows that, when the public mobilizes, it can force the government to do its job right.

The power to wiretap in emergencies is important for police officers. That is an undeniable fact. However, it is also true that these kinds of measures must be subject to an oversight and accountability mechanism.

Some Conservatives indiscriminately accuse us of trying to block the bill. I would like to remind them that the NDP submitted no amendments to this bill in committee because it was well drafted. The process was diligently followed. We examined the bill and we realized that the work had been well done and that no corrections had to be made. A number of amendments should normally be brought forward to make a bill acceptable from both political and constitutional standpoints. We in the House are often unsure whether bills are lawful.

In conclusion, although we deplore the way in which the debate was disrupted, the NDP has ensured that Bill C-55 respects, as far as possible, the rule of law, the Constitution and the Canadian Charter of Rights and Freedoms. The NDP will therefore support the bill.

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I enjoyed listening to my colleague's speech.

Indeed, the members of the committee carried out an extremely serious review of Bill C-55 since it has to do with intrusion into privacy. It is clearly an extremely important issue.

It is a tad ironic that, under normal circumstances, the government should have conducted this kind of review before being forced by the Supreme Court of Canada to do so. Since this morning, I have said again and again that the reason Bill C-55 is before us is because the Supreme Court of Canada gave the government a grace period of one year to amend section 184.4 of the Criminal Code, which is unconstitutional.

Section 4.1 of the Department of Justice Act obligates the Minister of Justice to carry out such an exercise before introducing any government legislation, so someone, somewhere, dropped the ball.

My colleague is right to say that public pressure played a big role. Having said that, the bill complies with the Supreme Court decision.

My time has run out and I am not sure that my colleague will have the time to respond. The court, therefore, forced the government to act. Unfortunately, that seems to be too frequently the case.

Ms. Mylène Freeman: Mr. Speaker, I thank my colleague from Gatineau for all the work that she does as the justice critic for the official opposition. I am sure that she will make an excellent Minister of Justice in a couple of years.

Indeed, she works very hard to ensure that her bills are balanced. The Conservatives do the exact opposite. My colleague from Gatineau is completely blown away by the fact that the Minister of Justice does not know how to draft legislation. I congratulate her, therefore, on her excellent work and thank her for it.

We will support this bill.

● (1400)

[*English*]

The Speaker: Order, please.

There will be three minutes for the hon. member to finish questions and comments after question period.

VACANCY

LABRADOR

The Speaker: It is my duty to inform the House that a vacancy has occurred in the representation, namely Peter Penashue, member for the electoral district of Labrador, by resignation effective Thursday, March 14, 2013.

[*Translation*]

Pursuant to paragraph 25(1)(*b*) of the Parliament of Canada Act, I have addressed my warrant to the Chief Electoral Officer for the issue of a writ for the election of a member to fill this vacancy.

STATEMENTS BY MEMBERS

[*English*]

AGRICULTURE

Mr. LaVar Payne (Medicine Hat, CPC): Mr. Speaker, I am pleased to stand today to talk about an announcement I made on February 14 on behalf of our hard-working Minister of Agriculture and Agri-Food. I announced at the annual general meeting of the Alberta Sugar Beet Growers in Lethbridge that our government will invest $600,000 to help study the viability of using sugar beets in the production of sustainable alternatives to petrochemicals. The funds will also be used to provide business advice concerning the creation of a value chain related to the commercialization of these alternatives.

As Alberta Sugar Beet Growers President Rob Boras said, “This funding will allow us to bring leading-edge green technology and significant outside investment to Alberta”.

The Alberta Sugar Beet Growers is an important part of our area and it continues to contribute to the diversification of the local economy. I am proud of our Conservative government and its continued support for my riding in beautiful southeastern Alberta.

* * *

HOUSING

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, recently the Conservatives voted down an NDP bill to create a national housing strategy and resorted to spreading manifestly false information that placed a ridiculous price tag on this non-spending bill.

In my riding of Toronto—Danforth, constituents understand the facts. They are concerned about substandard housing, unaffordable rents, job insecurity and homelessness in our city. The people of Toronto—Danforth understand that good-quality housing is not only a key component of poverty elimination, but also a social determinant of health. They also understand that homelessness costs the Canadian economy $4.5 billion each year, such that a housing strategy is nothing but fiscally responsible.

Investing in people is sound economic policy. For example, we must work with other levels of government to promote co-operatives, such as the successful Riverdale and Bain co-ops in my riding.

New Democrats will continue to put forward practical solutions to ensure everyone has a safe, secure and affordable place that they can call home.

* * *

COMMUNITY THEATRE

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, community theatre enriches the lives of both those who take an active part in it and those in the community who benefit from attending the live theatre productions. In South Shore—St. Margaret's, we have been enjoying the wonderful performances of the South Shore Players for 20 years.

The South Shore Players offers its members the opportunity to showcase their talents and creativity and is helping to build the social and cultural foundations of our communities. This year's playbill is the culmination of many months of hard work by directors John Letson and Liesje Wagner Letson as well as the cast and crew.

I would like to take this opportunity to thank all the many dedicated volunteers, both past and present, who make these performances possible. I congratulate all those involved with the South Shore Players on their 20th anniversary and on seeing their efforts reach this incredible milestone.

* * *

JENNIFER KOVACH

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, early last Thursday morning, while most of Guelph was asleep, Constable Jennifer Kovach was on duty and responding to a call when her cruiser collided with a Guelph transit bus and she was killed.

Twenty-six-year-old Constable Kovach was born and raised in Guelph. Her family is well known for its commitment to public service. Her mother, Gloria Kovach, is a long-time Guelph city councillor and her father, Bill, is a retired Guelph EMS paramedic.

Joining the force was a dream of Jennifer's and she was four years into a promising career as a member of the Guelph Police Service. Guelph Police Chief Bryan Larkin said, “Jennifer didn’t come to work, she came to make a difference in the city of Guelph”. Her family has lost a loving sister and daughter. Guelph has lost a hero.

As a parent, I cannot imagine the anguish of losing a child. The hearts and prayers of every parliamentarian in the House go out to her family and her colleagues in this terribly difficult time.

I ask my colleagues here to join with me in celebrating her life and mourning Guelph's loss.

* * *

● (1405)

FIGURE SKATING

Mrs. Susan Truppe (London North Centre, CPC): Mr. Speaker, last week the city of London welcomed the world. The 2013 ISU World Figure Skating Championships were seen by millions around the world and generated a boost to our city's economy.

Londoners of all ages flocked to Budweiser Gardens to view the impressive sound and light display. Of course, the performance on the ice at Budweiser Gardens located in my riding of London North Centre was phenomenal. Patrick Chan skated his heart out as he won a gold medal. Meagan Duhamel and Eric Radford impressively won a bronze in the pairs program, and London's very own Tessa Virtue and Scott Moir won a silver in the ice dance.

The Government of Canada is the single largest contributor to sport in Canada and supports participation and excellence from playground to podium. We were proud to deliver $2.2 million for this event.

I would like to congratulate all of Canada's skaters for once again making us proud. I would also like to thank the city of London, Tourism London and Skate Canada and its hundreds of volunteers for hosting such an impressive event.

I am proud to be a Londoner.

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[*Translation*]

2015 QUEBEC WINTER GAMES

Mr. François Choquette (Drummond, NDP): Mr. Speaker, 2015 will be a big year for Drummondville.

We were pleased and proud to learn recently that Drummondville will host the 50th Quebec Winter Games in 2015.

This major sporting event will showcase our beautiful region to the entire province of Quebec. Not only that, but the Quebec Games will also certainly help promote physical activity, sports and the outdoors.

I would like to take this opportunity to congratulate the members of the bid committee. Their outstanding commitment helped mobilize the people of Drummond. All of the community members involved played a key role in making the bid successful.

With the 200th anniversary of the City of Drummondville, the hosting of the Quebec Winter Games and the victory of the first NDP government in the history of Canada, 2015 will be an emotional year.

Dear colleagues in the House of Commons, in 2015, Drummondville will be the place to be. I hope you will join us for the 50th Quebec Games.

[*English*]

FOOD SECURITY

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, I rise today to recognize two constituents, Wendy and John Taekema, who have been involved with local growing to support the Canadian Foodgrains Bank for the past 14 years. Their local group rents 280 acres of land just south of Leduc, and in 14 years the growing project has contributed just over $1.1 million to this program.

John and Wendy even went to Kenya and Rwanda to see the impact of their local growing project and distribute food to drought-stricken people near Voi, Kenya. The Kenyans were very thankful for the food provided by the Canadian Foodgrains Bank with the help of CIDA.

John and Wendy also spent two nights in a small village in Rwanda providing pineapple seeds for a local growing project, teaching better farming practices and enabling the village to become a model for others to follow. As they stated to me, they affirm the work of CIDA and sincerely hope that CIDA will continue to have an emphasis on food security, particularly for supporting smallholder farmers.

I thank the Taekemas for taking the time to share this success story with me and congratulate the Canadian Foodgrains Bank program for the valuable work that it does internationally.

* * *

CURLING

Mr. Bryan Hayes (Sault Ste. Marie, CPC): Mr. Speaker, for the first time since 1985, when skip Brad Jacobs was born, a team from northern Ontario will represent Canada at the world men's curling championship.

I would like to congratulate my riding of Sault Ste. Marie's skip Brad Jacobs, third Ryan Fry, second E.J. Harnden and lead Ryan Harnden for their outstanding performance in winning the 2013 Brier and for being the first ever Brier champions to come out of the Soo. The Jacobs rink won its final six games, becoming only the second rink since 1995 to come out of the 3-4 game to win the Brier. In the playoffs it defeated Team Newfoundland and Labrador 6-5 and Team Ontario 9-7, culminating in a resounding 11-4 victory in the final over Team Manitoba.

At age 27, Brad Jacobs is the second-youngest skip to win the Brier and also won the Hec Gervais award as Brier playoff MVP. Brad Jacobs' Team Canada rink will now represent Canada at the world curling championship starting on March 30 in Victoria, B.C. I know all MPs in the House will be cheering Team Jacobs on to victory.

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[*Translation*]

CHABOT SCHOOL

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, students at Chabot school in Charlesbourg were given a wonderful opportunity to learn about politics and democracy. I rise here today to tell the House about it.

This public school offers an international education program, and students learn about the workings of our political institutions. Every year, the students elect a representative to their student parliament. This parliament is sworn in at a public ceremony that is open to students, teachers, family and political representatives.

This year's parliament includes as many girls as boys, which sets a fine example for our federal institutions. As a parliamentarian, I was called upon to meet with the students and tell them about my role as an MP. I am always pleased to see how informed and smart these sixth graders are.

I would like to congratulate the students, their teachers—Marie-Cécile Maltais and Stéphane Robitaille—as well as the school principal, Odette Boulay.

* * *

● (1410)

[*English*]

LEADER OF THE NEW DEMOCRATIC PARTY OF CANADA

Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, attacking Canada's national interests on the world stage was not the only thing the leader of the NDP was up to last week. He was also busy repeating his pledge to destroy hundreds of thousands of jobs in Canada by raising taxes on job creators.

The NDP leader needs this massive new tax to help pay for the $56 billion in reckless spending that he is proposing. Of course, the NDP leader is also counting on $20 billion in new revenue from his job-killing carbon tax, which would increase the cost of gas, groceries and electricity for everyday Canadians and businesses alike.

The NDP's plan to kill hundreds of thousands of jobs and raise the cost of basic household goods are two clear reminders that Canadians cannot afford the risky economic theories of the NDP.

* * *

[*Translation*]

WORLD WATER DAY

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Mr. Speaker, in his book *The Sacred Balance*, David Suzuki reminds us of the following:

> The elements that have sparked life onto this planet and continue to fuel it—air, water, soil, energy, biodiversity—are sacrosanct and should be treated as such.

David Suzuki helps us to understand how privileged we are to live in a country like Canada, which has between 15% and 20% of the world's fresh water. Fresh water is precious, and not just in developing countries. Water is sacred because it gives life, and nothing can live without water.

What have we allowed to happen to fresh water in Canada? We let polluting industries discharge toxic waste into our water; we privatize water and sell it in small bottles; we waste water without giving it a second thought.

The United Nations has designated March 22 each year as World Water Day. It is important on that day to make Canadians aware of responsible water consumption practices.

Today, I raise my glass of water to water.

* * *

[*English*]

LEADER OF THE NEW DEMOCRATIC PARTY OF CANADA

Ms. Joan Crockatt (Calgary Centre, CPC): Mr. Speaker, last week the NDP leader went to Washington and attacked Canada's national interests. Let me share with the House his reaction to the trip.

The *National Post* said that the NDP leader "remains an eastern politician whose understanding of the country is limited".

Saskatchewan Premier Brad Wall said that the NDP leader was "betraying Canadian interests" and that what the NDP was doing "is being quite destructive".

Alberta Premier Alison Redford stated, "I think it's really unfortunate he would advance this political agenda at a time when getting this project through matters so much to Canadians".

The opposition leader is even offside with his Saskatchewan NDP leader, who supports the Keystone project.

Therefore, not only is this project important to my constituents in Calgary Centre, it is clearly important to the future prosperity of all Canadians.

While the NDP leader panders to his extremists in his caucus who oppose all development, our Conservative government continues to focus on jobs, economic growth and long-term prosperity.

* * *

RETIREMENT CONGRATULATIONS

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I rise today to pay tribute to Roger Smith, who is retiring from CTV after a distinguished career as a respected and much liked journalist. He first joined the National Press Gallery in 1977, when you were not even born, Mr. Speaker, and I was nine years old.

Roger went on to have an extensive career in foreign capitals. From his front-row seat, he interpreted complex and fast-moving world events in a way that Canadians trusted and very much admired.

His recent assignment was to cover federal politics from Ottawa. He travelled with party leaders in six different national elections and easily made friends in all political parties. His warm sense of humour made him fun to travel with.

I met Roger when I was a young assistant in Mr. Chrétien's office 15 years ago, and I have considered him a friend ever since.

We wish Roger and his wife Denise Chong and their family well as Roger says goodbye to the National Press Gallery, where he has left a distinguished record and mark that will be remembered for a long time.

* * *

● (1415)

LEADER OF THE NEW DEMOCRATIC PARTY OF CANADA

Ms. Roxanne James (Scarborough Centre, CPC): Mr. Speaker, Canadians are angered and in a state of shock over the actions of the NDP leader. This past weekend the leader of the NDP met with convicted cop shooter Gary Freeman, a man who was convicted of attempted murder in the U.S. after repeatedly shooting a young Chicago police officer. The officer, Terrence Knox, was left permanently paralyzed and suffering from the effects of the shooting until his recent death.

Rather than face due justice, Gary Freeman evaded the law for several years by fleeing to Canada and living here illegally under a false name. This is the man with whom the Leader of the Opposition chose to meet. Sadly, and it is telling, that the NDP leader has never met with the family of the victim. Instead, he went on national television yesterday to shamefully dismiss the repeated shooting as a mere scuffle.

Canadians are getting fed up seeing the NDP stand up time and time again for the rights of criminals over the rights of victims and their families.

* * *

CONSERVATIVE PARTY OF CANADA

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, last week the leader of the official opposition travelled to Washington, D. C. to meet key decision makers from Congress, the Canadian American Business Council and the Congressional Budget Office. These are meetings about shared priorities on the economy, peace and security and the environment.

However, back in Ottawa, what did the Conservatives do? They made up baseless new attacks on the NDP. Ten years ago to this very day, I remember the Prime Minister, then the Canadian Alliance leader, went to America to criticize the Canadian government's decision to stay out of the war in Iraq. Now they have the gall to claim the Leader of the Opposition is being disloyal. Really?

Canadians deserve better. Therefore, while the Conservatives put their well-connected friends ahead of the concerns of Canadians, we in the NDP will continue to do our job for the millions of Canadians who disagree with the reckless choices of the Conservatives.

* * *

LEADER OF THE NEW DEMOCRATIC PARTY OF CANADA

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Speaker, while our government is focused on the priorities of Canadians, jobs and economic growth, the NDP is out of touch and pushing an ideological agenda.

Just last week, the leader of the NDP travelled to Washington to advocate against Canadian interests and Canadian jobs. This is just another incident in the NDP's long history of trashing Canada while abroad.

The NDP leader's ideological agenda does not stop there, though. While the NDP leader travels abroad to talk down Canadian jobs and the Canadian economy, he is busy scheming up a new $20 billion job-killing carbon tax here at home, which would kill jobs and stall economic growth. It would raise prices on everything for Canadians, from gas to groceries to electricity.

Canadians know that the NDP's ideological agenda advocating against Canadian jobs abroad and scheming up a new $20 billion job-killing carbon tax here at home would be disastrous for the Canadian economy.

ORAL QUESTIONS

[*English*]

THE ECONOMY

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, with each new Conservative budget, the Conservatives' well-connected friends benefit, while time after time the priorities of Canadians are ignored.

The Prime Minister has not listened to Canadians. He is plowing ahead with cuts to pensions, health and EI, while gutting environmental legislation along the way. He is ignoring the serious threats facing our economy.

Will this budget once again be filled with corporate giveaways for the Conservatives' buddies, or are they going to start finally doing something for the average Canadian?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we have been standing up and fighting for everyday Canadians in every one of the budgets that we have tabled in Parliament.

Proof can be found in what the Canadian Manufacturers & Exporters said: without our Conservative government's low-tax plan for job creators, 200,000 Canadian jobs would not have been created today.

That is the result of our government. Over 950,000 net new jobs have been created, the vast majority of them full time and over 90% of them in the private sector. We are delivering results for Canadians. The average Canadian family today has a tax burden of less than $3,000 than when we came into office. The Canadian economy is moving forward.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, I am sure that is quote.

Here are some facts. There are 300,000 more Canadians still unemployed today than before the recession hit. Today we have a $66.9 billion trade deficit, and there was a surplus before the Conservatives arrived. That is the real Conservative record.

The Conservatives' last budget failed to implement a meaningful job creation strategy, and they continue to gut the manufacturing sector. Now we hear that the government is planning to cut funding to the provinces for skills training.

When are the Conservatives going to take real action to get Canadians back to work?

● (1420)

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we have, we are, we will continue to, and the proof is in the fact that in Canada we have the best job numbers in all of the G7.

I am frankly more than pleased to contrast our approach with that of the NDP. Last week, in the break week, we had ministers going around the world fighting for Canadian jobs, fighting for Canadian exports. Where was the Leader of the Opposition? He was selling out Canada, selling out Canadian jobs and telling the Americans to not work with Canada for a better, more prosperous future.

He should be ashamed of himself for selling out Canada—

The Speaker: The hon. Leader of the Opposition.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, when the Conservatives came to power, Canada was number one on the UN development index. For the first time in the history of our country, we are not even in the top 10.

[*Translation*]

The NDP is proposing practical solutions to create jobs and ensure stable economic growth.

The Conservatives ignored the impact of the latest fiscal cliff in Washington. They also ignored the lowered economic growth forecasts and the impact their austerity measures have had on the most vulnerable members of society.

Will they start listening to Canadians or will they continue to listen only to Tom Flanagan?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): We will certainly continue to listen to Canadians and keep the promises that we made to them.

We are already seeing that in the progress that we have made so far as a result of the jobs our government has created. We have lowered Canadians' taxes and they have more money in their pockets than ever before.

Here is what the *Ottawa Citizen* had to say about the NDP leader's little vacations, and I quote: "[The NDP leader]...once again demonstrated he is not prime ministerial material." That is true.

* * *

[*English*]

ETHICS

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, his Canada includes Tom Flanagan.

[*Translation*]

Ten years ago today, their Prime Minister, who was the leader of the official opposition at the time, was in Washington extolling the virtues of the war in Iraq. That is not fierce loyalty.

The former minister of intergovernmental affairs resigned after admitting that he received illegal gifts from companies, but he has still not taken responsibility for this matter.

Saturday, Peter Penashue said that he did nothing wrong. Accepting illegal gifts from companies is a serious violation of the Canada Elections Act.

Can the Prime Minister explain to Canadians why Peter Penashue did not really resign?

[*English*]

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, he started off his last question by talking about what my Canada includes.

I will take him up on that. My Canada includes a country that is united from coast to coast and is working together for the prosperity of our country.

It is the leader of the NDP who goes to Washington, DC, and attacks Canadian jobs and attacks Canadian exports. It is the leader of the NDP who describes the western economy as a "disease" on Canada. It is the leader of the NDP who ignores the premiers of Saskatchewan and Alberta and western Canada, even ignoring the NDP leader in Saskatchewan saying that the exports are in the best interest of Saskatchewan.

It would be nice, for once, if the NDP leader could put the country ahead of his own ambition.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, will that, then, continue to plead for the export of 40,000 Canadian jobs to the U.S.? We will stand up for Canadian jobs.

Elections Canada is still investigating the fact that the outgoing minister illegally accepted almost $19,000 from an airline and $5,500 from a construction company, yet he continues to claim he did nothing wrong. Peter Penashue said he only became aware of this because of the CBC, pleading, in effect, also his own incompetence.

Despite the protests of the ex-minister that he did nothing and he has resigned, will Conservatives allow Elections Canada to finish?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, Mr. Penashue has taken responsibility for his actions and has indeed stepped down. All we are asking for as a matter of—

Some hon. members: Oh, oh!

● (1425)

The Speaker: Order. The hon. Minister of Canadian Heritage now has the floor.

Hon. James Moore: Mr. Speaker, all we ask for, frankly, is the same degree of accountability for the NDP when it comes to its number one topic of this day, which is the economy. It is the NDP that has come forward with over $56 billion in uncosted demands on the federal government in our budget this coming Thursday. It is the NDP that proposes tax increase after tax increase. It is the NDP, at the same time, that goes to Washington to demand that it shut down the creation of Canadian jobs and the growth of the Canadian economy.

It is laughable that the NDP actually wants to present itself as a government in waiting, because it cannot do so.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, that is some leadership: attack the messenger.

Former minister Peter Penashue knew for months about these illegal donations, and the donations were not accidental, actually. The decisions were made by his campaign manager, a Conservative Party insider with 25 years' experience.

Why are the Conservatives now using taxpayer dollars to repay this dirty money, why is the Prime Minister reappointing this failed politician to run in the byelection, and how can the public actually trust in Canadian democracy in the face of so much Conservative election corruption?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I just finished saying, Mr. Penashue has taken responsibility for mistakes that were made on his campaign. A byelection will be called, a byelection in which Mr. Penashue will have the opportunity to remind the people of Labrador of his hard work over the past two years as their representative, including delivering on infrastructure commitments and delivering important job creation initiatives for the people of Labrador.

With respect to the member for Vancouver Quadra, if she really wants to talk about electoral irregularities, perhaps she should go ahead and tell us where the $40 million in stolen sponsorship money went in the Liberal Party—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. member for Vancouver Quadra.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, that was a stretch.

[*Translation*]

Former Conservative minister Peter Penashue knew for months that illegal donations had been made to his election campaign. These donations were not made by accident. A Conservative organizer with 25 years of experience decided to accept the donations.

Why did the Prime Minister choose to allow this discredited politician to run in the byelection?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, since I am being asked the same question, I will give the same answer.

Mr. Penashue has taken responsibility for mistakes that were made on his campaign. When a byelection is called, I am certain that Mr. Penashue will have the opportunity to talk to his former and future constituents about the results that he has delivered to date and what he plans to do in the future.

[*English*]

LIBRARY ANDARCHIVES CANADA

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, government scientists are now being warned not to speak with Canadians or the media or other scientists. Librarians and archivists have to watch what they say in public, whether it is in classrooms or conferences, or risk being fired, and it is getting worse. Canadians and the global scientific community are up in arms and demanding that the Information Commissioner take action and investigate.

Obstructing access to research weakens Canada's democracy. When will the government reverse this dangerous course?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, that is simply not the case. For example, there is the issue of Library and Archives Canada, for which I am responsible as minister. She should have her critic invite Daniel Caron to come before the parliamentary committee to talk about this. Library and Archives Canada put forward a directive to its own staff, independent of the government. I was not briefed on it. It was its own decision. Library and Archives Canada has a code of conduct with its employees. It does not bar them from being involved or expressing views publicly. They can do so.

If my hon. colleague or the critic on heritage wants to have a more thorough conversation on this outside of 35 seconds, she should feel free to invite Daniel Caron to the committee, who will explain that her question is bunk.

* * *

PUBLIC SAFETY

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, the Canadian Shooting Sports Association is apparently outraged that Alberta's Chief Firearms Officer would require, of all things, trigger locks for guns on display at gun shows. It is now asking the Conservatives to scrap provincial firearms officers entirely. This is the same group that the Conservatives have sent to represent Canada at the arms trade treaty talks today.

Would the Minister of Public Safety tell Canadians, here and now, that he rejects this group's outrageous and extreme demands?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, as members know, following the Prime Minister's comments here in the House when he indicated that we would be looking at that body, we in fact put three new individuals onto that body: two police chiefs and one head of a police union. I am very pleased with those appointments.

We continue to work together with all segments of the firearms community to ensure that we focus on real crime, as opposed to the long gun registry.

● (1430)

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, while we welcome new appointments to the committee, this group is still representing Canada internationally today.

The minister has another outrage to answer for today as Canadians across the country are shocked that he personally approved filming immigration raids for reality TV. This is not some episode of *Cops*. These are real people and real officers doing a dangerous job. Filming is exploitative and can put individuals in danger.

How could the minister be so reckless? Will he take responsibility and put an immediate end to this dangerous and offensive PR stunt?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, the show is about the situation faced daily by our front-line border officers. The privacy of individuals is protected at all times.

However, it is important to remember that each year illegal immigrants cost law-abiding Canadian taxpayers millions of dollars and thousands of jobs. We expect the CBSA to enforce Canada's immigration laws by removing individuals who take advantage of Canada's generous immigration system by jumping the queue.

[*Translation*]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, it is one thing for the minister to be obsessed with people who have gone through traumatic experiences, but it is another thing altogether for him to decide to share that obsession with the entire country.

The minister is showing no consideration for these people, who, for reasons we may never know, decided to put their lives in danger and flee their country. He should reflect on that before sensationalizing their situation.

Our border services officers do important and dangerous work. Reducing it to simple entertainment is unacceptable.

How much is this charade costing our border services?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, the show is about the situation faced daily by our front-line border officers. The privacy of individuals is protected at all times.

It is important to remember that illegal immigrants cost law-abiding Canadian taxpayers millions of dollars each year and thousands of jobs. We expect the CBSA to enforce Canada's immigration laws by removing individuals who take advantage of Canada's generous immigration system by jumping the queue.

[*Translation*]

ETHICS

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Speaker, this is all just a charade for the cameras. It is nothing of any substance. For the Conservatives, human tragedies are nothing more than an opportunity to make a television show. Bravo.

The former minister of intergovernmental affairs was asked dozens of questions about his portfolio. However, Mr. Penashue always remained seated. We asked him about excesses in his election campaign and he remained seated. Then last week, without any warning, he stepped down. Poof, he was gone. That is not bad for a guy who supposedly did nothing wrong.

Why did the Conservative government defend a minister when it knew he was guilty? Why did it reward the scapegoat with a high-paying job?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, Mr. Penashue took responsibility for mistakes made by a volunteer during the election campaign. Now, he is trusting in the people of that riding.

[*English*]

He is running on a strong record, having delivered a newly paved Trans-Labrador Highway and thousands of Muskrat Falls jobs, helping to dismantle the wasteful Liberal long gun registry and broadening high-speed Internet to rural communities that had been denied it for far too long. That is a record of achievement. We are proud of this man.

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, this former minister is going to run in a byelection before Elections Canada has even finished its investigation. He resigned on Thursday, yet his campaign website was set up four days before that. He received a letter from Elections Canada on February 12, yet he only took action a month later.

Canadians want to know what is really going on. Will someone from the government start telling the truth about what is going on with the disgraced minister?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, it is not surprising that he set up a website. After all, he helped rural people in his constituency get access to high-speed Internet so that they could view websites. He also delivered for rural people by defending the ancient tradition of hunting. He protected the seal hunt and the polar bear hunt and he helped dismantle the wasteful and insulting long gun registry. He helped repave the Trans-Labrador Highway. This is a man with a record of achievement.

All they know over there is talk. This is a man who might not use a lot of words, but who does get a lot of results. That is why they cannot stand him on that side of the House.

● (1435)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, now that Peter Penashue is being shown the door, let us talk about a few other problem cases we have over there.

We have Mac Harb, who has been hitting up the taxpayer for a housing allowance of over $20,000 a year, based simply on his word that—

Some hon. members: Oh, oh!

The Speaker: Order, please.

The hon. member for Timmins—James Bay has the floor.

Mr. Charlie Angus: Mr. Speaker, they are very defensive this week.

Let us talk about Mac Harb for a minute, and the fact that he hits up taxpayers for a housing allowance of $20,000 a year based simply on his word that he lives in the Ottawa Valley. The funny thing is that the neighbours have never seen him. One man said, "I would not know him if he came to the door".

Canadians deserve better accountability. That is why we want to bring the Senate ethics officer to our committee to explain her role.

Will the Conservatives work with us to bring some accountability there, or will they keep defending their friends?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, I do not know why he is asking questions of the Liberal Party away over there in the corner. He should be doing his job and defending his own constituents the way, for example, Mr. Penashue did when he was serving in the House of Commons.

Let us consider the contrast. This is a man who kept his word to the rural people of his constituency and helped dismantle the long gun registry. The member over there for Timmins—James Bay betrayed his constituents and sold out to his big-city bosses. Mr. Penashue helped deliver for the Trans-Labrador Highway. The member for Timmins—James Bay has delivered nothing.

Mr. Penashue delivered jobs, growth and long-term prosperity.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I take it that answer tells us that they are going to defend their unaccountable buddies in the Senate while the New Democrats stand up for the taxpayers.

This is a more dodgy scheme. Last week, the Charbonneau commission shone a very interesting light on the donation scheme at SNC-Lavalin, where executives were encouraged to give maximum donations and were then repaid with phony bonuses.

Coincidentally, at the exact same time, the same number of executives were funnelling amounts of money into a dead-dog Conservative riding association in the Montreal area. All of the numbers were the exact same amount.

Will the government investigate to ensure that with the donations that were given, no fraudulent tax credits were given out?

It is a simple question. Will the government defend the taxpayer?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, it is a curious question. I understand that these illegal donations were being made to the Quebec Liberal Party during the time that the now leader of the NDP was a member of the Quebec Liberal government. Perhaps the member should just pose the question to his leader the next time he wants to know more about that subject.

The member across the way has made himself famous for bloviating on the floor of the House of Commons while failing to deliver on the promises that he made to the constituents of Timmins—James Bay. On this side of the House of Commons, we stand up through accountability for the people we represent.

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, the Conservatives refuse to talk about a pattern of political donations from SNC-Lavalin in Quebec because the same pattern exists federally.

According to a witness at the Charbonneau commission, Riadh Ben Aissa, who is currently in prison in Switzerland, encouraged SNC employees and managers to make more donations in 2009, donations reimbursed through bogus bonuses.

Also in 2009, SNC executives filled the Conservative Party's coffers with big cheques. Among them was Riadh Ben Aissa.

Considering this information in the context of Peter Penashue's resignation, what is the government going to do to fight illegal funding?

[*English*]

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, I do not know why he does not, as I just suggested, direct the question to his own leader, who was in fact a member of the Quebec provincial Liberal caucus when these illegal donations were apparently made to the party of which his now leader was a member.

The member who just posed the question knows a lot about donations in Quebec. After all, he made not one, not two, but 29 donations to the separatist Québec solidaire. Perhaps he could stand in the House of Commons and tell us if he plans to do likewise this year.

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, it would be nice if my colleague knew what he was talking about once in a while. It would be helpful.

Keep in mind that the Minister of Public Safety breached the provincial elections act. A federal minister could now be in the same boat. Is this a Conservative tradition? SNC-Lavalin used bogus invoices for oil sands projects to divert money. They sent $20 million earmarked for a hospital to Arthur Porter, a Conservative crony. The have bribed people from Montreal to Tripoli. Shareholders were swindled, and standards were violated.

Why do the Conservatives not take these crimes seriously? What is preventing them from dealing with this fraud?

● (1440)

[*English*]

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, if the member wants to pose questions for his own leader, I suggest that he do it in a caucus meeting. Question period is not particularly well suited for that kind of exchange. That being said, now that he has asked me to stand, we will once again highlight this member's prodigious experience with donations in Quebec, where he gave 29 donations to Québec solidaire, a party that is now championing a revival of the separatist-terrorist movement of the past that we thought had been put to rest a long time ago. Will he stand and indicate if he approves of that decision?

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, the jig is up for former minister Penashue. Prohibited corporate donations, fraudulent invoicing and illegal loans were all used to buy an election. Instead of condemning these illegal practices, the Prime Minister has used taxpayer dollars to repay this dirty money, and to add insult to injury, the Prime Minister is threatening the people of Labrador by saying that they should re-elect Peter, or else.

What kind of Prime Minister threatens a voter?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, it is amazing that on the first day back, after yet another example of Liberal law-breaking, they would put up a member to ask about ethics. We already knew that the member for Guelph was the only one in the House who had broken robocall rules, but now he is not alone. The robocall rule-breaking caucus has doubled in size, with the Liberal member for Westmount—Ville-Marie having done likewise. It would be more appropriate for that member to stand in his place and announce plans to teach his fellow caucus members how to finally start following the rules.

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, I remind the member that the Conservative Party is the only party in Canadian history that had to plead guilty to breaking election laws. Now we learn that Elections Canada has recommended charges against more Conservatives for election fraud in the 2011 election. Unethical conduct is becoming an everyday occurrence for these Conservative members.

Peter Penashue cheats, gets caught and has to resign his seat. The member for Peterborough breaks the same laws, yet he remains Parliamentary Secretary to the Prime Minister. Why will the Prime Minister not fire his parliamentary—

The Speaker: Order, please.

The hon. Parliamentary Secretary to the Minister of Transport.

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, repeatedly I have asked that member to say what he just said outside of the House of Commons. He always nods his head and promises to do it and then courageously sneaks out the back door. He would never do that, because he would not want to subject himself to the same legal accountability that every Canadian would face in making that kind of false allegation against the member for Peterborough.

As for Peter Penashue, he has delivered more for the people of Labrador in his short time as their member of Parliament than any Liberal had in a generation.

[*Translation*]

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, it seems that the government wants to hold this byelection as quickly as possible, before Elections Canada gets to the bottom of all the tricks pulled by the Conservatives in the last election.

Will the government co-operate fully and promptly with Elections Canada in order to shine the light of day on this sordid affair, or will it instead, once again, drag things out to hide the Conservatives' tricks?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, the member ran for the leadership of the Liberal Party. At the time, his colleagues took out huge loans that have not yet been repaid, and they represent illegal donations of almost $500,000. These donations were made almost seven years ago.

The member should perhaps speak to his former competitors and tell them to obey the law and finally repay their illegal debts.

* * *

THE BUDGET

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, it is budget time, and time for the Conservatives to make choices.

Canadians are waiting to see if this budget will reflect their priorities, or if there will be more cuts to services such as food safety, employment insurance or help for our veterans. The Conservatives can choose to invest in ad campaigns or in real programs for Canadians.

Will the minister confirm that he intends to cancel corporate tax cuts?

● (1445)

[*English*]

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, there is excitement in the air. The NDP just cannot wait until Thursday. It is only three more sleeps, but I would encourage the hon. member to be patient.

I will not speculate on what is going to be in the budget, but I will tell the hon. member what is not going to be in the budget, and that is the tax increases the NDP would foist on all Canadians: a $21 billion carbon tax and $56 billion in increased taxes. That will not be in the budget.

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, I guess that non-answer means they are just going to keep rewarding their insider friends, but that is okay, because NDP members will keep fighting for Canadians.

We see that Conservative priorities are actually costing Canadians. Worse still, the Conservative agenda is actually harming the Canadian economy, with our economy now forecast to grow at a snail's pace. Will the Conservatives stop priorities that only reward their friends and start working for the priorities of all Canadians?

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, our friends are Canadians. Our friends are Canadian companies. They are ordinary Canadians who work for those companies.

The hon. member talks about how it actually could help Canadians, but I will read a specific quote for the leader of the official opposition, who does not like quotes. This is from the Canadian Manufacturers and Exporters. It states:

> If federal tax rates had not been reduced, Canada's unemployment rate would have exceeded 9% in 2009 during the recession. Today, our unemployment rate would be higher than that of the United States, with 200,000—

* * *

[*Translation*]

GOVERNMENT APPOINTMENTS

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, the budget is not the only place where the Conservatives' poor choices come to light. They are using the social security tribunal to reward party friends. They have stacked the Senate as much as possible, so now they are opting for plan B.

Four defeated candidates in Quebec City—who no doubt share the same Conservative prejudices against the unemployed—were handed jobs with fat, $120,000-a-year salaries. They are politicizing the appeal process by making it available by teleconference, and only twice a month.

Why are they rewarding party friends and punishing those most in need?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, our government makes appointments based on merit.

The social security tribunal positions were broadly advertised. The appointed members went through a rigorous, competency-based selection process. They had to meet specific experience and competence criteria required to do the job.

[*English*]

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, not a week goes by without the Conservatives packing another board full of their pals. This time, their appointments to the new social security tribunal include donors to the Conservative Party, Conservative candidates and a former PC cabinet minister. The decisions made by the members of this tribunal directly affect the livelihood of out-of-work Canadians. Apart from being a friend of the Conservatives, what qualifications do tribunal members need to have, and what is the process for appointing them?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, our government makes appointments based on merit. The positions for the social security tribunal were advertised very, very broadly. Members went through a rigorous competency-based selection process, where they had to meet specific experience and competence criteria required to do the job.

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NATURAL RESOURCES

Mr. Blake Richards (Wild Rose, CPC): Mr. Speaker, last week the NDP leader attacked Canada's national interests on the world stage. In a move that was criticized by premiers, media and even members of his own party, the NDP leader argued against the pro-Canadian Keystone XL project that would create thousands of jobs on both sides of the border. The consequences of this trip were alarming. Hours after meeting the NDP leader, senior Democrat Nancy Pelosi voiced doubts about the Keystone project.

Could the President of the Treasury Board inform the House what the government is doing to defend this pro-Canadian project?

● (1450)

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, last week I joined the scores of provincial premiers, fellow cabinet ministers, Conservative caucus members, and indeed I joined union leaders, who had gone to Washington to argue in favour—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. President of the Treasury Board has the floor.

Hon. Tony Clement: —to argue in favour of the Keystone XL pipeline, a pipeline that will bring thousands of jobs and opportunities for Canadians. At the same time, the NDP leader was in Washington pouring cold water on the project. He does not care about the jobs. He does not care about union members getting jobs. He is in it for the extremists in the NDP.

* * *

THE ENVIRONMENT

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, this weekend we saw yet another example of how the government undermines our scientific research capacity here in Canada when it ordered the dismantling of the research cabins at the Experiment Lakes Area.

The Conservatives claim that the Experimental Lakes Areas will be handed over to a third party, but no third-party organization will want to take it over when they have to rebuild the facility. Why do the Conservatives insist on sabotaging any prospect of transfer or future use of this site?

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, we did make a decision to end the Experimental Lakes project as a federal facility, but we have made other decisions, and those are to fund science and technology in this country at historic levels. That includes hundreds of millions of dollars in climate change research, in water, in freshwater research. All of that funding was voted against by the NDP.

Scientists know who supports research. It is this side of the House, not that side.

[*Translation*]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, the Experimental Lakes Area cost $2 million, and the Conservatives spent $21 million in media monitoring and $16 million in budget advertising. Given the choice between science and propaganda, the Conservatives chose propaganda.

With cuts to infrastructure, the Conservatives are seriously compromising the future of the Experimental Lakes Area because the new owners will have to rebuild the research facilities.

Why are they attacking research and environmental protection?

[*English*]

Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC): Mr. Speaker, nothing of the sort has happened. In fact, this government has funded, since 2006, almost $8 billion additional dollars for science, technology and research. We now have more fellowships, more scholarships. We have hundreds of millions of dollars going into climate change research, into research in the Arctic, into funding buildings and research facilities at colleges and universities, all of which the NDP vote against.

I would encourage the opposition to get on side, because we are now considered number four in the world in scientific—

The Speaker: The hon. member for Abitibi—Témiscamingue.

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[*Translation*]

NATIONAL DEFENCE

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, let us continue talking about the Conservatives' bad choices.

The support services for Canadian Forces personnel and families should be a priority for the Conservatives. However, we have learned that the Canadian military family resource centres will be subject to major budget cuts as of April 1st. These centres are extremely important for supporting and meeting the needs of the families of our men and women in uniform.

Why are the Conservatives choosing to abandon military families?

[*English*]

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, that is in fact not true. I was meeting with military families this morning, as I do regularly. The military family resource centres across the country have expanded their scope and their ability to reach out to help military families when they need it.

We have seen historic investments, across the board, in infrastructure, in personnel, in progress, in readiness, in all of the ability the military have to not only serve our country at home and abroad but to also support their families—historic levels—all of which were opposed by this member and her party.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, the reality is that in Nova Scotia alone, we are looking at a 27% cut to military family resource centres, as Halifax and Cape Breton will be facing a shortfall of over $300,000. In fact, one Mike Duffy equals the cost of the cut to military family resource centres. These Conservatives will stand up for a Mike Duffy, but they will sit down when it comes to military family resource centres.

Why do these family centres, which look after the families of our heroes of our country, have to face the brunt of this government, when it comes to its fiscal mistakes, on the backs of these people?

Return that—

● (1455)

The Speaker: The hon. Minister of National Defence.

Hon. Peter MacKay (Minister of National Defence, CPC): Wrong again, Mr. Speaker. In fact, what we have seen time and time again from the member and members of the NDP is that they oppose all of the investments we made; whether they be in equipment; whether they be in the infrastructure, where members train, work, live and raise their families; whether they have been in the programs that support them. It is the same with Veterans Affairs; we have made historic, significant investments across the board. We have seen $500 million more going to the army annually.

What is consistent, though, is the opposition and the efforts by the member and his party to oppose these investments and improvements for the military and their families.

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ABORIGINAL AFFAIRS

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, concerns are being raised by first nations that new federal contribution agreements include a clause that prohibits challenging government legislation through the courts. Surely the new minister understands how completely inappropriate it would be for the government to hold first nations funding hostage to such an undemocratic condition.

Will the minister confirm today whether any Government of Canada contribution agreements with first nations contain a direct or indirect threat to bar their access to the courts?

Mr. Greg Rickford (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, for the Canadian Northern Economic Development Agency and for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, these accusations are completely false. Changes to the funding agreements are solely administrative and do not create new obligations for first nations. Our department is in contact with concerned first nations and encourages any first nation with questions and concerns to contact its local regional office.

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PUBLIC SAFETY

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the Prime Minister is using government resources in order to promote Conservatives' right wing, anti-immigrant agenda. Canada Border Services Agency is the law enforcement agency responsible for upholding border security. It has now—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Winnipeg North has the floor.

Mr. Kevin Lamoureux: Mr. Speaker, the truth hurts. They are a little sensitive, I see.

Canada Border Services is the law enforcement agency responsible for upholding border security. It has now been turned into a film production agency for a reality show. This poor lack of judgment has exposed the government to further privacy violations and exploitation of immigration files, and it has compromised CBSA's ability to focus on public safety.

Will the government commit today to end public reality—

The Speaker: The hon. Minister of Public Safety.

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, the show is about the situations faced daily by our front-line border officers. The privacy of individuals is respected at all times. It is important to remember that illegal immigrants cost law-abiding Canadian taxpayers tens of millions of dollars each year and they cost the member's constituents, our constituents, thousands of jobs. We expect the CBSA to enforce Canada's immigration laws by removing individuals who take advantage of Canada's generous immigration system by jumping the queue.

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LIBRARY AND ARCHIVES CANADA

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, according to the Conservatives, there is a new threat: librarians and their "high risk" activities, activities like teaching and conferences. That is right. The new code of conduct at Library and Archives Canada even extends beyond the workplace to employees' personal activities. The code even requires duty of loyalty to the Conservative government.

Now, I have always suspected that facts and science stir fear in the hearts of some members opposite, but why is the minister so afraid of librarians?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, yes, we are very frightened of librarians. No, what the member is referring to is a code of conduct that was put in place by Daniel Caron, who is the head of Library and Archives Canada. The member should know, as well, that Library and Archives Canada operates at arm's length. We were not consulted on the code of conduct.

If there are controversies about the code of conduct, and I gather there are because the member for Vancouver Quadra asked this question earlier, I invite my colleague and the heritage critic for the NDP to invite Daniel Caron to come before committee to explain the code of conduct and to dispel any myths that the NDP seems to be spreading.

● (1500)

[*Translation*]

Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP): Mr. Speaker, we certainly have a problem with the archivist Daniel J. Caron. In fact, the code of conduct requires a duty of loyalty to the government. It is not a joke; it is written in black and white.

The Conservatives now want to control the thoughts of honest Canadians. *1984*? George Orwell, be gone! I thought the Conservatives were in favour of less government, not more control over people. In the case of the general archivist, it is very clear: we know who is pulling the strings.

What gives our Conservative friends the right to burst into the personal lives of people with this kind of code of conduct?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, as I have already said twice, and for the third time now, if the hon. member has questions about decisions made by Library and Archives Canada, he should invite Daniel Caron to appear before the committee to answer them.

[*English*]

I will just repeat it again in English, perhaps for the fourth time. Maybe I will have some luck with connecting on this one.

Library and Archives Canada operates at arm's length from the government. It does not consult us on its code of conduct. Internally, it has made this decision. If my colleagues have questions about that, they should invite Library and Archives Canada before the parliamentary committee and ask their reasonable questions.

* * *

PUBLIC SAFETY

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, after bashing Canada's natural resource sector and Canadian jobs while in Washington, the Leader of the Opposition made it a priority to visit with convicted cop shooter Gary Freeman.

The Leader of the Opposition continues to defend this admitted and convicted felon and pressed for him to be allowed to come on up and live in Canada, despite the fact that Gary Freeman is a citizen of the United States and was never a citizen or lawful resident of Canada.

Can the Minister of Public Safety tell the House whether our Conservative government supports this reckless and dangerous idea?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, it is truly shameful that when the Leader of the Opposition goes abroad his priority is importing violent criminals into Canada.

Mr. Freeman shot a front-line Chicago police officer, not once, not twice, but three times, leaving that officer permanently paralyzed. These kinds of foreign nationals, convicted of dangerous and violent crimes, are not admissible to Canada.

Reckless policies on immigration, like opposing the faster removal of foreign criminals bill and advocating for those who shoot brave front-line peace—

The Speaker: Order. The hon. member for Beauséjour.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, last Friday I met Maurice Martin, a fisherman from Aldouane, in my riding of Beauséjour. Mr. Martin has been on a hunger strike for 12 days to oppose the unfair changes made under the Conservatives' EI reform. He is doing what the Conservatives refuse to do: he is proudly standing up for—

Some hon. members: Oh, oh!

The Speaker: Order, please.

The hon. member for Beauséjour.

Hon. Dominic LeBlanc: Mr. Speaker, he is doing what the Conservatives will not do: he is standing up for seasonal workers.

Here is what Mr. Martin wants to ask the Prime Minister: why is the government punishing people who work very hard? Why do the Conservatives want to kill communities in Kent County and elsewhere in Canada with their EI reform?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, employment insurance provides financial support to people who have lost their job while they look for a new one. If there is no work available in their area of expertise in their region, employment insurance will continue to be there for them.

* * *

[*English*]

ABORIGINAL AFFAIRS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, Louis Riel was a hero, not a traitor, a father of Confederation, the founder of Manitoba and, many people say, the best member of Parliament that Provencher ever had.

In light of a recent Supreme Court ruling, will the Prime Minister or his designate assure this House and assure the descendants of the Métis of the Red River Settlement that the government will uphold the ruling of the court and respect the outstanding terms and conditions of the terms of union, and end and resolve once and for all 140 years of injustice to the Métis people of Manitoba?

Mr. Greg Rickford (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, for the Canadian Northern Economic Development Agency and for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, the Government of Canada has received the decision and is reviewing it.

Our government has demonstrated its commitment to resolving historical grievances. For instance, we have resolved more than 80 specific claims. We will continue to work with the Canadian Métis to create jobs, economic growth and long-term prosperity for all Canadians.

* * *

● (1505)

PUBLIC SAFETY

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, child sexual abuse is a horrific crime that leaves lasting scars on its victims.

Our Conservative government has taken strong steps to target those who prey on children for sexual gratification. We have raised the age of protection from 14 years to 16 years, strengthened sentences for pedophiles and taken steps to ensure that all those convicted of sexual offences are added to the sex offender registry.

Can the Minister of Public Safety please update the House on the government's plans to keep children, the most vulnerable members of our society, safe from dangerous predators?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, while our government is taking strong action to protect our children from sexual predators, it is clear that more needs to be done to protect children from the heinous crime of sexual abuse.

Our government is committed to protecting children in Canada and abroad from sex offenders. We intend to take further action against international sex tourism and, indeed, we welcome the support of the *Toronto Star*.

Cracking down on sexual offences against children continues to be one of our government's priorities to keep our communities safe, despite the jitters and laughter from the NDP.

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, at the end of question period we will be presenting the following motion and seeking the unanimous consent of the House for its support.

> That this House reaffirm its zero-tolerance policy for all forms of terrorism and that it condemn any attempt to glorify a member of the FLQ found guilty of such criminal activity.

Will the government be supporting our motion, yes or no?

[*Translation*]

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, that goes without saying. There have been consultations, and I am very pleased to see that there will likely be unanimous consent to support this motion. The actions committed at that time are reprehensible. It is very irresponsible for people like Amir Khadir of Québec solidaire to glorify the memory of people with a criminal past.

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, the government has introduced many bills pertaining to justice and public safety, supposedly to give police officers more tools with which to fight crime.

However, by putting an end to the police officers recruitment fund, the government is jeopardizing the existence of many joint forces and specialized squads, particularly in Quebec City and in Montreal, where the Eclipse squad deals directly with criminal groups and violent crime.

Will the Minister of Public Safety take responsibility and ask the Minister of Finance to renew this fund? Police officers, municipalities and the Quebec National Assembly are calling on him to do so.

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, when that program was brought forward, it was made clear to all the provinces that this was a one-time-only police officer recruitment fund. I am pleased to see that it gained so much support from the provinces.

Moving on, I would like to ask that member when she and members of her party, since the NDP who replaced them certainly are not doing it, will come on board and defend and protect our efforts to hold criminals accountable.

* * *

[*Translation*]

THE ECONOMY

Mr. Claude Patry (Jonquière—Alma, BQ): Mr. Speaker, the Conservatives claim to be champions of the economy and give their budgets the misnomer of "economic action plan". This is nothing but smoke and mirrors. The budget allocations are clear: as of this year, the government intends to make $55 million in cuts to Canada Economic Development for Quebec Regions, which invests in companies in every region of the province, including Saguenay—Lac-Saint-Jean. The Conservatives are not going to strengthen the regions' economy by making cuts to their economic development.

Will the government use Thursday's budget as an opportunity to change course and cancel the drastic cuts planned for Canada Economic Development for Quebec Regions?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, as my colleague, the Minister of State for Finance, said, we understand that there is a lot of excitement surrounding the upcoming budget, but there are still three more sleeps. We will find out what is planned on Thursday when the budget is presented.

One thing is for certain, we will stay the course with regard to economic growth and job creation. That is what we always do. To date, 900,000 net new jobs have been created across Canada. We hope that the members of the Bloc Québécois will support the budget, which will go in that direction.

[*English*]

The Speaker: That concludes question period for today.

I understand there have been discussions among representatives of all parties in the House and there is agreement that we now rise and observe a moment of silence to commemorate Constable Jennifer Kovach of the Guelph Police Service, who died in the line of duty on March 14.

[A moment of silence observed]

ROUTINE PROCEEDINGS

● (1510)

[*English*]

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 50 petitions.

* * *

SAFEGUARDING CANADA'S SEAS AND SKIES ACT

Hon. Steven Fletcher (for the Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec) moved for leave to introduce Bill C-57, An Act to enact the Aviation Industry Indemnity Act, to amend the Aeronautics Act, the Canada Marine Act, the Marine Liability Act and the Canada Shipping Act, 2001 and to make consequential amendments to other Acts.

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

* * *

COMMITTEES OF THE HOUSE

PUBLIC ACCOUNTS

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, I have the honour to present, in both official languages, the 12th report of the Standing Committee on Public Accounts in relation to its study of chapter 5, "Oversight of Civilian Aviation—Transport Canada", of the 2012 Spring Report of the Auditor General of Canada. Pursuant to Standing Order 109 of the House of Commons, the committee requests the government table a comprehensive response to this report.

CITIZENSHIP AND IMMIGRATION

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I have the honour to present, in both official languages, the seventh report of the Standing Committee on Citizenship and Immigration entitled, "Standing on Guard for Thee: Ensuring that Canada's Immigration System is Secure". Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this report.

INDUSTRY, SCIENCE AND TECHNOLOGY

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Industry, Science and Technology in relation to its study of the intellectual property regime in Canada. Pursuant to Standing Order 109 of the House of Commons, the committee requests that the government table a comprehensive response to this report.

* * *

KOREAN WAR VETERANS DAY ACT

Mr. Blaine Calkins (Wetaskiwin, CPC) moved that Bill S-213, An Act respecting a national day of remembrance to honour Canadian veterans of the Korean War, be read the first time.

He said: Mr. Speaker, I would like to thank my colleague, the member for Pickering—Scarborough East, for seconding the bill. To my knowledge, he is the only member of Parliament sitting here who has not only had a distinguished military career but is an Afghan war veteran as well. I would like to thank him for his support of the legislation.

I am introducing private member's bill, Bill S-213, an act respecting a national day of remembrance to honour Canadian veterans of the Korean War. The bill would designate July 27 each and every year as Korean War veterans day to remember and honour the courage and sacrifice of Canadians who served in the Korean War. I would like to thank my colleague, Senator Martin, for her active and positive role in this file.

Canada's remembrance of the Korean War is one that should be brought to bear given the significant battles that happened there and the number of Canadians who lost their lives in Korea. Also, given that this is the 60th anniversary of the armistice and the 50th anniversary of diplomatic relations, I would appreciate the support of all members in getting the bill passed speedily in the House.

(Motion agreed to, bill read the first time)

* * *

● (1515)

NORTH KOREA

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, there have been consultations and if you seek it you would find unanimous consent in the House for the following motion on North Korea. I move:

That this House, reaffirming Canada's commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, unequivocally condemns North Korea's recent nuclear test in violation of its international obligations; expresses its grave concern regarding the widespread violations of basic rights in North Korea, including torture and other cruel, inhuman punishment, arbitrary detentions, absence of due process and the rule of law, collective punishments extending up to three generations, and the existence of political prison camps; expresses its grave concern regarding the Government of North Korea's continued pursuit of its nuclear weapons program despite the humanitarian crisis in the country, including mass starvation and prolonged food deprivation; rejects North Korean regime's increasingly aggressive actions, including ballistic missile launches, and attacks against South Korea, which represent a threat to regional and international peace and security; and urges the regime in Pyongyang to abandon its reckless weapons program and instead focus its resources on meeting its citizens' basic humanitarian needs, respecting its citizens' fundamental freedoms and abiding by United Nations Security Council resolutions.

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

Some hon. members: Agreed.

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*]

Hon. Christian Paradis: Mr. Speaker, given what we heard today in question period, I am sure that you will find unanimous consent for the following motion: "That this House reaffirm its zero-tolerance policy for all forms of terrorism and that it condemn any attempt by Amir Khadir of Québec solidaire to glorify a member of the FLQ found guilty of such criminal activity."

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

Some hon. members: No.

The Speaker: There is no unanimous consent.

* * *

[*English*]

TERRORISM

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I think you will find unanimous consent for the following motion, which not 10 minutes ago the minister seemed to indicate he would agree to. I move:

That this House reaffirm its zero-tolerance policy for all forms of terrorism and that it condemn any attempt to glorify a member of the FLQ found guilty of such criminal activity.

This is what we put to the government during question period. It seemed to accede. I think if you seek it now there will be consent from all corners of the House to agree to the motion.

The Speaker: Does the hon. member for Skeena—Bulkley Valley have the unanimous consent of the House to propose the motion?

Some hon. members: Agreed.

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)

Routine Proceedings

PETITIONS

EMPLOYMENT INSURANCE

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I am thrilled to table a petition today that was signed by dozens of people from Prince Edward Island who are profoundly upset about the government's ill-considered changes to the employment insurance program.

The petition was circulated by an amazing group of community activists who have come together as the PEI Coalition for Fair EI. The petitioners are incensed by the lack of consultation and have outlined some of the devastating impacts of the irresponsible and unfair changes made to EI in last year's budget omnibus bill. The petitioners are therefore calling on the Minister of Human Resources and Skills Development to cancel the changes to EI and instead support those Islanders who have lost their jobs through no fault of their own.

While I know that the rules of the House do not allow me to endorse a petition, let me just say that it was a privilege to meet with the PEI Coalition for Fair EI when I was in Charlottetown and that I look forward to continuing to work with it to fix EI.

KOREAN WAR SERVICE MEDAL

Mr. Corneliu Chisu (Pickering—Scarborough East, CPC): Mr. Speaker, as a veteran with service in Afghanistan and on the Year of the Korean War Veteran, which marks the 60th anniversary of the Korean War armistice, I am honoured to present a petition on behalf of the Canadian veterans who fought in the Korean War, the Royal Canadian Legions 606 and 43, and constituents from my riding of Pickering—Scarborough East.

The petitioners are calling on the Canadian government to take the necessary steps in order for the Republic of Korea service medal to be recognized as a war medal of honour and awarded to Korean War veterans.

The Korean War service medal was authorized in 1954 by the South Korean government to all United Nations troops who fought in Korea between June 25, 1950 to July 27, 1953.

● (1520)

EMPLOYMENT INSURANCE

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I am happy to present a petition today signed by over 100 residents from all over New Brunswick condemning the government's changes to employment insurance. The petitioners maintain that the changes will have a very negative effect on seasonal industries and their employees. They are asking the government to reverse this reckless and unfair course.

[*Translation*]

INTERNATIONAL DEVELOPMENT

Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP): Mr. Speaker, today I have the great honour to present an impressive petition calling on the government to cancel budget cuts to international development.

This petition has almost 400 signatures and was given to me at an event held on Parliament Hill that was part of a large campaign to cancel the cuts. I have seen the results of the campaign. I was at the event, which was attended by so many people that they were standing and the room was overflowing. I have seen this campaign unite so many Canadians from across the country who believe that Canada can make a difference in the world and that it has a role to play.

[*English*]

EMPLOYMENT INSURANCE

Hon. Lawrence MacAulay (Cardigan, Lib.): Mr. Speaker, I rise to present a petition on behalf of a number of Prince Edward Islanders who also wish to petition the Minister of Human Resources and Skills Development against the proposed changes to employment insurance.

The petitioners have a large number of concerns. However, they indicate that the government did not consult those who would be hurt by the proposed changes that force people to drive unreasonable distances in order to obtain employment and take 50¢ of every dollar that they would earn from the first hour that they work while on EI, which would just create poverty.

The residents of Prince Edward Island ask the Minister of Human Resources and Skills Development to cancel the proposed changes to the employment insurance program.

[*Translation*]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, I am tabling a petition to oppose some provisions of the budget that are against employment insurance. I am referring to the definition of suitable employment and reasonable efforts, and the creation of a social security tribunal. We believe that these measures will be detrimental to regional development and Canada's economy.

[*English*]

RAIL TRANSPORTATION

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, hundreds of people from Guelph, Kitchener, Waterloo, Sarnia and Grand Bend, Petrolia, St. Marys, London and throughout southwestern Ontario are deeply concerned about cuts to rail service from VIA Rail Canada. They are calling on the government to reverse its cuts to VIA Rail in the budget and re-enable optimal rail passenger service as it affects students, seniors and residents of smaller communities, and is an affordable, convenient and ecological travel alternative.

SEARCH AND RESCUE

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, I rise to present three petitions.

The first is from thousands of Canadians who are calling on the government to save the Kitsilano Coast Guard station. The petitioners call on the government to rescind the decision and reinstate full funding to maintain the Coast Guard station in Kitsilano.

SHARK FINNING

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, thousands of Canadians also call for a ban on the importation of shark fin to Canada.

EXPERIMENTAL LAKES AREA

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, finally thousands of Canadians also call on the government to save Canada's leading freshwater research institute. They want the government to reverse the decision to close the ELA research station.

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, I have two petitions today.

With the looming deadline of March 31 and despite the fact that buildings are already being bulldozed at the ELA, we are still receiving hundreds of petitions imploring the government to rethink its foolish decision to close the ELA and to continue the staffing and funding for the Experimental Lakes Area.

RAIL TRANSPORTATION

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, the second petition is in support of my "revive Superior rail" motion, calling for the re-establishment of passenger rail service on the north shore of Lake Superior and across Canada.

[*Translation*]

THE ENVIRONMENT

Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, I would like to table two petitions today.

First, I would like to table a petition on behalf of my hon. colleague, the member for Argenteuil—Papineau—Mirabel. The petition is in support of a motion to help Canadians who have septic systems in order to safeguard our environment and public health. I am pleased to table this petition.

● (1525)

CITIZENSHIP AND IMMIGRATION

Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, I would also like to table a petition in support of a family from my riding that has been extradited. The petition was signed by people in my riding who want the family to remain in Canada. I believe it is important to table this petition.

[*English*]

EXPERIMENTAL LAKES AREA

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is with pleasure that I table a petition signed by many Manitobans who are truly concerned about the hundreds, if not thousands, of lakes in the province of Manitoba and beyond. The petitioners are calling upon the government to reverse the decision to close the ELA research station, recognizing that the Experimental Lakes Area provides wonderful research that is necessary to protect our freshwater lakes and our environment.

[*Translation*]

THE ENVIRONMENT

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I would also like to table a petition concerning the protection of water and the health of the environment. The petition is in support of Motion No. 400, moved by the hon. member for Argenteuil—Papineau—Mirabel, which proposes helping individuals in rural areas who need to bring their septic systems up to standard.

This is unfair. We give help to city dwellers, but we are not doing the same for people in rural areas. That is why I am presenting this petition.

[*English*]

EXPERIMENTAL LAKES AREA

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I join the parade of MPs today putting forward petitions from Canadians asking for the saving of the ELA freshwater research station, and asking the government to change its decision to close this great facility.

HOMES NOT CONNECTED TO A SANITATION SYSTEM

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Mr. Speaker, I am very glad to present this petition in the House today. It is signed by Canadians from every province in the country, supporting my Motion No. 400. This is a national issue, which is important in all rural communities across the country. I hope that on Wednesday our members of Parliament on the Conservative side will be voting in favour of the motion on behalf of their constituents.

LYME DISEASE

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise today to present two petitions.

The first is primarily from residents of Langley and Maple Ridge, British Columbia who are urging the House to support the private member's bill I put forward. Bill C-442 proposes a national Lyme disease strategy.

Canadians from coast to coast support this. Also, I hear from so many members of Parliament, on all sides of the House, who are hearing from their constituents of the debilitating, really dreadful symptoms, which are quite often misdiagnosed. Pulling together to ensure a national Lyme disease strategy would put us on the right path.

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the second petition comes from residents of Salt Spring Island, within my own constituency.

The petitioners call on the House to take action along the lines of the bill that passed in the House of Commons, but was defeated in the Senate, the former Bill C-311. They urge the government to take action to reduce greenhouse gases to the levels that science recommends, moving as rapidly as possible to 90% reductions below 1990 levels by 2050.

[*Translation*]

GATINEAU PARK

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Mr. Speaker, I would like to present two petitions.

The first is a request from dozens of Canadians who want legislation that would protect and preserve Gatineau Park.

EMPLOYMENT INSURANCE

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Mr. Speaker, I have a second petition, which I feel very strongly about as a representative of eastern Quebec. It calls for the current employment insurance reform to be suspended. Very few people in my region, if any, were consulted. That includes large industries that generate billions of dollars each year.

* * *

[*English*]

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, the following questions will be answered today: Nos. 1137, 1144 and 1152.

[*Text*]

Question No. 1137—**Mr. Scott Andrews**:

> With regard to the Department of Foreign Affairs and International Trade and the Canadian embassy in Ireland: (*a*) what guests visited the embassy and met with the Ambassador, between December 1, 2010, and December 1, 2012, including the (i) home address of each visitor, (ii) date of the visit, (iii) purpose of the visit; and (*b*) what entertainment or hospitality expenses were incurred for each visit?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, the mandate of Foreign Affairs and International Trade Canada is to manage Canada's diplomatic and consular relations and to encourage the country's international trade. This includes ensuring that Canada's foreign policy reflects Canadian values; advancing Canada's national interests; strengthening rules-based trading arrangements and expanding free and fair market access at bilateral, regional and global levels; and working with a broad range of partners inside and outside government to increase economic opportunities and enhance security for Canadians and Canadian businesses.

The Embassy of Canada to Ireland, under the leadership of the ambassador, seeks to advance these priorities by representing Canada's interests in Ireland. Indeed, as stated on the embassy's website: "In recent years, shared values and interests have provided the basis for a further strengthening of the Canada-Ireland relationship, particularly in meeting the challenges of domestic and global governance. There is a growing dialogue and increased co-operation and sharing of 'best practices' on development assistance, education, parliamentary reform, health care, and in other social and economic policies."

With regard to part (a), on any given day, the ambassador will meet both formally and informally with a number of individuals including, but not limited to, private or official Government of Canada business, academic or trade delegations, diplomatic counterparts, tourists, or Canadians seeking consular assistance. Thus, these visits are not formally tracked to the level of detail requested. It is also important to note that the names and home addresses of guests, and possibly the purpose of their visit to the embassy, are considered personal information and is subject to the provisions of the Privacy Act.

With regard to (b), as part of regular reporting requirements, a list of travel and hospitality expenses for the Embassy of Canada in Ireland can be found on the department's website: http://w03.international.gc.ca/dthe-dfva/Year-Annee.aspx?lang=eng&dept=-FAAE&prof_id=457

Question No. 1144—**Mr. Ted Hsu**:

With regard to Correctional Services Canada: (*a*) how many inmates can currently be accommodated at the Regional Treatment Centre (RTC) in Kingston; (*b*) how many inmates are expected to be accommodated in the psychiatric facility to be established at Bath Institution; (*c*) how many inmates are expected to be accommodated in the psychiatric facility to be established at Milhaven Institution; (*d*) how many beds are currently at the RTC in Kingston and how are they broken down in terms of single occupancy units, double occupancy units, and multiple occupancy units; (*e*) how many beds are expected to be available in the psychiatric facility to be established at Bath Institution and how are they broken down in terms of single occupancy units, double occupancy units, and multiple occupancy units; (*f*) how many beds are expected to be available in the psychiatric facility to be established at Milhaven Institution and how are they broken down in terms of single occupancy units, double occupancy units, and multiple occupancy units; (*g*) how many locked pharmacies are currently established at the RTC in Kingston; (*h*) how many locked pharmacies are expected to be set up in the psychiatric facility to be established at Bath Institution; (*i*) how many locked pharmacies are expected to be set up in the psychiatric facility to be established at Milhaven Institution; (*j*) how many common rooms are currently at the RTC in Kingston; (*k*) how many common rooms are expected to be set up in the psychiatric facility to be established at Bath Institution; (*l*) how many common rooms are expected to be set up in the psychiatric facility to be established at Milhaven Institution; (*m*) how many private interview spaces are currently at the RTC in Kingston; (*n*) how many private interview spaces are expected to be set up in the psychiatric facility to be established at Bath Institution; (*o*) how many private interview spaces are expected to be set up in the psychiatric facility to be established at Milhaven Institution; (*p*) how many cubicles are currently at the RTC in Kingston; (*q*) how many cubicles are expected to be set up in the psychiatric facility to be established at Bath Institution; (*r*) how many cubicles are expected to be set up in the psychiatric facility to be established at Milhaven Institution; (*s*) given that corrections officers at RTC received instruction from clinical staff to ensure that they would be able to work safely and effectively with inmates with psychiatric illness, will the officers at Bath and Milhaven receive similar instruction; and (*t*) how many officers from RTC will be directly transferred to work exclusively at the new RTC at Bath or Millhaven?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, with regard to (a), the current Regional Treatment Centre, RTC, can accommodate 143 inmates, plus five more in observation cells if required. As of January 24, 2013, there were 121 inmates at the RTC.

With regard to (b), 96 inmates are expected to be accommodated in the new RTC at Bath Institution.

With regard to (c), 26 inmates are expected to be accommodated in the new RTC at Millhaven Institution.

With regard to (d), there are 143 beds at the current RTC; all are in single cells. As of January 24, 2013, there were 121 inmates at the RTC.

With regard to (e), there will be 96 beds at the new RTC at Bath Institution, all single cells.

With regard to (f), there will be 26 beds at the new RTC at Millhaven Institution, all single cells.

With regard to (g), there is one pharmacy and five locked medication dispensaries at the current RTC.

With regard to (h), there will be no pharmacy at the new RTC at Bath Institution; however, there will be a locked medication dispensary.

With regard to (i), there will be no pharmacy at the new RTC at Millhaven Institution; however, there will be a locked medication dispensary.

With regard to (j), there are eight common rooms at the current RTC.

With regard to (k), there will be four common rooms in the new RTC at Bath Institution to accommodate eight ranges of offenders.

With regard to (l), there will be no common rooms for the new RTC at Millhaven Institution; however there will be space available within the institution as required.

With regard to (m), it is difficult to specify the exact number at the current RTC, as offices are often used for the purpose of private interviews.

With regard to (n), there will be four multi-purpose rooms to be used for private interview rooms at the new RTC at Bath Institution as part of the new general purpose building specific to the treatment centre needs.

With regard to (o), there will be a sharing of current private interview space at Millhaven Institution that will be available for both Millhaven and RTC staff.

With regard to (p), there are currently no cubicles at the current RTC.

With regard to (q), there will be 16 cubicles for staff at the new RTC at Bath Institution.

With regard to (r), there will not be any specific cubicles for staff at the new RTC at Millhaven Institution.

With regard to (s), correctional officers at the new RTCs, at both Bath and Millhaven Institutions, will receive the exact same instruction on working with inmates with psychiatric illness.

With regard to (t), the correctional officer deployment standards for both sites have not yet been finalized.

Question No. 1152—**Ms. Kirsty Duncan**:

> With respect to the government's answering of Order Paper questions: (*a*) how many times last year did the government estimate the cost of answering an Order Paper question, and as a result of the cost, did not provide an answer to the Order Paper question; (*b*) for each instance identified in (*a*), (i) what was the question, (ii) who did the analysis, (iii) how much time did it take to do the analysis, (iv) how was the estimate calculated; (*c*) for each instance identified in (*a*), (i) were consultants hired, (ii) if so, what was their hourly rate; (*d*) for each instance identified in (*a*), if consultants were not hired, was providing answers to Order Paper questions part of the regular job duties of the individual(s) involved in preparing the answer; (*e*) how many times last year did government Members ask for an estimate of the cost to answer an opposition Member's Order Paper question; and (*f*) for each instance identified in (*e*), (i) what was the question, (ii) who did the analysis, (iii) how much time did it take to do the analysis, (iv) how was the estimate calculated?

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC: Mr. Speaker, with regard to (a) and (b), during this Parliament the Government of Canada has answered over 1,100 order paper questions, which, combined, contained several thousand subquestions, and it would require an extensive manual search to determine the number of times when the government could not fully answer a question.

Government organizations assigned to produce responses to order paper questions must first assess whether the information requested is available and can be obtained from information systems or other types of sources. Organizations also take into account the deadline for producing the response to a particular order paper question—i.e., in almost all cases, order paper questions call for a response within 45 calendar days as specified under Standing Order 39 of the House of Commons. If no relevant and reliable information is found, the government will respond that it cannot answer. Where the research would require significant organizational resources and an extensive manual search of paper files, an organization may respond that it cannot answer the question in the time available. In these cases, the government response usually provides a reason. The estimated cost of producing the response is not the determining factor, and there is no specified limit on the cost of producing a government response. The estimated cost of a response is calculated based primarily on the time spent researching and drafting the government response.

With regard to (c) and (d), government responses to order paper questions are usually researched and drafted by officials within the organization who have expertise in the subject matter of the question. The Privy Council Office does not track the use of consultants to produce government responses.

With regard to (e), to date during the 41st Parliament, the member for Fort McMurray—Athabasca has placed three questions on the order paper requesting the estimated cost for producing government responses to a range of order paper questions.

With regard to (f)(i), the three questions were as follows:

Q-385 — December 12, 2011—For questions Q-1 through Q-376 on the order paper, what is the estimated cost of the government's response to each question? Q-512 — March 8, 2012—With regard to questions Q-386 through Q-509 on the order paper, (a) what is the estimated cost of the government's response to each question; and (b) what is the estimated cost of the government's response to this question? Q-901 — September 24, 2012—With regard to questions Q-513 through Q-818 on the order paper: (a) what is the estimated cost of the government's response to each question; and (b) what is the estimated cost of the government's response to this question?

With regard to (f)(ii), each organization estimated the cost of producing its response to the order paper questions listed in Q-385, Q-512 and Q-901.

The Privy Council Office compiled the cost estimates provided by each organization to produce the government responses to Q-385, Q-512 and Q-901.

With regard to (f)(iii), it took the Privy Council Office approximately 37.5 hours to compile the cost estimates reported in the response to Q-512 and 94.5 hours to compile the cost estimates reported in the response to Q-901. This information was not compiled for the response to Q-385.

With regard to (f)(iv), organizations use the following guideline to estimate the costs of producing government responses: the total number of hours spent by officials, generally subject-matter experts, who researched, drafted, reviewed and approved a response and the related Statement of Completeness, not including coordination activities by departmental Parliamentary Affairs staff or review by ministers' offices; and the cost of translating the response into the second official language for tabling in the House of Commons.

The estimated salary cost of producing a government response is based on 80% of an analyst position with a PM-06 mid-range annual salary, salary cost of $89,000, plus 20% of an executive's time with an EX-01 mid-range annual salary, salary cost of $26,880, for a total estimated annual salary of $116,160, or $60.00 per hour. These salary costs include the 20% cost of employee pension and benefits.

The total cost of producing government responses to the 624 order paper questions listed in Q-385, Q-512 and Q-901 is $2,892,744.65.

* * *

● (1530)

[*English*]

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. 1113, 1122, 1129, 1130, 1131, 1135, 1139, 1140, 1141, 1142, 1143, 1149, 1150, 1153, 1154 and 1155 could be made orders for returns, these returns would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 1113—**Mr. Kevin Lamoureux**:

With regard to government announcements on or around November 23, 2012, in relation to changes to the travel.gc.ca website: (*a*) what were the total travel and accomodation costs associated with the announcements or related meetings and events for all individuals who participated, including those of staff members or other government employees; (*b*) other than travel and accomodation costs, what were all other costs for (i) the Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario in Ottawa, (ii) the Parliamentary Secretary to the Minister of Foreign Affairs in Calgary, (iii) the Minister of State for Foreign Affairs (Americas and Consular Affairs) in Toronto, (iv) the Minister of Natural Resources in Montreal, (v) any other Minister or Parliamentary Secretary; and (*c*) other than travel and accomodation costs, what were all the costs for persons named in (i) through (v) in any other locations?

(Return tabled)

Question No. 1122—**Mr. David McGuinty**:

With respect to government buildings in the National Capital Region; (*a*) what are the buildings in which federal employees work, specifying the municipal address; and (*b*) what is the number of indeterminate federal employees and of term federal employees who work in each of those buildings?

(Return tabled)

Question No. 1129—**Hon. John McCallum**:

With regard to the government's Strategic and Operating Review, broken down by department: (*a*) what are every initiative that saves money by transferring employees from one physical location to another and for each such initiative, what is the (i) the task or function performed by the employee, (ii) the number of employees being transferred; (*b*) for each of these positions, what is the: (i) the position's current classification, (ii) the anticipated pay classification after the transfer; (*c*) what is the current of location of jobs; (*d*) what is the new location of jobs; (*e*) what are the expected savings; and (*f*) what are the expected costs to complete transfer of positions?

(Return tabled)

Question No. 1130—**Hon. John McCallum**:

Since January 1, 2006, what are the particulars, including the nature of any claim or legal action, amount, date of payment, and government official to whom the payment was made, of all legal fees paid in accordance with (i) section 8.6.1 of the Policies for Ministers Offices, (ii) section 6.1.14 of the Policy on Legal Assistance and indemnification, (iii) predecessor provisions to either of these two sections?

(Return tabled)

Question No. 1131—**Hon. John McCallum**:

With regard to government communications: (*a*) for each press release containing the phrase "Harper government" issued by any government department, agency, office, Crown corporation, or other government body, since September 21, 2012, what is the (i) headline or subject line, (ii) date, (iii) file or code-number, (iv) subject-matter; (*b*) for each such press release, was it distributed (i) on the web site of the issuing department, agency, office, Crown corporation, or other government body, (ii) on Marketwire, (iii) on Canada Newswire, (iv) on any other commercial wire or distribution service, specifying which service; and (*c*) for each press release distributed by a commercial wire or distribution service mentioned in (*b*)(ii) through (*b*)(iv), what was the cost of using that service?

(Return tabled)

Question No. 1135—**Mr. Sylvain Chicoine** :

With regard to the Government Employees Compensation Act and the financial compensation provided to injured reservists by the Department of National Defence and the Canadian Forces between 2006 and 2012: (*a*) how many Canadian Forces reservists were injured during service between 2006 and 2012, sorted by year and province; (*b*) how many Canadian Forces reservists injured during service were medically released between 2006 and 2012; (*c*) how many Canadian Forces reservists injured during service had their injuries declared to Human Resources and Skills Development Canada (HRSDC) by the Canadian Forces between 2006 and 2012, sorted by year and province; (*d*) how many declarations of injury during service for Canadian Forces reservists were made to provincial workers' compensation authorities by HRSDC between 2006 and 2012; and (*e*) of those who were medically released between 2006 and 2012, how many are receiving a disability pension?

(Return tabled)

Question No. 1139—**Mr. Scott Andrews**:

With regard to Department of Foreign Affairs and International Trade officials who work in the department and who met with Mr. Loyola Sullivan of Ocean Choice International between June 1, 2011, and May 10, 2012: (*a*) what are the names of the officials, broken down by (i) deputy ministers, (ii) associate deputy ministers, (iii) senior assistant deputy ministers, (iv) assistant deputy ministers, (v) directors, (vi) managers; (*b*) what is the functioning title of the officials in (a); and (c) what were the (i) date of the meetings, (ii) location of the meetings, (iii) topics discussed, (iv) details of any briefing notes or materials prepared or used for the meetings?

(Return tabled)

Question No. 1140—**Mr. Scott Andrews**:

With regard to federal grants and contributions, what were the amounts paid out in the riding of Avalon between April 1, 2011, and December 10, 2012, broken down by the (i) identity and address of each recipient, (ii) start date for the funding, (iii) end date for the funding, (iv) amount allocated, (v) name of the program under which the funding was allocated?

(Return tabled)

Question No. 1141—**Hon. John McKay**

With regard to the National Shipbuilding Procurement Strategy: (*a*) what are the details of the winning bids submitted by Seaspan and Irving Shipbuilding; (*b*) why were the winning bids not asked to submit cost estimates for any of the vessels; (*c*) where did the government's original $33 billion estimate come from and how was it calculated; (*d*) have cost estimates been discussed with the winning bidders subsequent to the awarding of the contracts; (*e*) which companies, if any, has the government contacted or been contacted by, regarding contracts relating to the winning bids; (*f*) does the government have any other cost estimates produced by either a government department or independent source regarding the winning bids; (*g*) with respect to the Seaspan bid, is $2.6 billion the only cost estimate that the government is in possession of; (*h*) with respect to the Irving bid, is $3.1 billion the only cost estimate that the government is in possession of; (*i*) with respect to the Armed Arctic Patrol vessels, what is the operational and service cost estimate for both the Arctic Patrol Ships and Replenishment ships and over what period of time; (*j*) has the government created an estimate of the operational and sustainment costs for a period greater than a 25 year lifespan for the vessels; (*k*) does the Navy currently have adequate personnel to man and operate the ships once they enter service without compromising current operational capabilities and readiness; (*l*) by what date does the government expect to take delivery of the first Arctic Patrol Ship and the first Replenishment Ship; and (*m*) by what date does the government expect to take delivery of the full fleet of both the Arctic Patrol Ships and Replenishment Ships?

(Return tabled)

Question No. 1142—**Hon. John McKay**:

With regard to the National Shipbuilding Procurement Strategy for combat ships (destroyers and frigates, as per the Canada First Defence Strategy which states that Canada will be procuring 15 combat ships): (*a*) to date, what bids has the government received; (*b*) what is the government's current cost estimate to procure the 15 combat ships and does the government still plan on procuring 15 of these ships; (*c*) is the government in possession of any other cost estimates for combat ships, other than the ones they have made public; (*d*) will the bidders for the combat ships be asked to submit cost estimates; and (*e*) what are the estimated costs for the combat ships?

(Return tabled)

Question No. 1143—**Hon. John McKay**:

With regard to the procurement of the Joint Strike Fighter (JSF): (*a*) how much money has the government spent on project development; (*b*) how much money has the government spent on communications material including, but not limited to, (i) website services, (ii) printed material, (iii) media releases, (iv) staff and consultants, (v) other advertising material; (*c*) how many press conferences or announcements involving either a Minister, Parliamentary Secretary or member of the government have been (i) held, (ii) where were they held, (iii) at what cost; and (*d*) what is the cost of travel for Ministers and Parliamentary Secretaries to and from announcements regarding the F-35 Joint Strike Fighter?

(Return tabled)

Question No. 1149—**Mr. Kennedy Stewart**:

With regard to the emigration of skilled Canadian workers: (*a*) how does the government measure the emigration of Canadian workers skilled in fields related to science and technology; (*b*) how does the government measure the number of Canadian-educated post-graduates in fields related to science and technology that take up employment outside of Canada; (*c*) what programs are in place to retain Canadian-educated post-graduates in fields related to science and technology and how is the effectiveness of these programs measured and publicly reported; (*d*) what measures are used to support government claims that the "brain drain" in science and technology fields is being reversed; (*e*) what consultation has taken place within the past year with those in the science and technology communities to address concerns about emigration of skilled Canadian workers; (*f*) how many research labs and facilities undertaking basic research are currently receiving tri-council funding; and (*g*) how many facilities currently receiving tri-council funding, barring the application and approval for new sources of tri-council funding, will no longer be receiving any tri-council funding once their current term for existing grants has expired?

(Return tabled)

Question No. 1150—**Mr. Brian Masse**:

With regard to the Vehicle and Cargo Inspection System on the Canadian Pacific Railway line in the City of Windsor, Ontario: (*a*) how much money has this unit cost Canadian taxpayers to date; (*b*) how many inspections have taken place annually since it began operating; and (*c*) how many inspections have led to detainment, charges and convictions in each of those years?

(Return tabled)

Question No. 1153—**Ms. Kirsty Duncan**:

With respect to the government's answering of access to information requests: (*a*) how many times last year did the government fail to answer an access to information request within (i) 45 days, (ii) 90 days, (iii) 135 days, (iv) 180 days, (v) 225 days, (vi) 270-plus days; and (*b*) for each question which took over 180 days to answer as identified in (*a*)(iv), (*a*)(v) and (*a*)(vi), (i) what was the question, (ii) how much time did it take to provide an answer?

(Return tabled)

Question No. 1154—**Ms. Libby Davies**:

With regard to medications used in federal prisons: (*a*) what prescription drugs are listed on the national drug formulary for Canadian federal prisons; (*b*) how frequently are each of the drugs on this national formulary prescribed to prisoners; and (*c*) how many prisoners were prescribed the anti-psychotic drug Seroquel (Quetiapine)?

(Return tabled)

Question No. 1155—**Ms. Kirsty Duncan**:

With respect to the Process Working Group (PWG) (formerly the Consultative Steering Committee) for the government's greenhouse gas regulation development for the oil and gas sector: (*a*) is the PWG still in operation and, if not, when did it cease to operate; (*b*) what is/was the membership of the PWG, including the name and the affiliation of each member; (*c*) what specific framework elements of a regulatory approach are/were being considered; (*d*) what principles under which the performance standards will be developed are/were being considered; (*e*) what scope and stringency of the performance standards are/were being considered; (*f*) what compliance mechanisms are/were being considered; (*g*) what architectural approaches in the development of sub-sector performance standards are/were being considered; (*h*) is/was carbon pricing being considered and, if so, what are/were the specific considerations; (*i*) how many meetings have taken place to date and for each meeting, (i) what was the date, (ii) who was in attendance, (iii) where did the meeting occur, (iv) what was the agenda; (*j*) when will oil and gas sector greenhouse gas regulations be ready to publish in Canada Gazette 1, and why were they delayed from the end of 2012; and (*k*) when (month and year) are oil and gas regulations scheduled to come into force?

(Return tabled)

[*English*]

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

PRIVILEGE

MINISTER OF HUMAN RESOURCES AND SKILLS DEVELOPMENT—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised on February 25, 2013, by the House leader of the official opposition about statements made by the Minister of Human Resources and Skills Development during oral questions on February 1, 2013.

[*Translation*]

I would like to thank the hon. House Leader of the Official Opposition for having raised this matter, as well as the Minister of Human Resources and Skills Development, the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons and the hon. member for Toronto Centre for their comments.

[*English*]

The opposition House leader charged that the Minister of Human Resources and Skills Development had deliberately misled the House when, in response to a question about the existence of quotas for Service Canada employees investigating employment insurance claims, she stated that "Departmental employees do not have individual quotas" and "...there are no individual quotas for employees of HRSDC who are looking at EI". He stated that the minister's response is at odds with media reports describing the contents of employee performance agreements and that in his view it is clear that a quota program exists in her department, even if quotas are called objectives or targets.

[*Translation*]

In response, in a statement to the House on February 26, the minister countered that Service Canada does not have quotas for staff but, rather, performance targets. She stated:

> There is a clear difference between a quota and a target, and that is simply that there are no negative consequences for staff who fail to meet targets.

Insisting that her statements had been neither misleading nor contradictory, she characterized the disagreement over terminology as a matter of debate.

[*English*]

Having carefully reviewed the matter, it appears to me that the Chair is being asked to examine and define certain terminology to determine if the minister has deliberately misled the House. However, I am limited to the role that the House allows the Speaker to play and to cast the Chair as the interpreter of the meaning of what was said is to go beyond that role.

[*Translation*]

On February 26, 2004, at page 1076 of the *House of Commons Debates*, Speaker Milliken pointed out that:

> As hon. members know, it is not the Speaker's role to adjudicate on matters of fact. This is something on which the House itself can form an opinion during debate.

[*English*]

In another ruling, on January 31, 2008, which can be found at pages 2434 and 2435 of the *Debates*, Speaker Milliken also stated:

> Any dispute regarding the accuracy or appropriateness of a minister's response to an oral question is a matter of debate; it is not a matter for the Speaker to judge.

Our parliamentary practice sets a very high threshold for the Speaker to make a prima facie finding of privilege in cases like the one before us. This was acknowledged by the hon. opposition House leader in his intervention and I also referred to this threshold on May 7, 2012, at page 7650 of *Debates*, in ruling on a similar matter, when I stated:

> ...one, it must be proven that the statement was misleading; two, it must be established that the member making the statement knew at the time that the statement was incorrect; and three, that [it must be proven that] in making the statement, the member intended to mislead the House.

[*Translation*]

Furthermore, Speaker Milliken, in a ruling made on April 21, 2005, at page 5412 of the *House of Commons Debates*, reminded the House of a key element to consider when finding a prima facie instance of privilege. He said:

> In the present case, I must determine whether the minister's responses in any way impeded members in the performance of their parliamentary duties and whether the remarks were intentionally misleading.

[*English*]

Taken together, these precedents demonstrate the demanding threshold established by our practice before the Chair can arrive at a prima facie finding of privilege. *House of Commons Procedure and Practice*, second edition, at page 510, summarizes the approach very well when it states:

[*Translation*]

> In most instances, when a point of order or a question of privilege has been raised in regard to a response to an oral question, the Speaker has ruled that the matter is a disagreement among Members over the facts surrounding the issue. As such, these matters are more a question of debate and do not constitute a breach of the rules or of privilege.

[*English*]

In the current situation, the Chair is faced with just such a disagreement over the facts, and the evidence presented to support the contention that the minister has deliberately misled the House falls short of the threshold required in cases of this kind.

Accordingly, given the precedents cited and our practice in circumstances of this kind, the Chair cannot find a prima facie question of privilege in this case.

I thank all members for their attention.

I understand the hon. Minister of Justice is rising to make further points to the question of privilege raised before the break.

● (1535)

DEPARTMENT OF JUSTICE

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Speaker, I rise to respond to the question of privilege that was raised shortly before the recent constituency week. The member referred to allegations made by an official in the Department of Justice, which are currently the subject of litigation before the Federal Court. He has said that if those allegations are true, then the House was misled. I firmly reject that insinuation.

In the government House leader's remarks made in immediate response, he noted three procedural objections from the outset to this question of privilege: first, that it was not brought at the earliest opportunity; second, that it pertained to a question of law; and third, that the *sub judice* convention ought to be considered.

As noted by my hon. colleague, the plaintiff filed a statement of claim in the Federal Court on December 14, 2012. A motion in relation to this judicial proceeding was heard in Federal Court on January 15, 2013, leading to a series of newspaper articles and other stories about this case in the days following. However, no question of privilege was raised when the House reconvened on January 28, 2013.

When I appeared before the Standing Committee on Justice and Human Rights on February 6, in relation to Bill S-9, the hon. member for Gatineau questioned me about section 4.1. The hon. member for Winnipeg Centre had yet to bring forward his question of privilege, despite his colleague, the NDP's justice critic, being prepared to participate in a thorough discussion on the subject.

Moreover, I understand that the reporting requirement of section 4.1 has come up in no fewer than five different debates on the floor of the House since the start of 2013. Suffice to say, the hon. member could have raised his question much sooner than March 6, 2013.

The second matter raised by the government House leader was that the issue before us is a question of law.

Citation 168(5) of *Beauchesne's Parliamentary Rules and Forms*, sixth edition, advises that the Speaker "will not give a decision upon a constitutional question nor decide a question of law, though the same may be raised on a point of order or question of privilege". This is a long-settled proposition.

The same statement is declared at page 180 of Sir Jean Bourinot's *Parliamentary Procedure and Practice in the Dominion of Canada*. That book was published in 1916. The principle recited can be traced through many Speakers' rulings.

Mr. Speaker Milliken ruled on December 12, 2012, at page 2600 of the *Debates*, on a dispute about whether certain content in the Public Accounts accorded with the requirements of the Financial Administration Act. On this, your predecessor, Mr. Speaker, said:

> It is not of course for the Speaker to decide if the agency is acting in compliance with the law. As I have had occasion to mention in several recent rulings, it is a long-accepted principle that the Speaker does not pronounce on points of law.
>
> There is clearly a difference of opinion...concerning interpretation of the legalities flowing from the facts of this case. That is a matter for debate and a variety of different opportunities are available by which the matter can be raised in this chamber or in committee. There is no procedural issue here and so I need not elaborate on that further.

Mr. Speaker Fraser's ruling on October 9, 1990, page 13620 of the *Debates* lends itself well to the allegations here. He said:

> —it is not for the Speaker of the House to rule on constitutional matters. It is not for the Speaker of the House to try to interpret at any given time different legal opinions that may be expressed across the country.

Deputy Speaker Lucien Lamoureux, as he then was, declined to answer a question of whether a bill came within the constitutional jurisdiction of the Parliament in a ruling on October 25, 1963, at page 488 of the Journals. The authorities he quoted included even an 1864 decision of Mr. Speaker Wallbridge of the Legislative Assembly of the Province of Canada.

Far more recently, though, is a ruling which you, Mr. Speaker, delivered on October 24, 2011, starting at page 2404 of the *Debates*, respecting C-18, the Marketing Freedom for Grain Farmers Act. You summarized the position in which you found yourself then and, I would submit, where you are now:

> —it is important to delineate clearly between interpreting legal provisions of statutes—which is not within the purview of the Chair—and ensuring the soundness of the procedures and practices of the House when considering legislation—which, of course, is the role of the Chair.

● (1540)

The final point noted by the government House leader is that the allegations referred to by the member for Winnipeg Centre are before the courts. Until the matter is resolved, this House should exercise its usual restraint and avoid prejudging or prejudicing the outcome of the case in which I, as Attorney General of Canada, am a party. Nonetheless, I am compelled to respond to the case argued.

In the present circumstances, finding a prima facie case of privilege would require that there be some evidence that the House and its members have been impeded in carrying out their parliamentary duties. Despite the hon. member's allegations, he admitted in his submission that he has "no evidence to suggest that the incumbent Minister of Justice nor any of his predecessors have deliberately provided inaccurate information to the House, even implicitly".

Page 141 of *House of Commons Procedure and Practice*, second edition, observes, on questions of privilege:

> The function of the Speaker is limited to deciding whether the matter is of such a character as to entitle the Member who has raised the question to move a motion which will have priority over Orders of the Day.

To accomplish this, the member for Winnipeg Centre would seek to have the Speaker rely upon the unproven and untested allegations made by a plaintiff in a court proceeding. I would respectfully submit that if this is to become the threshold for setting aside the business of the House sponsored by members, whether they be ministers or private members, we could easily paralyze the business of Parliament by taking up any number of litigants' unproven and untested statements of claim. Therefore, I discourage you, Mr. Speaker, from making a finding of a prima facie case of privilege on that basis.

However, it is incumbent upon me to explain why the member for Winnipeg Centre has not made such a case. While I exercise my statutory responsibilities with the assistance of officials, the duty to examine government legislation under the Department of Justice Act and the Canadian Bill of Rights is mine, as Minister of Justice. It is a duty that I, of course, take very seriously. As I will explain, this government has never introduced any legislation that I believe was inconsistent with the Canadian Charter of Rights and Freedoms or the Canadian Bill of Rights.

As to the manner in which I exercise that responsibility, my statutory duty is owed to the House of Commons. Our proceedings make this clear on a daily basis. As Minister of Justice, I regularly answer questions in the House and appear before parliamentary committees studying government legislation. Members can and do ask me questions about the constitutionality of government bills. For example, the hon. member for Mount Royal, a former Attorney General, has, on at least three separate occasions, asked a series of detailed written questions. However, my officials and I are legal advisers to the Crown and not to the House of Commons. As a minister of the Crown, I appear in this House and in committees to explain the government's legal position on the legislation it has introduced, but I am not the House's exclusive source of legal information. Members can and often do receive legal opinions from the law clerk and parliamentary counsel as well as the views or submissions of law professors and other members of the bar who appear before committees to assist them in evaluating the legislation being considered. A similar process unfolds in the other place.

My approach to the constitutionality of government legislation is consistent with that of my predecessors and is a matter of public record. Under the Department of Justice Act, as the Minister of Justice, I am the official legal adviser to the Governor General and the legal member of the Queen's Privy Council for Canada. One of my responsibilities is to examine government bills presented to the House of Commons and to ascertain whether they are inconsistent with the purposes of the Canadian Charter of Rights and Freedoms and to report any such inconsistency to the House of Commons. The Canadian Bill of Rights requires me to conduct a similar review for inconsistency.

● (1545)

The notion that Parliament has somehow been misled reflects a misunderstanding of how the system actually works. Proposed government legislation is reviewed for charter and other legal risks throughout the policy and legislative development processes. The process of examining government legislation for compliance is dynamic and ongoing. Section 4.1 is only one part of a broader process that involves three distinct components: advisory, certification and reporting.

The advisory component takes places throughout the policy development process, up to and including the introduction of legislation. This typically begins with the development of the policy proposal by government departments. It continues as the proposal is refined, as options are developed and put before ministers and throughout the legislative drafting process.

Senior officials, up to and including the deputy minister of justice, other deputy ministers and where necessary, other ministers and I are briefed about policy proposals where legal risks have been identified. The risks that are highlighted are not limited to situations where the proposed legislation is inconsistent with the charter. It is a broader analysis of risks along a spectrum, from low to high risk for charter inconsistency.

Certification of legislation is a separate process that takes place after government bills have been introduced in the House of Commons. It is a formal step whereby the department's chief legislative counsel confirms, that is certifies, that the requisite review of legislation for inconsistency has taken place. Certification takes place for all government bills.

Certification should not be confused with the reporting obligation in section 4.1 of the Department of Justice Act and section 3 of the Canadian Bill of Rights. Certification is a task for government officials and takes place for all government bills. By contrast, the reporting obligation belongs to the Minister of Justice alone and would be triggered only if I, as the minister, formed the opinion that the government bill in question was, at the time of its introduction, inconsistent with the charter or the Canadian Bill of Rights. Section 4.1 and section 3 are quite clear in that regard. They require the minister to ascertain whether there is an inconsistency. This accords with the long-standing approach I and my predecessors have taken in that the minister makes such an ascertainment only when there is no credible argument to support the proposed measure.

A credible argument is one that is reasonable, bona fide and capable of being raised before, and accepted by, the court. This credible argument threshold is qualitative in nature, despite the allegations quoted by the member for Winnipeg Centre. It is not based on a predetermined numerical threshold. Section 4.1 uses very precise language. It does not require that there be disclosure any time there is a risk, only that I ascertain that there is inconsistency.

I must stress that the approach I have described is not new. It originates from the earliest days following the enactment of section 4.1.

Several of my predecessors have answered questions on this duty in the House or before our committees or those of the other place. For example, that could be found when the hon. Pierre Blais, currently Chief Justice of the Federal Court of Appeal, was questioned about his responsibilities at the Standing Senate Committee on Legal and Constitutional Affairs in June 1993. Similarly, the hon. member for Mount Royal answered questions on the topic before the same Senate committee in November 2005. My immediate predecessor, now the Minister of Public Safety, fielded related questions from the Standing Senate Committee on Legal and Constitutional Affairs during its study of Bill C-2, the Federal Accountability Act, on June 29, 2006. I too have had the pleasure of explaining the government's legal position with respect to government bills such as a question in the House on November 23, 2007 about Bill C-2, the tackling violent crime act, or during my recent committee appearance on Bill S-9, the nuclear terrorism act, which I described earlier.

I could go on and quote from those exchanges, but I think the point is clear that this is nothing new and that Parliament possesses, and has long exercised, its ability to query and probe the constitutionality of bills.

● (1550)

Of course, we must remember that constitutional law constantly evolves. The only certainty is that someone will inevitably litigate constitutional questions against the government.

This explanation should put to rest the concerns of the member for Winnipeg Centre, and indeed, all hon. members.

Furthermore, under our constitutional system, all branches of government, Parliament, the executive and the courts have a responsibility to ensure that charter rights are respected. The system of charter review put in place under section 4.1 ensures that each branch performs its appropriate role. Within the executive branch, proposed legislative initiatives are reviewed, taking into consideration any charter risks that have been identified through the advisory process and recertification that the necessary review for inconsistency has taken place upon introduction of a government bill in the House of Commons. It is then for the houses of Parliament to debate the proposed law, including its constitutional implications, and to determine whether or not it will pass and become law.

The approach to reporting requirements in section 4.1 or section 3, as the case may be, and the underlying review process must reflect the role of all institutional actors, including Parliament, to consider, debate, weigh and balance charter interests in light of public policy objectives. Parliamentarians have their own responsibilities in relation to the charter.

In summary, I have great respect for the work of parliamentarians and for the role of this House in debating government legislation. I have explained how I approach my responsibilities under the Department of Justice Act. I take into account a variety of legal opinions and perspectives, which can differ, and then I make the decision.

There is no mystery here. Like all of my predecessors, the approach I apply under section 4.1 is robust and meaningful. Even after I make the decision that there is no inconsistency between the proposed legislation and the charter, it remains open for parliamentarians to debate the proposed legislation, including any charter aspects. If the legislation is passed, it can be challenged before the courts. This process has served governments and parliaments well.

In conclusion, Mr. Speaker, you have several procedural grounds on which you could reject this question of privilege, or you can accept the evidence from me, as a member of the House of Commons. The hon. member's claims, in my opinion, can be dismissed outright.

Finally, I understand that the hon. member for Mount Royal may be making an intervention again on this question of privilege. I would like to reserve the right for myself or a colleague to respond in due course should any new issues not previously canvassed arise.

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, I am pleased to rise to discuss the questions addressed by the minister and the question of privilege raised by the member for Winnipeg Centre on Wednesday, March 6, in a broader context.

I have had the benefit of reading his intervention and the government's response thus far, as well as the comments of the leader of the Green Party in preparing my submission. I thank the Speaker for awaiting my submission on this matter.

The issue before us is the way in which the Minister of Justice vets bills for their compliance and consistency with the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights. In this regard, the member for Winnipeg Centre read into the record section 3 of the Canadian Bill of Rights and the requirement for examination of legislation for consistency with the provisions of the Bill of Rights.

To complete the record, I will read the relevant section of the Department of Justice Act, section 4.1(1), which therein states that the minister shall:

> ...examine...every Bill introduced in or presented to the House of Commons by a minister of the Crown, in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms and the Minister shall report any such inconsistency to the House of Commons at the first convenient opportunity.

There is a related provision in the Statutory Instruments Act, section 3 (c), which requires an examination of a proposed regulation to ensure that:

> ...it does not trespass unduly on existing rights and freedoms and is not, in any case, inconsistent with the purposes and provisions of the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights;...

As the members for Winnipeg Centre and Saanich—Gulf Islands both indicated, there is concern as to whether the minister has fulfilled the purpose and spirit of these provisions as evidenced by courts finding certain legislative dispositions from the government to be unconstitutional.

These cases have run a spectrum. For example, R. v. Sheck and R. v. Smickle, cases from B.C. and Ontario respectively, struck down mandatory minimum penalties. R. v. Appulonappa, a British Columbia case regarding human smuggling, found that the impugned section of the Immigration and Refugee Protection Act violated Charter protections.

Recently, as well, R. v. St-Onge Lamoureux, a Supreme Court case, found that certain provisions of the Criminal Code with respect to drunk driving infringe the Charter's guarantee of the presumption of innocence, a foundational criminal justice precept.

There are other cases and, indeed, a series of cases in which the constitutionality of government legislation has been challenged, though courts have not yet ruled on these matters, and the legality of these government acts may not be known for some time after their enactment and enforcement.

The argument advanced by my colleague in raising this question is that if all these provisions are constitutionally inconsistent, there must be a deficiency in the review process, and the Minister of Justice has sought to address that point.

Indeed, the aforementioned provisions of section 4.1 of the Department of Justice Act require not only a review of proposed government legislation but the tabling of a report in the House in the event of inconsistency. Not only has unconstitutional legislation come before us, but it has been done without such a report.

I share in my colleague's concern that this has raised a serious issue for all parliamentarians.

As members know, and the Minister of Justice references, I had the privilege myself of serving as minister of justice and Attorney General of Canada. As such, I am well aware of the duties of the minister and of the obligations required by statute of that office.

In discussing this issue in the past, one might well question whether a different policy existed when I was minister and why no such reports were tabled when I was minister. My answer to these very valid questions is simple, and I believe it may shed some light on the process and whether or not a privilege violation exists or some other breach exists in this case.

As such, it may help you, Mr. Speaker, in adjudicating the question before you. First, if the review process works as envisaged, constitutional deficiencies are signalled or addressed in the policy development stage. At that point, they can be redressed and can be corrected immediately. Indeed if the inconsistency is corrected prior to legislation coming to the House, no report will be tabled. Indeed, no report is otherwise required.

● (1555)

As well, and this is the point that bears particular mention, the review of the Department of Justice, at whatever standard it has set, does not preclude the minister from seeking to satisfy himself or herself with respect to these issues that the legislation is constitutionally compliant at a much higher threshold—that is to say, the department's standard, which has been set for some time, even while maybe varying over time, may not be the same standard that the minister seeks, and seeking out more scrupulous review is something the minister can and ought to do in certain circumstances.

What is rightly before this House, raised as a question of privilege, is whether the minister has satisfied himself of the constitutional compliance of legislation; an obligation that the minister has, pursuant to statute. The government's contention has been that, because no reports have been tabled, the process is working. By contrast, I am of the view that because there has been a spate of legislation that is constitutionally suspect that has been tabled before this House and also because some of that legislation has been overturned, the process, by these very points, is failing.

In particular, in adopting the relevant sections of the Department of Justice Act, the Canadian Bill of Rights and the Statutory Instruments Act, parliamentarians have declared—and parliamentarians and Parliament have institutionalized this as acts of Parliament—that they seek to be informed of the constitutionality of bills and regulations. This is not something that the minister owes only to the Crown. This is something, a duty, that the minister owes to Parliament. The absence of section 4.1 reports, despite the introduction of unconstitutional legislation or legislation presently under constitutional challenge, has, in my colleague's submission, raised a question of privilege.

The government's response, and we heard it again today, is that the matter is not a question of privilege, in part, because the member did not raise it at the first available opportunity, and in part, because there is an ongoing court case in this regard and, in part, because the minister's constitutional rulings cannot be questioned.

Mr. Speaker, the underlying thesis of my submission to you today, and it is a distinguishable one, is that the conduct in question ought to be considered as contempt of the House of Parliament, clearly, distinguishable from that which the Minister of Justice has been addressing today and within the framework provided by O'Brien and Bosc in this matter.

As members will recall, privileges are specifically defined, whereas contempt may be, and here I am citing from O'Brien and Bosc, at page 82, "...other affronts against the dignity and authority of Parliament", which come also within the purview of the Speaker's rulings and responsibilities.

I realize even using the word "contempt" brings with it very grave and serious connotations.

Let me be clear at the outset. I do not wish to cast aspersions, as has been suggested by others, on the minister's personal competence or the competence of Department of Justice officials, many of whom I have had the privilege to work with while being minister. Indeed, I speak not to the intent of the minister. He said he does not believe he ever tabled any unconstitutional legislation. I am prepared to accept that at face value, that the minister believes he never tabled, knowingly, any unconstitutional legislation.

However, I am referring not to the minister's intent with respect to charter review but, rather, to the effect of such review, to the consequences of such review, and it is the effect of that review that engages the constitutional responsibilities of us as parliamentarians, let alone our responsibilities with respect to the related issues of oversight and the like.

As O'Brien and Bosc specifically note regarding contempt:

> ...the House also claims the right to punish, as a contempt, any action which, though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions; obstructs or impedes any Member or officer of the House in the discharge of their duties; or is an offence against the authority or dignity of the House, such as disobedience of its legitimate commands....

● (1600)

I would submit that members are impeded in the performance of their function. Indeed I would say they are impeded in their constitutional responsibility of ensuring constitutional oversight when they are not provided complete constitutional information with respect to proposed legislation.

Members are impeded in the performance of their constitutional functions and responsibilities as holders of the public purse when they pass bills that invite costly and lengthy constitutional challenges against which the government must then defend at taxpayers' expense.

Members are impeded and the dignity of the House is undermined when reports for such information are routinely denied. Moreover, these three statutes to which I referred constitute commands of the House that the minister ensure that government legislation and regulations comply with the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights.

Indeed, as Speaker Fraser ruled on April 19, 1993, which is found at page 18105 of the *Debates*:

> It is difficult to conceive of any command of this House that could have more legitimacy than one contained in a law passed by this House.

Statutes are the highest form of command that can be given by this House. In my view, the disregard of that legislative command, even if unintentional, is an affront to the authority and dignity of Parliament as a whole and of this House in particular.

Again, we are speaking about legislative commands. We are speaking about statutory directives, those which engage the responsibilities of members of this House. It is not a matter simply between the minister and the Crown. It is not simply a matter of what the minister believes; it is the effect that accrues from the constitutional responsibilities with respect to these statutes.

Speaker Fraser's ruling also instructed, and this is of particular relevance here:

> ...the tabling of documents constitutes a fundamental procedure of this House. It is a part of our rules and ensures that members have access to the information necessary for them to effectively deal with the issues before Parliament....
>
> Members cannot function if they do not have access to the material they need for their work and if our rules are being ignored and even statutory instruments are being disregarded.

I would note as well the list, cited in O'Brien and Bosc, of U.K. precedents regarding contempt wherein such contempt finds expression:

> without reasonable excuse, refusing to answer a question or provide information or produce papers formally required by the House or a committee;
>
> without reasonable excuse, disobeying a lawful order of the House or a committee;
>
> interfering with or obstructing a person who is caring out a lawful order of the House or committee.

I would submit that the comments of Speaker Fraser regarding "legislative command" also enveloped that which is envisaged by the U.K. phrasing of "lawful order". The additional grounds here of "refusing to answer a question or provide information" I raise in relation to how speakers have often ruled on thorny questions of privilege, for lack of a better word.

Often speakers lament that items raised as points of order are really points of debate. Similarly, speakers suggested that, while something may be a legitimate grievance, there are other avenues within the parliamentary framework to address the conduct at issue rather than a question of privilege or an allegation of contempt; or speakers may suggest that the matter concerns a constitutional issue that is beyond their authority.

I assert that these other avenues have been fully frustrated in an effort to seek the results of the government's charter review, which engages the constitutional responsibilities of the members of the House. I draw attention, for example, to question 975, answered orally on Friday, November 23, on which the government asserted privilege over the actual reports prepared in section 4.1 of the Department of Justice Act and their preparation.

As my colleague from Winnipeg Centre noted, any solicitor-client privilege here can be waived by the government, and arguably the real privilege here is that which is actually owed to the Parliament, which itself may be validly asserting its parliamentary privileges and authority in seeking such documents. It should be noted here that the minister is not the one seeking the review conducted per se; rather, the statute requires that such a review be undertaken by the Department of Justice. It is Parliament that has asked for this to be done, something we must bear in mind when considering contempt, and it is the issue of contempt that I am putting before you, Mr. Speaker, four-square as it engages all the issues I have been addressing and, in particular, our constitutional responsibilities as parliamentarians, the Speaker engaging with these responsibilities, and the commands set forth in acts of Parliament with respect to which the government must reply, and reply to Parliament, not simply as a private matter between the government and the Crown.

● (1605)

Moreover, with regard to the specific standard of review, I refer you to an exchange I had with the Minister of Justice on Tuesday, November 6, 2012, to which the minister referred at the justice committee, in which I asked several times for the specific standard being applied by the department and minister but to which no concrete response was given.

I posed a similar question in the House to the Minister of Citizenship, Immigration and Multiculturalism on Tuesday, May 29, 2012, at page 8447 of the *Debates*, with again no specific standard announced.

I assure you that even a cursory glance at the *Debates* will yield colleagues' questioning of the government regarding the constitutionality of its legislation. This is not a new or novel issue but one with which the House has had great concern for some time now, as it should, as its authority, its dignity, and the integrity of its legislative commands as set forth in these acts of Parliament and adopted by the House are what are at stake here.

With respect to the specific question of the standard of review to which the minister referred, and how the review is conducted, my colleague, the NDP member for Gatineau, proposed that the justice committee study this question.

Lest one draw the conclusion that it is only the opposition that is concerned on this point, the Conservative member for Edmonton—St. Albert went so far as to suggest the member for Gatineau table the motion, stating, "I am very sympathetic to your motion and to your desire to make sure the legislation is charter-proof". Indeed, the vote to table the motion succeeded, something only possible with the help of the Conservative Party.

While the member ultimately voted against the motion during subsequent debate, he expressed his view that the committee's study was precluded because of the *sub judice* convention, as well as some concerns over the justice committee being the proper forum for such a debate.

The point here is that parliamentarians from all parties have raised concerns in this regard, and it is an issue that concerns all parliamentarians from every party.

Regrettably, traditional avenues for debate, both in the House and in committee, have not yielded answers, nor have other requests, including my order paper questions and ATIP requests from journalists. As such, I believe you should find that there is an issue here for the Standing Committee on Procedure and House Affairs, an issue that it may most properly address.

With regard to the *sub judice* convention and the argument that this whole matter was precluded because there was a related court case in this regard, to which we heard reference again today, I will make two brief submissions.

The first is that we are dealing with the desire of parliamentarians to have legislation reviewed for charter compliance. Ultimately the question before the court in the Schmidt case is whether the interpretation being applied by the department or minister is lawful. Parliament need not concern itself with this inquiry, as it is a separate and distinguishable matter. To be clear, parliamentarians may desire that the threshold be higher than the bare minimum required by law. As such, a review by a committee would allow parliamentarians to amend or modify the statute and pursuant regulations if they see fit upon the conclusion of such a study.

The second element has to do with the privilege attached to the report and the process by which such reports are generated. If legislation is being examined, as envisioned by the statute at issue, an assessment of the constitutionality of the provision therein undoubtedly occurs. Whether this ultimately results in a report to Parliament depends on the threshold standard being applied. Even if such a report is prepared but not tabled, parliamentarians may want access to it. In that regard, it may be appropriate for the committee to consider whether the statute should be modified to allow for the public release of such reports rather than through tabling, or even specify the privilege in relation to the document such that a minister before a committee would and could testify as to how a particular bill was reviewed.

The Schmidt statement of claim, as my colleague mentioned, alleges that the current standard is only one of 5% consistency.

The former parliamentary secretary to the minister of justice asserted before the Standing Committee on Justice:

> When that analysis is done, it is a qualitative analysis; it is not based on any percentages or quotas.

● (1610)

The legality of the approach being applied, whatever that approach is, is something for the court to decide, admittedly, but the sufficiency of whatever approach is being applied is something for parliamentarians to decide. As parliamentarians, we have asked for it in a statute requiring constitutional compliance of any government bill tabled. Yet a repeated pattern has emerged before us, which cannot be ignored, of government legislation being overturned on charter grounds, with no report to Parliament of any inconsistency and a spate of charter challenges now before the courts, again without any reports on inconsistency being tabled.

As Speaker Fraser commented in the aforementioned 1993 ruling, "there are people in departments who know these rules and are supposed to ensure that they are carried out".

It may be that the rule is faulty; it may be that the minister's interpretation of the rule is incomplete; it may be that there are standards that are not fully appreciated; or it may be that there is some other procedural issue. These are all questions that the procedure and House affairs committee could address in fashioning potential remedies, which may include legislative change if Parliament should so wish. In that regard, I refer you, Mr. Speaker, to the 42nd report of the Standing Committee on Procedure and House Affairs presented to the House on March 7, wherein the committee affirmed:

> As part of its privileges, the House has the exclusive right to regulate its own internal affairs, which includes the control over its own proceedings as they relate to the House's constitutional functions.

The House's constitutional functions include ensuring that our legislation accords with the Constitution. This too is reflected in the oath on which O'Brien and Bosc comment. They state:

> When members swear or solemnly affirm allegiance to the Queen as Sovereign of Canada, they are also swearing or solemnly affirming allegiance to the institutions the Queen represents, including the cause of democracy.

Yet the Supreme Court of Canada has said "democracy in any real sense of the word cannot exist without the rule of law". The court has gone on to state in the reference regarding secession of Quebec that the "rule of law principle requires that all government action must comply with the law, including the Constitution".

There can be no doubt that members in this House and Parliament as an institution have the obligation to respect, promote, preserve, protect and defend our Constitution, of which the Charter of Rights and Freedoms is the centrepiece.

Mr. Speaker, I draw your attention to a ruling made by your predecessor on Wednesday, November 21, 2001, in which he commented upon, "The alacrity with which the minister was able to fulfill her statutory obligations following the raising of this question...". In that case, questions were raised repeatedly about a minister's failure to table documents before the House. It is worth noting that the Speaker considered the matter, even though a great deal of time had elapsed between the first alleged breach and the raising of the question.

The minister eventually tabled the document and the Speaker commented:

> Strictly speaking, these defects do not negate the minister's fulfillment of her statutory obligation, but they do point to a carelessness that appears to be characteristic of the way in which these matters are being handled by the officials in her department. Were there to be a deadline for tabling included in the legislation, I would not hesitate to find that a prima facie case of contempt does exist, and I would invite the hon. member to move the usual motion. However, given that no such deadline is specified, I can only find that a legitimate grievance has been identified. I would encourage the hon. Minister of Justice to exhort her officials henceforth to demonstrate due diligence in complying with these and any other statutory requirements adopted by parliament. I look forward in future to the House being provided with documents required by law in a timely manner.

We know that the minister has an obligation to table constitutional reports at the first convenient opportunity, admittedly a somewhat nebulous phrase but one that still implies some sense of urgency. Certainly such reports ought to exist now for legislation that was proposed months ago, such as the myriad citizenship bills that are being challenged presently before the courts.

● (1615)

While it may be for the committee to suggest alternative phrases, it ought to inquire whether such reports have been made but not tabled. As such, it would clearly confirm any prima facie contempt found by the Speaker, one which ought to be found to exist given the various series of rulings determining that government legislation has in fact not accorded with the charter.

To address the concern of the government House leader that this matter has not been raised in a timely fashion, I refer you, Mr. Speaker, to the aforementioned ruling with respect to document tabling whereupon, in first raising the matter in 2001, the then member for Surrey Central spoke of 16 incidents of statutory violations arising between September 16, 1998 and December 13, 2000. I believe this case shows us that there may be a series of incidents and it is only reasonable and appropriate for members to await the establishment of a pattern before bringing a contempt matter to the Chair's attention.

We have awaited and have now discerned and demonstrated a pattern with respect to legislation being tabled in the House that is constitutionally suspect. With respect to that legislation, some of it being held to be unconstitutional, such suspect constitutional legislation is in fact now before the courts. I believe that we are in the same situation now as in the matter in 2001, to which I referred.

Indeed, lest it be thought that all of these cases are in the past, on March 12 of this year, the Court of Appeal for Ontario ruled in a case regarding the 2009 Truth in Sentencing Act. Although it did not overturn the law, these are the important words:

> —the Crown's urged interpretation of [the law] would result in disparate and unjust treatment of similarly situated offenders and potential violations of an offender's [section] 7 and [section] 12 Charter rights.

The judge in that case goes on to say:

> The effect of the Crown's argument, in my view, is to ask this court to rewrite [the statute].... There is no doubt that Parliament, having enacted the sentencing objectives and principles in the Code, is free to alter them, so long as this occurs without violating the Charter.

The judge then queries:

> —if Parliament intended to depart so profoundly from these bedrock principles of Canadian sentencing law (assuming that such a sea change in the law could survive full constitutional scrutiny)....

An arguably charitable reading of this ruling is that the government's deficient drafting allowed for the legislation not to be overturned because it could be interpreted in a way that did not violate the charter. However, if the government's intentions were what it indicated in submissions, surely it ought to have been aware of the charter implication and by extension ought to have submitted a report to Parliament.

This is the kind of action that serves as the basis for my underlying submission here today of the contempt allegation. Was this bill vetted? Was a report prepared? If so, why was it not tabled? What was the minister's involvement in this vetting? What about Parliament's constitutional obligations in this regard?

As I draw to a close, I truly believe that an inadequately low or arguably non-existent standard is being applied during the constitutional review process. It is one that allows unconstitutional legislation to flow from the department, bearing a certification that such a review has occurred and without a report being tabled.

Certainly parliamentarians did not intend this review process to be a rubber stamp, just as it cannot be said that we have been seeking to adopt unconstitutional legislation. Moreover, it cannot be said that the minister is fulfilling the order that the House, in legislation, has requested of him, if indeed the legislation that bears his approval is in fact unconstitutional and is being submitted to Parliament without the proper vetting, which would have demonstrated that prima facie unconstitutionality to begin with.

I believe this contempt matter is one the committee should investigate and report back upon, as my colleague suggests, regardless of whatever legal proceedings may be otherwise occurring.

I would also like to remind the government of its little-used power to ask for references from the Supreme Court of Canada on matters of which it may have constitutional concern. Indeed, I am proud that the government in which I served asked such a question with respect to the same sex marriage issue. It specifically asked whether the legislative proposal was:

> —consistent with the Canadian Charter of Rights and Freedoms? If not, in what particular or particulars, and to what extent?

● (1620)

Perhaps the procedure and House affairs committee may suggest that the government seek references more often when it is unsure, as part of its appreciation of the remedies in this regard.

In conclusion, the government ought to adopt a more robust approach to legislative review rather than providing us constitutionally defective legislation, as confirmed by the courts, and in the process engaging us in contempt of the House, something which we ought to remedy with all deliberate speed for the sake of Parliament as an institution and for the sake of all Canadians.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I listened with interest to the speech by the former minister of justice. I would simply like to raise a few points following the question of privilege raised by my colleague from Winnipeg Centre. This is an extremely important issue, one that may sometimes appear to be of cosmic significance in the various debates that we hear. Some of us might feel like we are back in law school, taking a long course in Procedure 101, or even a course at the Ph. D. level.

In very simple terms, the question of privilege raised by my colleague from Winnipeg Centre concerns the most valuable thing we have here in the House, something that we must all try our best to uphold, that is, respect for the rule of law. When we receive government bills from the government or the Senate, I may not always support the content of them politically, but I do not necessarily wonder about their legitimacy or their compatibility with the charter or the Constitution. To my mind, and to the mind of almost all of my colleagues in this House, this is something that we expect from the government. This is a legal obligation, and the government must ensure that it is met.

Without a certificate from the minister of Justice, about which our colleague from Mont-Royal told us at length, stating that the bill is problematic from the point of view of the charter, we must assume that the bill respects the charter and that it complies with the Constitution.

Over the holidays, a public servant, a lawyer by profession and one of those whose work it is essentially to provide assistance to the minister and carry out in-depth studies of bills, went to court saying he was concerned that he was being asked to do something illegal.

Let us not get into the legal issue. On the other hand, Mr. Speaker, you must consider the importance of the rule of law. It is not a big surprise to see that a lot of questions have been raised following Mr. Schmidt's filing, since it cast doubt on our faith in the system. On this prima facie basis, it is certainly everyone's privilege that is being jeopardized.

In my opinion, if there is one thing that we should not do, it is to wait for a response from a court, from the Federal Court, the Court of Appeal and the Supreme Court. And even though there is only a low 5% risk—based on the percentages that we have heard from the Justice Department—I think it would be worthwhile for us to conduct this investigation from the inside, either by the remedy our colleague suggested in his question of privilege or by following the suggestion made by our colleague from Mont-Royal and sending it to the Standing Committee on Procedure and House Affairs. I think it would be the height of indecency to sweep this problem under the rug while we wait and see what the courts decide.

I listened attentively while the minister discussed deadlines. We must remember that, in law, one very clear principle applies everywhere, and that is that "procedure is a servant of the law, not its master". That being said, the question of deadline often depends on the one who has to meet it.

On February 6, I presented a notice of motion in the Standing Committee on Justice and Human Rights. We debated the motion on February 11, and I then tabled it at the request of my colleague from Edmonton—St. Albert, who requested an in-depth study. On February 13, we continued to debate in committee the possibility of forming a subcommittee within the justice committee in order to consider this serious issue, which calls into question the trust parliamentarians, and also, by extension, members of the public, should have in the process.

● (1625)

If the minister's answer is that we can ask him questions when he appears before a committee or in the House, that does not mean that the process complies with the obligations that exist under the charter and the legislation drafted and legally passed by the House.

In my opinion, parliamentarians from all parties have a duty to pay close and careful attention to this matter.

Moreover, the question of privilege raised by my colleague from Winnipeg Centre must be examined to determine whether there is a prima facie case of privilege and whether the facts bear it out. There is much reliance, in the question of privilege raised by the member for Winnipeg Centre, on the application by Mr. Schmidt, which is currently before the Federal Court. Apparently, it is certain that the facts are not presumed to be true. That is not what is being said. However, there is one fact that is incontestable: there is a lawsuit.

There is another fact: no later than March 8, if my memory serves me correctly, the Federal Court agreed to an application by Mr. Schmidt. A decision was handed down to the effect that the government should be responsible for the legal costs borne by Mr. Schmidt on the grounds that—and this is important—this action was extremely important and Mr. Schmidt has absolutely nothing to gain from the process. He will not obtain employment. On the contrary, he was suspended because he took this step out of a sense of professional duty. That said, this constitutes fact.

An examination of Hansard shows that when I moved my motion and the member for Mount Royal commented on it, he said at one point that when he became Minister of Justice, he was somewhat worried about the way corners were being cut. While I am using simple terms, his wording was more elegant. Roughly speaking, he said that he already had concerns when he agreed to become Minister of Justice.

That worries me. It is not only the government. I repeatedly said this to the Conservative members who perhaps felt that they had been targeted by Mr. Schmidt's case. He did not target the Conservatives. What he said was that since the introduction of the Charter in 1985, that was how it had been applied and it had unfortunately caused a problem.

In my view, it is important in the House to make sure that when there are bills, our work does not require meeting in committee and bringing in specialists when the time comes to discuss the content of a bill. This means inviting constitutional law specialists to deal with the Canadian Charter of Rights and Freedoms to confirm the bill's legality. Only then does one move on to the rest. This is not only for justice bills. It is relevant for all government bills, whether they pertain to fisheries and oceans, foreign affairs, immigration or other issues.

Imagine the burden this places on the shoulders of parliamentarians who have neither the equipment nor government resources available to them. It is up to the Department of Justice to ensure that we have no such concerns.

On February 6, our notice of motion was submitted. On February 11 and 13, it was debated in committee. The Conservatives voted against my motion to establish a committee to examine the process. I trust that a conclusion can be reached before it is imposed by the court. My medicine would have been easier to take than the much stronger medicine we will likely be given in the future.

My colleague from Winnipeg Centre is now raising his question of privilege. I believe that it is a very important question.

The member for Edmonton—St. Albert also asked me what I was talking about when I moved my motion. And yet, it had been picked up by the media. Apparently not everyone reads about major justice issues.

● (1630)

To each his own. Not everyone is necessarily up to date about everything all the time; there is no rule about it. I believe, however, that our colleague's motion was made within the prescribed time periods.

Mr. Speaker, I believe that you should look into this matter very seriously, because it calls into question the bond of trust that parliamentarians must have with respect to how bills, whether government or Senate bills, are presented in this House. I trust that you will allow my colleague's question of privilege.

● (1635)

[*English*]

The Speaker: I thank all hon. members for their further contributions to this question of privilege and I will come back to the House in due course.

* * *

RESPONSE TO THE SUPREME COURT OF CANADA DECISION IN R. V. TSE ACT

The House resumed consideration of Bill C-55, An Act to amend the Criminal Code, as reported (without amendment) from the committee, and of the motions in Group No. 1.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I realize the House appears to be ready for the question, and I will keep my remarks relatively short.

We recognize that Bill C-55 is an interesting bill. I did have the opportunity to speak to it at second reading. It is important we recognize, especially when we look at what has been debated, the whole issue of the Supreme Court and the role it plays and what happens inside the House.

I thought maybe what I would do is reflect a bit on why we have Bill C-55 before us today. Many would argue that we would have to go back to a Supreme Court decision that was made back in April of last year. It was pointed out at that time that section 184.4 was unconstitutional, it infringed upon the rights of particular individuals or had the potential to infringe upon the rights of individuals. It essence, it demanded that the Government of Canada make amendments to the legislation that would allow for things such as due diligence or a better sense of accountability and a better time frame when wiretapping was used.

In listening to the speeches on this, one could easily conclude that it was the Supreme Court of Canada that raised or profiled the issue and as a result of that we now have to make the change. In fact, this is something we have known about for a while now. People could talk about Bill C-31, which was actually introduced back in May 2009. I was not around at the time, but many members were.

That is when the Prime Minister prorogued the House, thereby collapsing and killing the entire legislative agenda. That included Bill C-31. One could talk about Bill C-50. More recent, one could have talked about Bill C-30, another attempt by the government to deal with this issue.

We can recall what took place last year in regard to Bill C-30, and the public outcry that became very apparent because the government had gone too far in terms of politicization and the manner in which it was trying to get into computers, or websites or Internet hookups. The public reacted quickly on the issue.

Ultimately, at the end of the day, the government put its legislation, Bill C-30, on hold, even though there were components in the bill, such as what we are talking about today, that really did need to be addressed. The government had gone somewhat, and I am putting it conservatively, overboard on the legislation. As the result, one could argue, and I would be one of those individuals, that the government has lost an opportunity to deal with other types of crimes that take place.

We talk about the Internet and child exploitation. There is a need for government to do more on that front, but at the end of the day the bill was stopped in its tracks because of the manner it was introduced and the degree to which it would invade the privacy of individuals who wanted to ensure that their rights were protected. As a result, that bill was on hold.

We waited and we waited, as I pointed out. We did not have to wait for the Supreme Court to make a decision, but in essence that is what it has taken for us to see Bill C-55 today. When the minister brought it forward for second reading, I posed the question as to why it took so long to bring forward Bill C-55.

● (1640)

In short, Bill C-55 was deemed necessary because of the government's failure to bring in the appropriate legislation in a more timely fashion. Because it went overboard on other pieces of legislation, it ultimately prevented the need we have today to have it passed. Therefore, the government had to bring in another piece of legislation, which is Bill C-55.

I have two very important quotes that came from the court in the Tse decision.

The first states:

> Section 184.4 recognizes that on occasion, the privacy interests of some may have to yield temporarily for the greater good of society — here, the protection of lives and property from harm that is both serious and imminent.

I continue to quote from the court in the Tse decision, which states

> Section 184.4 contains a number of legislative conditions. Properly construed, these conditions are designed to ensure that the power to intercept private communications without judicial authorization is available only in exigent circumstances to prevent serious harm. To that extent, the section strikes an appropriate balance between an individual's s. 8 Charter rights and society's interests in preventing serious harm.

This case, which was brought to the Supreme Court, was an appeal by the Crown of the finding of a trial judge that section 184.4 in its current form did in fact violate the charter. As a result, we have the legislation before us.

It is important for us to make note of what the legislation would do in a very real and tangible way. As has been made reference to, it would narrow the scope in terms of individuals who would be able to act on it. For example, the previous legislation allowed a peace office, which would include mayors of local municipalities, to intercept communications. This bill narrows that to say it has to be a police officer.

There is general consensus that police officers are well trained to meet many different needs. One would argue they have an excellent understanding of where and when it would be most appropriate to use this special wiretapping measure.

We could talk about the types of cases that might occur. When someone's life is in danger or there is a kidnapping, there is an argument to be made that if the time required to request authority from a judge to acquire a warrant for this measure puts into jeopardy someone's life, these are exceptional circumstances which would not require a warrant. Under this legislation, a designated police officer would have the authority to allow wiretapping to take place.

The other thing that is fairly significant is it would allow for more accountability. When individuals, provinces or jurisdictions use this method, there is an annual reporting mechanism to report back to the House. We see that as a good accountability aspect.

The time has expired, and we will be looking at passing the bill.

● (1645)

The Acting Speaker (Mr. Barry Devolin): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Barry Devolin): The question is on the Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Barry Devolin): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Barry Devolin): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion the nays have it. I declare Motion No. 1 defeated. Therefore, I also declare Motions Nos. 3 and 5 defeated.

(Motions Nos. 1, 3 and 5 negatived)

The Acting Speaker (Mr. Barry Devolin): The next question is on Motion No. 4. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Barry Devolin): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Barry Devolin): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion the nays have it. I declare Motion No. 4 defeated. Therefore, I also declare Motion No. 6 defeated.

(Motion Nos. 4 and 6 negatived)

Hon. Vic Toews (for the Minister of Justice) moved that the bill be concurred in.

The Acting Speaker (Mr. Barry Devolin): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Vancouver Kingsway, International Trade; the hon. member for Abitibi—Témiscamingue, National Defence; the hon. member for Malpeque, International Trade.

* * *

[*English*]

NUCLEAR TERRORISM ACT

The House resumed from March 7 consideration of the motion that Bill S-9, an act to amend the Criminal Code, be read the third time and passed.

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, I rise today to speak to Bill S-9, an act to amend the Criminal Code, otherwise called the nuclear terrorism act. I also want to note that I will be sharing my time with the member for Saint-Bruno—Saint-Hubert.

It is interesting that the legislation comes forward on the 10th anniversary of the Iraq war, and I will be speaking about that later. However, first, let me provide some background information about the proposed legislation.

Introduced in the Senate on March 27, 2012, Bill S-9 would amend the Criminal Code in order to implement the criminal law requirements of two international counterterrorism treaties: the Convention on the Physical Protection of Nuclear Material, CPPNM, as amended in 2005; and the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism, or ICSANT.

The nuclear terrorism act is a 10-clause bill that would introduce four indictable offences into part II of the Criminal Code. The bill would make it illegal to possess, use or dispose of nuclear or radioactive material or a nuclear or radioactive device or commit an act against a nuclear facility or its operations with the intent to cause death, serious bodily harm or substantial damage to property or the environment. It would also make it illegal to use or alter nuclear or radioactive material or a nuclear or radioactive device or commit an act against a nuclear facility or its operation with the intent to compel a person, government or international organization to do or refrain from doing anything. It would also make it illegal to commit an indictable offence under federal law for the purpose of obtaining nuclear or radioactive material, a nuclear or radioactive device, or access or control of a nuclear facility. Finally, it would make it illegal to threaten to commit any of the other three offences.

The bill would fulfill Canada's treaty obligations under the Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism. This would include extending international measures beyond protecting against the proliferation of nuclear materials to now include protection of nuclear facilities. It would also reinforce Canada's obligation under the UN Security Council Resolution 1540, in 2004, to take and enforce effective measures to prevent the proliferation of nuclear materials, as well as chemical and biological weapons.

In a case where the implementation of a treaty would require amendments to Canadian legislation, the treaty would be ratified only when such amendments or new legislation have been passed. To date, Canada has not ratified either the ICSANT or the CPPNM amendment. This is because Canada does not yet have the legislation in place to criminalize the offences outlined in the ICSANT or some of the offences outlined in the CPPNM amendment.

The amendments in Bill S-9 that would be introduced into the code represent Canada's efforts to align its domestic legislation with what is required by both conventions. If these amendments become law, Canada would presumably be in a position to ratify both the ICSANT and the CPPNM amendment, something Canada, as well as other countries, committed to work toward at both the 2010 Nuclear Security Summit held in Washington, D.C., and the 2012 Nuclear Security Summit held in Seoul, Korea.

A number of experts have spoken out on this important topic. I would like to introduce some of their comments for the record.

● (1650)

Sabine Nolke, the director general of non-proliferation and security threat reduction at DFAIT, said:

> Furthering nuclear security, enhancing the physical protection of facilities, installing radiation detection equipment, especially at border crossings, reducing the use of weapons-usable materials, is one of the key tools to prevent these materials from falling into the wrong hands.

Miles Pomper, a senior research associate with the James Martin Center for Nonproliferation Studies at the Monterey Institute of International Studies, had this to say. Mr. Pomper said:

> —I want to point out generally how important it is to global security that Canada ratify these treaties. As you know, Canada and other countries, at the 2010 and 2012 Nuclear Security Summits, committed to ratifying these conventions. At the 2012 Nuclear Security Summit, just held a few months ago in Seoul, states also made a particular commitment to have the 2005 CPPNM amendment enter into force by the time of the next nuclear summit in 2014. For this to happen, two thirds of the 145 parties to the original CPPNM, or 97 states, need to ratify the treaty. To this date only 56 have done so. In ratifying this treaty, therefore, Canada will not only bring us one step closer to the magic number needed for entry into force. Canada is deeply respected in the international community for its leadership on nuclear issues and its commitment to multilateral diplomacy. Its ratification will encourage other countries to move forward with their own ratifications and improve global security.

Finally I would like to add what Matthew Bunn, associate professor of public policy at the Belfer Center for Science and International Affairs at Harvard University, had to say. He said:

> At the moment, unfortunately, the mechanisms for global governance of nuclear security remain very weak. No global rules specify how secure a nuclear weapon or the material needed to make one should be. No mechanisms are in place to verify that countries are securing these stockpiles responsibly. Fukushima made clear that action is needed to strengthen both the global safety and security regimes because terrorists could do on purpose what a tsunami did by accident. A central goal leading up to the 2014 Nuclear Security Summit must be to find ways to work together to strengthen the global framework for nuclear security and continue high-level attention on this topic after nuclear security summits stop taking place. Ratifying the conventions that are under consideration now is important, but it is only the beginning.

I would like to comment about Fukushima. It is timely. Coming from the west coast and also being the west coast deputy Fisheries and Oceans critic, I find that this event is very relevant and relates to this topic. Last week, for example, the Japanese government announced a $1 million grant to support the cleanup of tsunami debris washing up on Canada's west coast. B.C.'s coastline is approximately 26,000 kilometres long. It is estimated that 1.5 million tonnes of debris will wash up on B.C.'s shores following the 2011 Japanese tsunami. That is half the amount of garbage generated by metro-Vancouver in the year 2010. That is a lot of debris floating toward west coast shores.

The funds provided by the Japanese government will go toward cleanup of this debris, planning for the cleanup of future debris and addressing the increased threat of invasive species turning up on our shore. Two years ago, in March 2011, the world witnessed one of the most catastrophic events in recent times. The 9.0 magnitude earthquake and consequent tsunami and nuclear disaster killed approximately 16,000 people, with over 2,500 individuals still considered missing. It caused an estimated $235 billion in damage.

● (1655)

The Fukushima nuclear disaster was the worst nuclear disaster since Chernobyl. The fear of what could have been created worldwide panic and generated a shift in societal attitudes toward nuclear power. In Canada, many considered the potential threats to our domestic nuclear facilities located in Ontario. The Fukushima disaster also reminded us of the importance of multilateral diplomacy and international co-operation in areas of great common concern.

I mentioned the Iraq war in my opening remarks and I want to make mention of it here. It was indeed 10 years ago that the Canadian government supported the Iraq war. I would add that this illegal invasion was supposedly based on Iraq possessing weapons of mass destruction or nuclear weapons.

It is critical that Canada and indeed the world participate in developing the appropriate protocols to deal with nuclear terrorism. Canada needs to live up to the international conventions and obligations that call for human safety, peace and security.

I would like to conclude my remarks by outlining what it is that Canada's New Democrats are looking for. We are committed to multilateral diplomacy and international co-operation, especially in areas of great common concern, such as nuclear terrorism. We need to work with other leading countries that are moving toward ratifying these conventions.

Canada has also agreed to be legally bound by these conventions. It is important to fulfill our international obligations. Canada cannot officially ratify these conventions until the domestic implementation is complete.

● (1700)

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I appreciate my colleague's comments, especially at the end, about what the opposition is looking for in order to support the bill. It would be prudent to remind him of what some of the key new offences are under the debate of the bill, including possessing or trafficking nuclear or radioactive material or a nuclear or radioactive device or committing an act against a nuclear facility or its operations with the intent to cause death, serious bodily harm or substantive damage to property or the environment, et cetera. There are about four key provisions that greatly increase the capacity of the Criminal Code of Canada to deal with these types of threats.

I was just hoping he could comment on his party's position on some of these key changes, which are really in the best interests of Canadian security. Regarding some of the other things he talked about in his speech, I would like to hear a clear commitment on the support of the bill, as well as some of the important issues that he talked about in his speech, which are actually met in the outline of the bill right now.

Mr. Fin Donnelly: Mr. Speaker, in fact, Canada's New Democrats are supporting the bill. We are pleased to see it move forward. However, there are some concerns, which some of the experts pointed out. I just wanted to highlight a couple of those points.

Why was the making of a nuclear or radioactive device not included in Bill S-9 when introduced to the Senate, resulting in a Senate amendment? If this was in fact an oversight, does this not give rise to concerns about the lack of care in the process of determining how these two treaties would be implemented? Also, why has it taken the government so long to introduce the legislation? It has taken over five years for this to become a serious priority.

These are some of the concerns that we have, but as I say, we are supportive of this moving forward.

[*Translation*]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, according to Sabine Nolke, between 1993 and 2011, the International Atomic Energy Agency identified close to 2,000 incidents related to the use, transportation and unauthorized possession of nuclear and radioactive material.

Does the member not think that we need to move forward on this and that it is more important that Canada ratify this treaty, since it has been dragging its feet on this file?

[*English*]

Mr. Fin Donnelly: Mr. Speaker, the member is quite correct. Over the last 20 years, there have been over 2,000 incidents in Canada. This is obviously a concern. It could easily be stated that this is unacceptable. It highlights the importance of Canada being a part of this and moving forward on the signing of these treaties, and of the government making it a higher priority than has been demonstrated so far.

I am sure that the government will hear the opposition's comments and move forward as quickly as possible to really focus on this important issue of keeping our country safe from nuclear accidents and materials that could enter our atmosphere or the country.

[*Translation*]

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, Bill S-9, Nuclear Terrorism Act, amends the Criminal Code to implement the criminal law requirements contained in two international treaties to combat terrorism, namely the Convention on the Physical Protection of Nuclear Material, which was amended in 2005, and the International Convention for the Suppression of Acts of Nuclear Terrorism, signed in 2005.

Like my NDP colleagues, I believe that we must seriously address the issue of nuclear security and comply with our international obligations in order to better co-operate with other countries on counterterrorism strategies.

For the past 10 to 12 years, the United Nations and its members have been concerned about terrorism, including nuclear terrorism. They have adopted resolutions and played a key role in developing treaties and agreements, so that member states can give themselves the necessary tools in terms of legislation and policy to be able to keep up with the ever-changing terrorist threat. My speech here today will summarize some of the main resolutions and conventions that have been adopted or drafted, as well as Canada's efforts to respect its obligations in that regard.

I cannot even imagine the impact these kinds of activities would have on the people affected. We need only consider the repercussions of past nuclear incidents, like Hiroshima, Chernobyl or even Fukushima one year ago, to understand that it would be extremely damaging and powerful. The effects on health would be felt for decades, even on people who would not be directly affected.

Nuclear terrorism is a difficult concept to grasp. We do not have any concrete examples, aside from what we see in certain catastrophic Hollywood films. However, since the International Atomic Energy Agency has counted close to 2,000 incidents related to the use, transport and unauthorized possession of nuclear and radioactive material between 1993 and 2011, we must remain cautious and, above all, aware of the danger. In this sense, Canada must participate in the multilateral efforts internationally to ensure that the phenomenon remains confined to Hollywood movies.

The International Convention for the Suppression of Acts of Nuclear Terrorism was passed by the United Nations. It is the first international convention on terrorism to be signed since the terrorist attacks in the United States on September 11, 2001. It is an extension of the Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Terrorist Bombings.

The International Convention for the Suppression of Acts of Nuclear Terrorism was signed by Canada in 2005 and came into effect in 2007. However, since the treaty requires amendments to legislation, Canada has not yet ratified it. In Canadian law, it is not enough to simply have a treaty signed by a Canadian representative for it to automatically take effect or be implemented. The signature is simply Canada's agreement in principle. If amendments to Canadian legislation are required for a treaty to be implemented, the treaty is ratified only once the amendments are made or new legislation is passed.

In this case, several amendments to the Criminal Code would be required. It is unfortunate that this government did not decide to introduce this bill until this past year.

● (1705)

The government decided that ratifying the convention was not a priority. And here we are today.

Bill S-9, on nuclear terrorism, is a 10-clause bill that introduces four new offences to part II of the Criminal Code, which deals with offences against public order.

Adding these new offences, with respect to certain activities in relation to nuclear or radioactive material, nuclear or radioactive devices, or nuclear facilities, makes it illegal to possess, use or dispose of nuclear or radioactive material or a nuclear or radioactive device, or commit an act against a nuclear facility or its operations, with the intent to cause death, serious bodily harm or substantial damage to property or the environment.

It also makes it illegal to use or alter nuclear or radioactive material or a nuclear or radioactive device, or commit an act against a nuclear facility or its operations, with the intent to compel a person, government or international organization to do or refrain from doing anything.

It also makes it illegal to commit an indictable offence under federal law for the purpose of obtaining nuclear or radioactive material or a nuclear or radioactive device, or access to or control of a nuclear facility, and to threaten to commit any of the other three offences.

In addition, Bill S-9 introduces into the Criminal Code other amendments that are incidental to these four offences, but that are nonetheless significant. The bill provides definitions of certain terms used in the four offences outlined above, such as “environment”, “nuclear facility”, “nuclear material”, “radioactive material” and “device”. It also amends the definition of “terrorist activity”.

A new section is added to the Criminal Code to ensure that individuals who commit or who attempt to commit these offences, even if abroad, can be prosecuted in Canada.

The bill also amends the wiretap provisions found in the code to ensure that they apply to the new offences and amends the code so that these new offences are considered primary designated offences for the purposes of DNA warrants and collection orders.

There is also the amendment of the Canadian rule on double jeopardy, so that if an individual is tried for or convicted of these four new offences abroad, the double jeopardy rule, in other words, being convicted of and tried for the same crimes, does not apply if the trial abroad does not meet certain basic Canadian legal standards. In that case, a Canadian court can try that person again for the same crimes of which that person has already been convicted in a foreign court.

I am quite comfortable with these objectives.

I will conclude my remarks with a quote from Matthew Bunn, an associate professor of public policy at Harvard University, who made this comment during his testimony before the House of Commons Standing Committee on Justice and Human Rights, which I think should convince the members of the House and Canadians of the importance of passing this bill.

> Since the September 11 attacks in the United States, both countries have improved security for their own nuclear materials, helped others to do the same, helped to strengthen the International Atomic Energy Agency's efforts, and worked to strengthen other elements of the global response. But if the United States and Canada are to succeed in convincing other countries to take a responsible approach to reducing the risks of nuclear theft and terrorism at the Nuclear Security Summit in the Netherlands in 2014 and beyond, then our two countries have to take the lead in taking responsible action ourselves.
>
> Hence, it is important for both of our countries to ratify the main conventions in this area: the Convention on the Physical Protection of Nuclear Material, the amendment to that convention, and the International Convention for the Suppression of Acts of Nuclear Terrorism.

● (1710)

To conclude, I will do my part by voting in favour of the bill.

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, I know this member, who gave an excellent speech, very well. She is a doctor and she is from Saint-Bruno—Saint-Hubert.

I would like to focus on nuclear waste, and on medical waste in particular. We know that isotopes are used to treat various diseases and in various equipment, including scanners.

I wonder if she could confirm the importance of signing this treaty quickly, to ensure that people will be completely protected. We need to propose measures regarding nuclear waste, and medical waste in particular.

Mrs. Djaouida Sellah: Mr. Speaker, I also wish to thank my hon. colleague for her pertinent question and for her work here in the House. Her work sets an example for all members of this House. My colleague defends her values fervently and she does her homework.

It is true that some offences could unfortunately be linked to illegitimate activities, but we need to make sure that no offences are linked to any lawful medical practices, such as radiation and the legitimate exchange of radioactive material or a radioactive device, or to any other lawful activity within the nuclear industry.

Implementing and ratifying these treaties on terrorism, through this bill, will send a clear message to our allies and our partners around the world that Canada takes nuclear safety very seriously.

● (1715)

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I thank my hon. colleague for her excellent speech. We have a much better understanding of the scope and importance of this bill, which will finally allow us to sign these international agreements. They should have been signed years ago. This is a good start.

I find it astounding that this bill comes from the Senate. Where was the government all this time? What was it doing? Why did it wait so long, especially since this affects the safety of all Canadians? Thus, it is really important.

This morning someone mentioned an important problem with Bill C-55 and the fact that the Conservative government did not make sure it was complying with the Charter and the Constitution before introducing a bill. In this case, the government made the Senate do the work that it should have done.

I would rather talk about the process of this bill, rather than the essence of the bill. I agree that this bill is very relevant and useful. However, why did it take so long? Why did the Senate have to do all the work? What is the government doing?

Mrs. Djaouida Sellah: Mr. Speaker, I thank my colleague for his relevant question. I do not think that Canada had any rules about the process. Canada ratified the convention, but there were no rules for enforcing these conventions.

As for the fact that this came from the Senate, the majority of the members here do not agree with the fact that bills are going through the Senate before they get to the House. However, we think that a thorough technical analysis was conducted this time. It appears that the Senate did some work here. That is why we plan on supporting the bill.

[*English*]

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, it is important to put this debate in context. The first thing I have to note, and this happens every time we have a bill from the Senate, is the dependence of the government on bringing bills from the Senate. As a democrat, not just a New Democrat, I believe that bills should originate in this House and go to the other place after. After all, we are elected to bring forward legislation, to oversee legislation and to then take it to the other place. That is how I see our obligations here. However, the government sees it differently. That is the difference between us.

This is important legislation. As referenced, it is our obligation under international treaty that we have legislation to deal with the importance of locking down and securing nuclear resources and materials. In fact, if we just pull back a bit and look at what the scenario is right now, the threat of nuclear weapons is very concerning for many of us.

I disagree with the government on its analysis of the biggest threats we face as a species. It has its own view. I think we face two major issues, no question: climate change and nuclear weapons.

The fact of the matter is that we have to deal with climate change. The government sometimes believes in the science of climate change, and at other times not so much. We need to do more there. I do not have to list all the threats we face because of climate change. We can see it worldwide. We see it in the Arctic and in sub-Saharan Africa. It is something that is increasing in terms of its threat.

The other threat, of course, is nuclear weapons. More people should be seized with the threat of nuclear weapons. We have passed motions in the House. I worked with the other side. All parties agreed on a motion to actually have Canada engage in a nuclear weapons convention. I will be interested to see what the response of the government is. It was a couple of years ago. All parties agreed. It was passed in the Senate, in a similar motion, that we need to be seized with nuclear proliferation.

When I was growing up, there were two big powers, and the two big nuclear threats were between those two superpowers. However, an amazing thing happened, and that was around 1989. We saw two things happen. One was the fall of the Soviet Union, the fall of the wall, which was historic and memorable.

I was just in Berlin for a conference on a nuclear convention. It was hosted by the German government, as a matter of fact. It is amazing to see that city and to see what happened where the wall came down. What happened around the same time, which was unimaginable in the years prior to 1989, was that there were agreements for fairly rapid, substantive nuclear disarmament.

We started on a path in the 1990s of what I would call a period of not just reconciliation but of fairly stable peace, because we saw the threat of nuclear weapons really being reduced. Let us think about it. We had over 60,000 nuclear weapons pointed at us, indirectly, through the United States, and the same from Europe to the Soviet Union. Within a matter of years, that was diminished to just over 10,000, which is what we presently have.

However, things have changed. We are in a multi-polar world. We have threats. We know of North Korea. We have Iran, which is continuing to ramp up its program. We have non-state actors. This is what this bill is addressing because of our international commitment to the treaty of 2004 and the UN resolution. They can conceivably not only find access to these materials but can then turn those materials into weapons-grade uranium, with some support, and have missiles that are fairly portable. Clearly we need to be seized with this.

● (1720)

This is why it is important to understand nuclear power in all its aspects and how it can change from what we use for power to a threat.

In Chalk River, the government is engaged in decommissioning. It is looking to taking the highly enriched uranium out of that facility, which has been there since post-World War II, and transferring it to the United States. This is important not only for my constituents but for everyone in Ontario, because there are a lot of questions about it. There is not a question about the need to do it. In the scheme of things, it is not a bad thing. In fact, the Prime Minister announced the intention to do it just after the 2012 nuclear conference, which has been referenced.

It is important to have this legislation in place before the trucks start moving down the road. I say that because what the Prime Minister announced was that we would be sending highly enriched uranium through the province of Ontario to the United States. Part of our obligation under the UN resolution we signed in 2004 is to ensure that there will be mechanisms in place so that the materials from Chalk River do not end up in the wrong place.

There have been some legitimate concerns raised by mayors of towns throughout the province about the government's plan when it comes to decommissioning and sending these materials south. Non-proliferation advocates want to make sure that everything is done so that none of the material lands in the wrong hands. That is why we would have hoped to have seen this kind of protocol put in place a while back. In 2012, when the Prime Minister made the announcement, we should have had it in place. As was mentioned by my colleagues, the government has had problems in terms of drafting and in putting it on the front burner. If the two biggest threats we face are climate change and the proliferation of nuclear weapons, this should have been done as early as possible, and certainly before the Prime Minister announced at the Nuclear Security Summit in 2012 that we would be sending these materials from Chalk River south.

The people affected by this need to hear, from the government, about a process whereby local villages and towns and mayors are given notice and are confident that all appropriate measures are taking place.

This is a fairly complicated process. We are talking about making sure that the spent fuel rods are secure, that the routes they are taking are secure, and that everything is being done by the government to ensure that the intent of the bill is actually being done.

In the past we have seen problems with the government and its relationship with the supervisory capacity of the Canadian Nuclear Safety Commission. I will not go back in history on that. It was very controversial. I am hoping that some lessons were learned by the government at that time. However, we need to know that the government will work with those mayors and those people who are affected in Ontario.

I would say to all members of Parliament for Ontario on the government side that if they have not done so already, it is their responsibility to represent their constituents and engage both the safety commission and the government to ensure that the plan is solid.

The other area this touches on is the UN resolution. The UN resolution stems from the concerns of the UN General Assembly and the UN Security Council about the potential proliferation of nuclear weapons. After the Iraq war in 2003, the IAEA was questioned by some of our allies at the time, including the Bush administration.

● (1725)

The head of the IAEA, Mr. ElBaradei at the time, said that they did not believe there was evidence there of nuclear weapons, and of course we saw what happened after, the cooking of the books. After that, there was not only consensus but an urgency to ensure we would have smart policy and fair rules to ensure this kind of fiasco did not happen again. Essentially, we had one of our member states along with support of another member state deciding that they would, in effect, override this international agency, IAEA, and come up with their own "facts". We found out the facts were not the facts. The yellowcake story, for instance, was something that had been cooked up and it was just a premise for an invasion of a country and another agenda.

Therefore, in 2004 resolution 1540 was passed. It was to deal with the fact that this was a serious issue and we needed to have not only laws within our own countries about dealing with nuclear materials, but there had to be some globalization of this process so we would not see the same playing of politics with this. We had not only to sign onto this, but also to implement and enact legislation, and that is what this is. That is a fairly long period of time and the threats that we face, as I mentioned, with non-state actors with certain states that are proliferating in the Middle East and other places, and we need to understand that.

However, if we take from this lesson that we need to work in a multilateral way, that we need to push for non-proliferation, we should also embed that in the way we do business. As members know and as was in the newspaper today, our agency is in the U.K. promoting the Candu reactor. I do not have to tell members the lessons that we should have learned with the sale of our technology to India. It led to India having the capacity for nuclear weapons. That proliferation continued, as we know, in Pakistan, et cetera. I say that because we cannot separate the proliferation of nuclear weapons and the proliferation of nuclear power. We have to understand that one can lead to the other. Certainly that is the case in Iran with which everyone is seized. We need to have a capacity to deal with that.

My concern, not with the bill but with the direction of the government, is that the members have said a lot of interesting things about proliferation but they really have not gone far enough in pushing for non-proliferation. I have a couple of examples.

Many right now are pushing for Canada to be involved in a preparatory committee for a nuclear weapons convention. People would like to see this happen in a couple of years. We have seen leadership from the White House, as members know, with the speech by President Obama in Prague a couple of years ago. We had the "four horsemen" article a couple of years before that. We have had Ban Ki-moon talk about the need for a nuclear convention.

I have not heard, except for when we have raised it in the House and we passed our unanimous motion, a real commitment from the government on non-proliferation to the extent that we could do more. We are proudly a non-nuclear weapon country. I give credit to John Diefenbaker for that role. We need to say that Canada will play a role in working with others in a multilateral way and through the U.N. and other agencies to strengthen nuclear non-proliferation. We have some of the best people in verification. We have the technology that we have developed. I am a little concerned that we are not putting enough into oversight, as I mentioned in the case of Chalk River. We should be strengthening the IAEA. We should be working with others to come up with verification instruments so we can actually lock down nuclear materials. We have some of this capability, but we have not kept up with it and it should be a priority.

● (1730)

In the end, what we are left with is a process whereby we are obviously manufacturing the materials and are promoting nuclear energy. We also need to recommit ourselves, because we have been committed in our country before, to non-proliferation. We should be working with others for a nuclear weapons convention. We should be saying that Canada will take a leadership role when it comes to nuclear non-proliferation. We should be pushing those states that have nuclear weapons and have not signed the NPT to do so, and we should be looking for real reductions, as former Secretary Shultz, others in the United States, Ban Ki-moon and President Obama have said.

We should be very active on this, because if we are sincere about making sure that we deal with one of the two threats to global existence, nuclear weapons, then we have to be serious about how we promote nuclear non-proliferation.

If not Canada, then who? We are the ones who were between the two superpowers for that long period of time during the Cold War. We were the ones who decided—and I credit a Conservative leader, Prime Minister Diefenbaker—that they would not be on our terrain. We never had nuclear weapons on our land, so we are in a perfect position to be leaders in forging a better agreement on nuclear weapons.

This is an opportunity to talk about that with the bill today. As was mentioned by my colleagues, we will support it. However, let us do what other countries have done and ask for more. There are two examples I can think of in recent history of deciding to get rid of nuclear weapons: South Africa and Kazakhstan. In the case of Kazakhstan, that was where it was decided to test nuclear weapons. It was a decision by Stalin, who said that there was no one near the place so they would not worry about it. They conducted 450 nuclear tests. I was there recently, and the results are there still. There are people with deformities who have passed them on through generations. It is a reminder. Fukushima, in Japan, is another reminder that we have to take this seriously. We have to do more when it comes to nuclear non-proliferation.

I ask the government to not only bring in legislation that meets our UN obligations but to do more on the issue of non-proliferation. It would have support not only from this side of the House but from Canadians from coast to coast to coast. People would be proud and would be saying that this is something that is in line with our values and our history and would actually be contributing to peace and security in the world.

I support the bill, but I ask that the government do more to support non-proliferation to make it a more secure world. That is in keeping with Canadian history.

● (1735)

Mr. Dan Albas (Okanagan—Coquihalla, CPC): Mr. Speaker, obviously non-proliferation of nuclear weapons is a goal all countries should aim for. It is a challenging issue, because what this particular bill sets out to do is to make sure the technology behind these nuclear devices does not proliferate, whether through terrorist organizations or others. Bill S-9 speaks more to the ways and means we have agreed to with our multilateral partners in how to address it.

To the member's concern, many of these provisions were in the Criminal Code prior, but the exact language and codification is changed. I should also point out to the member that the Canadian Nuclear Safety Commission came to the justice committee and pointed out that there is a tremendous amount of security and process when dealing with nuclear materials.

The NDP continues to say that multilateral agreements are good, that Canada should participate and that we should be supporting measures that protect people from these kinds of things. It continues to put up speaker after speaker arguing in favour of the legislation but will not let it go on so that we can be the leader. I say that because we had a professor from Harvard who said that Canada would be leading the way. Other countries, such as the United States, have not yet been able to do this.

I would like his response as to why the NDP continues to speak in favour but does not allow the bill to go forward.

Mr. Paul Dewar: Mr. Speaker, I do not know where to begin. We have a bill that is coming from an unelected Senate to start with. Also, it is amazing that the member is talking about how horrible it is that we are not doing our democratic duty by not letting this just go through.

The point is we had a government that failed to live up to its obligations. It managed to fast-track every bill it wanted to get through when it was convenient for it. We just went through that this past year. Therefore, it is a little rich to hear from the other side that we are in the way somehow. I mean, it is setting records on time allocation and shutting down debate.

I will put that aside, but I will agree with him that we should be seized with this. We should be seized with taking the opportunity through multilateral forums to ensure that we have a safer planet by being stronger. However, I did not hear the member say anything about the need to be more clear about how these materials from Chalk River are moving through my province of Ontario. He should be concerned with that and also seized with the opportunity for us to lead internationally on nuclear non-proliferation.

● (1740)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I would like to pick up on the member's last point when he talked about the transportation of nuclear material.

It is important for us to note that nuclear material does come in many different forms in Canada. It is used in energy and medical isotopes. Nuclear material does have a very beneficial role to play in society. However, as the provinces have different types of nuclear material, many have raised the issue that we need to be doing what we can to ensure that we are marginalizing sabotage and terrorism within our country

Could the member provide some comment on how important it is that Ottawa work with its provincial counterparts and other potential stakeholders like hydro companies or companies that provide electricity? How important is Ottawa's role in providing leadership on that file?

Mr. Paul Dewar: Mr. Speaker, I would agree with the member if he is talking about a real partnership in ensuring that something as important as nuclear waste, for instance, and I am referring to Chalk River, is done in a way that is going to be transparent and open with the communities that are affected.

If we think of what happened to Japan, we think of all the best plans, as the scenario goes. The Japanese thought they had everything figured out. However, what turned out to be a problem was they had certain assumptions that were dated.

As my kids would say, it is a no-brainer. We have to ensure we work with all of the communities affected, including on this plan to send spent nuclear fuel from Canada to the United States. I reiterate the importance of the government working with local municipalities and being clear about where this is going so people will not be in fear of the concerns they have about this material going through their backyards.

[*Translation*]

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, I listened carefully to my colleague's speech and I have a question for him.

We know that Canada is well respected in international circles. 2014 is fast approaching and these treaties must be ratified.

Does he not think that Canada has dragged its feet in introducing this bill? As the saying goes, you have to lead by example.

Mr. Paul Dewar: Mr. Speaker, I agree.

I think that our nuclear energy obligations are very important. For all Canadian citizens, we must ensure that the government is serious about its obligations under Canadian law and, as I mentioned earlier, about Canada's obligations to the United Nations.

[*English*]

In the end, this is both a matter of our obligations to citizens here in Canada and also our obligations internationally. That is why the government should have taken this more seriously and should have acted more promptly.

I look forward to the government staying seized with this issue, because as I have mentioned in my comments, this is not just about following up with this one aspect of nuclear energy or materials. This should be about continuing to be seized with nuclear non-proliferation.

Yes, I would agree with my colleague. I wish that we had seen quicker action, that we had paid more speedy attention and that we had passed the bill. It should have been done, frankly, before the last election.

● (1745)

[*Translation*]

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I would like to thank my hon. colleague from Ottawa Centre for his excellent speech and all the very enlightening information about the bill that he shared with us.

This is a very important bill because we have a deadline to meet in order to live up to international agreements. In that regard, it was urgent to get the job done.

Unfortunately, as my colleague mentioned, the bill originated in the Senate, where we have appointed not democratically elected representatives. The Senate is even dealing with several scandals, which have been mentioned a number of times in the House of Commons. The Conservative government's lack of leadership in the fight against and prevention of nuclear terrorism is deplorable. That is very important.

I would like my hon. colleague to share his opinions on the fact that the bill came from the Senate and not the government. He also mentioned—

[*English*]

The Acting Speaker (Mr. Bruce Stanton): Order, please. The hon. member for Selkirk—Interlake is rising on a point of order.

Mr. James Bezan: Mr. Speaker, I ask you to ensure that the question and the response that has been put on Bill S-9 is relevant to the topic at hand and not about the other place. Even though the bill comes from that area, that is not the topic of the bill. The topic is nuclear terrorism, and I wish the members would stick to the facts.

The Acting Speaker (Mr. Bruce Stanton): I thank the hon. member for Selkirk—Interlake for his intervention. As he pointed out, there was a reference to the origins of the bill in a question before the House today, but it is a good time to remind members that all comments and questions should be relevant to the question that is before the House.

[*Translation*]

The hon. member for Drummond has no more than 10 or 15 seconds to ask his question. I will then give the floor to the hon. member for Ottawa Centre.

Mr. François Choquette: Mr. Speaker, I was simply referring to the great speech given by my honourable colleague. I will let him talk about what I just mentioned.

[*English*]

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, I think it is important to talk about where the bill came from. I will reference what I was talking about before. When as many as 76 transport truckloads of high-level nuclear waste could journey along the Trans Canada Highway over the coming four years in an effort to ship decades worth of radioactive rubbish from Chalk River to the U.S. reprocessing site, those of us who actually represent communities throughout this province are concerned about that.

The fact that the bill came from over there delayed our being able to talk about it here. That is why we should have bills originating from this place. These are issues that affect our constituents. With all due respect to the other place, we found senators had some problems understanding where they actually live, never mind who they represent.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I will be splitting my time with the member for Scarborough—Rouge River.

I am pleased to have an opportunity to speak, however briefly, to this particular subject. In a previous Parliament we had many a debate over the Nuclear Liability Act, and many of those issues are very important to us all. I really do not see any reason why debate in the House on such an important issue should be curtailed simply because we all agree on things. We are looking for better answers throughout the time that we work on a bill. Certainly this bill is no exception. No one can say that the bill comes from experience, because not everyone has experience with radioactive waste and not everyone has experience with what happens with radiation when it gets into the environment.

I want to preface with a couple of experiences that I have had in my community and in the north.

The first one deals with the transport of yellowcake from the Port Radium mine on Great Bear Lake in the 1930s, when it was transported by gunny sack down the Mackenzie River and over the portage at my town of Fort Smith. Sixty years later, Atomic Energy of Canada Limited came through to deal with the residue that came from the yellowcake that was carried on people's shoulders in gunny sacks. This was after many of them suffered radiation-induced cancer throughout the system and that is something that can be referenced by googling the Deline radiation issues.

In any event, when passing through the community, one of the bags happened to fall off a cart. Sixty years later, we could identify precisely where that bag fell off the cart. The residue remains in perpetuity unless we do a very massive cleanup.

The second incident I want to talk about is COSMOS 954. COSMOS 954 was a satellite that the Russians lost control of in 1984 or 1985, somewhere in that range. This was a nuclear-powered satellite with a reactor the size of a football. It exploded coming through the atmosphere and the debris from that explosion covered an area of some 30,000 square kilometres, including my community of Fort Smith, which was on the edge of that radius.

When the cleanup started, people with Geiger counters could go through the community and sort out the pieces of radioactive material that littered the entire community. A team of people worked all summer long with Geiger counters, picking up the pieces as they went around.

Radioactive material is dangerous material. Radioactive material in any size, shape or form can cause difficulties for human beings. We are seeing this now on a more massive scale with what has happened at Fukushima, where radioactive releases are costing the economy of Japan a huge price and will continue to do so. We can look at Chernobyl where large numbers of deaths occurred, but the impact on the countryside and on the people who lived in those areas was huge as well.

Now we come to the potential for dirty bombs—that is, someone taking some radioactive material and blowing it up in a populated area, say over Ottawa, using a Cessna 172 filled with some explosives and some radioactive material they happened to get somehow from Chalk River or from some other place. The impact upon the city of Ottawa would be immense. The cleanup would be incredibly costly. The cost to the community over time would be incredibly serious.

What we are talking about are serious issues. These are issues that can affect us all. I have seen the effects of very small amounts of radiation escaping from the system. Deliberate efforts to create radiation issues with something such as a dirty bomb would be devastating to anyone in the areas that was hit by it.

● (1750)

We might not see it today. It might not be something that kills everyone in its surroundings, but it would kill the initiative of people to live in that area. It would take away so much from any community affected by it.

When we talk about the act, are we taking it seriously enough? Have we identified any criminal offences that could be put against people who might, without malice or intent to injure or create serious bodily harm, simply make mistakes or do something that was wrong with the material moving through the system?

Let us remember that there are thousands of sources of radioactive material around the world. There are thousands of sources of radioactive material in Canada. The problem is very large. Would this act give enough impetus to those who are in charge of radioactive material any sense of their mistakes or apprehensions, or perhaps cover criminal activity in selling it to someone else or in dealing with it in a bad fashion, even not with the intent to injure or kill? Would it cover completely what we want to do with those types of people? That would be my question with the legislation. That is why I am standing here today and talking about it. It is important to have debate and discussion over these types of issues.

I notice the Conservatives have not spoken up on the bill in front of us to explain to their constituents and to us in Parliament how they feel about this issue. Simply to push it through without debate and without understanding is not the thing to do. We need to understand the issue. We need to explain to Canadians what we are doing, how it works and what the legislation is intended to accomplish. If we simply say we will push it through and someone else can take care of it, and we simply fulfill our role under treaty obligations, we do not know if we are doing enough to protect Canadians, because we do not understand this issue that well.

Is that what is happening here with this question as we stand up and debate this subject in Parliament? I find that reprehensible in some ways, and that attitude should be looked at very carefully by all members of the House. When we talk about this issue, there are many things to say. I have said what I really wanted to say about it because we want a full discussion of those issues at committee. It is not good enough that the Senate has done it; we are elected members. We need to make sure that the work that is done is correct.

I hope that all members will enter into thought about this issue. It is serious. It is one of the more important items that have been brought forward to protect Canadians in my time here in Parliament.

We speak about protecting the victims of crime. This is a great opportunity to do just that, because these are preventative measures. It is not good enough to have a bill that simply deals with the after-effects of criminal activity in this regard; we need to prevent this type of activity from happening.

● (1755)

[*Translation*]

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, we are talking about nuclear terrorism, which is not a trifling matter. The member for Drummond raised a point earlier that got a reaction from the member opposite.

It really is a question of negligence because the bill originated in the Senate. The government is negligent for not introducing the bill and for not implementing serious measures. If we were talking about the transportation of gold, I believe that much more effective measures would be implemented to prevent the gold from being stolen. There is also negligence because we are not yet members of these international organizations that are leading the way.

Who is manufacturing nuclear weapons? It is not ordinary citizens sitting around their kitchen tables. We should go straight to the source to find out who is transporting nuclear materials and who is manufacturing them. It would be much easier to protect national security that way.

Does the member not believe that we should go straight to the source to prevent the theft and illegal sale of nuclear materials?

[*English*]

Mr. Dennis Bevington: Mr. Speaker, I want to thank the member for the question, because it is really germane to what I was saying.

The importance of recognizing the criminal liability of those who handle radioactive material is part of the solution in dealing with this. I do not see that in the bill. I do not see that the bill has addressed that in any way. There are no penalties for an error, bad judgment or simple carelessness in dealing with this type of material. That is something we should perhaps look at in committee. What are the responsibilities of those who handle radioactive material and enter it into the system?

As my colleague from Ottawa Centre has pointed out, we are going to be engaged in some very large takedowns of nuclear facilities in Canada, and those questions are of extreme importance.

● (1800)

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Mr. Speaker, I rise today to speak in support of Bill S-9, An Act to amend the Criminal Code (Nuclear Terrorism Act), at third reading.

I believe that ensuring the safety and security of our country is extremely important for all parliamentarians, and the work that has been done in this bill strengthens the ability to protect Canadian citizens. Bill S-9 would amend the Criminal Code in order to implement the criminal law requirements of two international counterterrorism treaties: the Convention on the Physical Protection of Nuclear Material, the CPPNM, as amended in 2005, and the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism, ICSANT.

This bill would fulfill Canada's treaty obligations under the Convention on the Physical Protection of Nuclear Material, the CPPNM, and the International Convention for the Suppression of Acts of Nuclear Terrorism. It would also reinforce Canada's obligations under the United Nations Security Council resolution passed in 2004, resolution 1540, to take and enforce effective measures to prevent the proliferation of nuclear materials as well as chemical and biological weapons.

At this point, Canada has not yet ratified the ICSANT or the CPPNM amendments, as it does not have the legislation in place to criminalize the offences outlined in the ICSANT or some of the offences outlined in the CPPNM amendment. The amendments proposed in Bill S-9 would help to align Canada's domestic legislation with what is required by both of these conventions. Should these amendments become law, Canada would then, presumably, have the ability to ratify both the ICSANT and the CPPNM amendment by the 2014 deadline.

This is a commitment Canada and other countries agreed to work toward at the 2010 Nuclear Security Summit in Washington, D.C. and at the 2012 Nuclear Security Summit in Seoul, Korea. This is good to see, as we have witnessed the government not paying much attention to many of our international agreements and treaties. Let us hope that this bill that was started in the Senate is a sign of renewed commitment to our international obligations and treaties. Maybe we will actually see more respect for our treaties with the first nations and aboriginal peoples in Canada.

I digress, but I will go back to Bill S-9 now. The bill introduces definitions of terms such as “environment”, “nuclear facility”, “nuclear material” and “device”. It also amends the definition of “terrorist activity”, which would certainly work to improve clarity for enforcement agencies in Canada.

New Democrats are committed to multilateral diplomacy and international co-operation, especially in areas of great common concern, like nuclear terrorism. For this reason, we need to work with other leading countries that are moving toward ratifying these conventions. Moreover, Canada has agreed to be legally bound by these conventions. It is important to fulfill our international obligations. Canada is unable to ratify these conventions in an official capacity until our domestic implementation is actually complete.

During the discussions on Bill S-9, the committee heard warnings that the dangers of nuclear terrorism are very real. While this is not something that is likely often on the minds of Canadians, they trust that we, as parliamentarian, are working to protect their safety. As such, we must ensure that we are making efforts to fulfill our international obligations to protect Canadians and our international partners.

Safety and security rests not only with these sorts of international protections. I know that in my community of Scarborough, residents are also looking for action to improve the safety of our local communities. There have been far too many occurrences of gun violence in Toronto. The most recent statistics from the Toronto Police Service state that 20 shootings have resulted in five homicides, three of which were young people under the age of 16 in our community. The death of a child or youth is felt throughout a community. It is a tragedy that leaves family, friends and loved ones devastated and also leaves the entire community worried, anxious and on edge.

● (1805)

A week and a half ago, the member for Scarborough Southwest and I met with individuals, community organizations and front-line workers to hear their concerns about how to improve the safety and security of our communities. At this meeting, I heard of the need for a coordinated national youth strategy, dedicated core funding for preventative and productive sustainable youth programming, rather than punitive measures. We also heard of the importance of all levels of government being present at the table and providing the much needed support for the sustainability and increased safety of our communities. Finally, we heard that it was crucial that funders were aware of and in communication with the front-line service providers to truly know how the funding dollars were being spent on the ground. Many of the service providers felt that during their intermittent communications with the funding ministries, the persons responsible did not have a clear grasp of the real situations on the ground.

While the New Democratic Party believes it must seriously address the issue of nuclear security and comply with its international obligations in order to better co-operate with other countries on counterterrorism strategies, this is one area of many that needs to be tackled for Canadians to truly feel safe.

I hope the safety of Canadians in their communities is something that will be reflected in the upcoming budget. I hope to see quality investments in prevention strategies and investments in our youth. Cuts to border services and community programs will not help our communities. Investments in youth gang prevention programs will also help our young people, as some current programs will see their funding expire.

We need to see real action in job creation for our young people. There are nearly 400,000 young people looking for work. It is shocking that in a country such as Canada, youth unemployment is at 13.5%. Helping youth get quality jobs can divert youth away from gang activities and allow them to help build our communities as well as improve their safety. I certainly hope to see some leadership soon from the government on this issue. Our communities truly deserve better.

I digress again. I am very passionate about safety in our communities and when we talk about nuclear proliferation and nuclear terrorism, I automatically think of safety in my own backyard.

Coming back to Bill S-9, in the committee stage of the bill, one witness, Professor Bunn, shared some thoughts that I believe highlight the necessity of the bill and Canada's role on the international stage. He stated:

> —if the United States and Canada are to succeed in convincing other countries to take a responsible approach to reducing the risks of nuclear theft and terrorism at the Nuclear Security Summit in the Netherlands in 2014 and beyond, then our two countries have to take the lead in taking responsible action ourselves.

Canada has always had a reputation as an international leader on the world stage. It is unfortunate that under the Conservative government, this internationally high regard has been depleted in areas such as Canada's environmental policies. However, it is hopeful that through Bill S-9, Canada's international partners will follow its lead in the area of nuclear terrorism protection.

Professor Bunn went on to say:

> Should terrorists succeed in detonating a nuclear bomb in a major city, the political, economic, and social effects would reverberate throughout the world. Kofi Annan, when he was secretary-general of the United Nations, warned that the economic effects would drive millions of people into poverty and create a second death toll in the developing world. Fears that terrorists might have another bomb that they might set off somewhere else would be acute. The world would be transformed, and not for the better.

The New Democrats agree that we have an obligation to work with our international partners, as nuclear terrorism will not have an impact in isolation, but it will affect the global community. It seems to me that the sophistication of technology and radioactive devices continues to improve. Therefore, Canada and countries around the world must act in a responsive, proactive and effective manner to ensure the protection of our citizens.

When it comes to terrorism, no country works in isolation. Rather, we require a consistent global response. The New Democratic Party believes we must seriously address the issue of nuclear security and comply with Canada's international obligations in order to better co-operate with other countries on counterterrorism strategies. Canadians and people around the globe deserve to feel safe and secure. It is for these reasons that we will be supporting Bill S-9.

● (1810)

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, my colleague referenced the concerns around public safety generally, with regard to gun violence, and she also talked about the importance of ensuring we have a careful eye and scrutiny on nuclear materials.

In terms of her community and the fact that, as I mentioned in my intervention, there are concerns about nuclear materials going through Ontario, has the member heard of this at all as an issue within her community, and is she concerned about the fact that the government to date has not shared with municipal leaders the route that the nuclear materials will take to the United States?

Ms. Rathika Sitsabaiesan: Mr. Speaker, actually I have not heard from any of my municipal counterparts or leaders about their knowledge of the route, their knowledge of where or how this nuclear waste material will be transported.

My home and my constituency community is actually very close to the nuclear reactors we have in Ontario, and I do not know where and how this waste material is going to be transported. It is something of serious concern, especially after the spills, accidental droppings and whatever that we heard happened near Great Bear Lake, and how the community is still feeling the effects of it 60 years later.

I know that members in my community will not want to experience that, especially also because my community has a large chunk of Rouge Park, which is soon to be a national urban park. What a disaster it would be if this nuclear waste were transported through this brand new urban national park, the first of its kind in Canada. What a disaster it would be if material were being transported through Rouge Park, through my community, affecting residents and our environment and our natural history.

[*Translation*]

The Acting Speaker (Mr. Bruce Stanton): Before I recognize the hon. member for Manicouagan, I must inform him that I will have to interrupt him at approximately 6:30 p.m., at the end of the time provided for government orders today.

Resuming debate, the hon. member for Manicouagan.

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Mr. Speaker, the extended time I have today to speak to such an abstruse topic will allow me to address a number of points that members have unfortunately, or cleverly, not raised in the debates on enshrining the four nuclear terrorism offences in law.

This speech could not have been better timed given that the media this morning were reporting on the failed cooling system at the Fukushima plant. A few minutes ago, a colleague mentioned the Fukushima situation, and I will inform the House of the latest developments.

There was a power failure at the Fukushima plant. Power was cut to cooling systems for the three spent-fuel pools at the Fukushima plant on Monday after a power outage. The Japanese news agency reported that the neighbouring command centres did not record any significant changes in radiation levels after the power outage, which happened on Monday just before 7 p.m. local time.

When industry supporters say that it is possible to contain radioactive waste, I cannot help but be doubtful, especially in the face of such news. Facilities, buildings and structures built by humans have a limited lifespan. The pyramids of Giza are thousands of years old, but they just may be the oldest structures on the face of the earth. Trying to contain radioactive waste for millions of years seems downright impossible to me.

During my last speech, I focused on the procedural aspects of introducing these four new offences into the Criminal Code. I spoke about creating them and enshrining them in law from a practitioner's point of view. As I have said time and time again, I am a criminal lawyer, but I specialized in the areas of health and mental health. That is why I had some misgivings about how these offences were worded.

I thought about cases that I had dealt with up until recently, over the past two years. There is a possibility that some of my clients would be labelled as terrorists a bit too hastily. That is a rather derogatory description for clients with mental health issues.

When I appeared for certain cases, my clients were often in a fragile state and troubled. They might make threats. The judges took note, but they fairly often let things go, considering the state of the individuals who were sometimes dealing with toxic psychosis and who would utter threats right and left. We have already heard that. However, sometimes charges follow when an individual in the dock decides to threaten everyone in the courtroom. I have seen the same type of behaviour with clients.

When I spoke at second reading, I was recalling these cases, knowing full well that some of my clients uttered threats without necessarily having the opportunity or physical ability to put these threats into action and make them a reality. It is sort of on that basis that I said in the House that I had some reservations about the possibility of an individual being given the fairly notorious label of nuclear terrorist. I am just saying that this would not look too good on a resumé.

The scope of this bill gradually directed my arguments at second reading in order to highlight the impact of the provision creating the offence in which someone would:

> possess, use or dispose of nuclear or radioactive material or a nuclear or radioactive device, or commit an act against a nuclear facility or its operations, with the intent to cause death, serious bodily harm or substantial damage to property or the environment;

With the words "cause death", we see that it is a crime of intention, but it also mentions possessing and disposing of nuclear or radioactive devices. This is not something you buy off the shelf. The last I heard, you had to have very good connections to get your hands on nuclear devices or even radioactive material.

The second clause concerns threats to:

> use or alter nuclear or radioactive material or a nuclear or radioactive device, or commit an act against a nuclear facility or its operation, with the intent to compel a person, government or international organization to do or refrain from doing anything;
>
> commit an indictable offence under federal law for the purpose of obtaining nuclear or radioactive material, a nuclear or radioactive device, or access or control of a nuclear facility;

● (1815)

Still, some degree of preparation goes into each of these offences. I know that it is ultimately up to the crown prosecutor to assess each individual case to see if there are grounds for a lawsuit. However, if prosecutors follow the letter of the law, there could be many more cases. Some clients who are not necessarily of sound mind could be given the label of terrorist and charged. However, a certain degree of organization and preparation are required to acquire a nuclear or radioactive device. It is not easy and it is not just anyone who can do it.

I would now like to talk to you about my own experience with the nuclear industry. The first time I had dealings with this industry was in 2009. At the time, I was a lawyer for my own band council. One morning, we met with a Romanian engineer who owned an engineering firm in Sept-Îles and had come to see the band council to warn us of the potential danger facing our community.

Unbeknownst to band members or leaders, uranium exploration was being conducted near my home reserve. This individual came and made such an eloquent presentation to my band council that, a few weeks later, the council had launched a lawsuit. The band council had documentation and a resolution on the lack of consent for mining exploration on traditional lands.

This was the first experience I had with the uranium and nuclear industries. That year—2009—was a busy one. Among other things, we held many public information briefings. One conference, which lasted several days, was hosted by industry specialists, but opponents were also present. Through the networking I did at that conference, I was able to meet other stakeholders and individuals. Experts from across Canada, as well as from the United States and other countries, came to meet with the people of Sept-Îles for a week.

Certain materials were brought to my attention, including polonium 210. I will come back to that later. We will see that nuclear terrorism is taking a strange twist in 2013, particularly when we look at actual cases of nuclear terrorism and the media coverage of those cases.

My cursory research of the subject we are examining and incidents and examples of nuclear terrorism tend to indicate that media coverage of the real impact of such criminal activity is fairly limited, other than when it comes to the cases involving the poisoning of international political figures that have occurred over the past few years. To my knowledge, there have not been hundreds of such cases, but the number has been fairly high nonetheless.

I will talk about a case discussed in 2009 at the symposium, the case of Alexander Litvinenko, a former KGB agent who died in 2006. At the time, he was living in England and was poisoned with polonium-210. This has been proven. Doctors conducted analyses and discovered that he had ingested polonium-210. What is insidious about this substance is that it can be added to drinks or food, and thus be ingested, and it is also possible for an individual to be poisoned by breathing it.

The person in question died within three weeks. He was given a rather massive dose of polonium-210. I learned about this incident this morning while researching this issue, and I committed it to memory. This incident is one of the first hits in a quick search for "nuclear terrorism" on the Internet and also in Wikipedia.

This specific case clearly shows the potential for the misuse of radioactive materials and how it is difficult to detect their harmful effects on the human body. We should also remember that, in Canada, there are obvious deficiencies in the supervision and management of tailings sites and the transportation of radioactive materials, and this opens the door to malfeasance and criminal misappropriation.

● (1820)

This afternoon, I began by mentioning Fukushima to prove that humans cannot control radioactive and nuclear materials.

Industry stakeholders will always tell us that all these materials can be stored and that it is possible to properly manage radioactive waste, but that is not true.

No man-made structure can house this waste for many years. These materials have a half-life. It is so complicated that I cannot explain it. However, I can say that the potential health hazard lasts for thousands or even millions of years. That is what I was told. Reputable scientists came to give us all this information. I got the same information as everyone else on the north shore, but the information provided was so detailed and worrisome that I had to speak today.

There are difficulties. It is almost impossible for human beings to manage this problem. Look at what is happening in Japan. For now, the problem has been contained. There are no major problems, but who is to say that this cooling down is unnecessary and that there will not be other problems?

We must also see that there is a real threat of a terrorist attack in Canada since we store radioactive waste.

Highly radioactive materials, such as contaminated metal beams, are being sent back into the civilian market. I will provide an example of this later on. This is an issue in Canada right now, but the problem is contained. It would be disturbingly easy for a malicious terrorist group to target strategic storage locations in Canada and Quebec.

In Quebec, the topic of uranium mining often represents a serious question of identity. Uranium mining has been criticized and people have spoken out against it. Gentilly-2 is currently being decommissioned. Discussions on uranium mining are taking place and action is being taken.

The Matoush project has also been strongly opposed by the public. This is a topical issue, but there is a dangerous potential for terrorism at our door, near Toronto, as my colleague pointed out.

How much time do I have left, Mr. Speaker?

● (1825)

The Acting Speaker (Mr. Bruce Stanton): You have three minutes.

Mr. Jonathan Genest-Jourdain: Mr. Speaker, let us come back to the materials that are being reintroduced into the market. This information has been brought to my attention in recent years. I do not have any documentation to show you, but the information is out there.

In Quebec, there is a scrap yard owner who has a rather sophisticated machine. I think this is common practice and perhaps fairly standard at scrap yards. I would assume that is the case. One day, as he was analyzing and processing new materials, his machinery detected a very high level of radiation on certain metal beams, on some metal posts. He had rather sophisticated machinery, probably a Geiger counter, that could detect that. Tests were done and they were able to determine that it came from Gentilly.

How did this material and these highly radioactive beams manage to end up in civilian hands? I put it to you, Mr. Speaker. This is a very worrisome situation that was brought to my attention and to the attention of the general public. I simply wanted to reiterate that today.

The biggest nuclear terrorism threat is found in the residue of Canadian nuclear power plants, in the waste that is not protected from physical impacts and attacks. It would be very easy, in Gentilly or from the St. Lawrence River, to get access to the nuclear fuel stored on-site. The buildings are not immune to attacks.

To conclude, I would like to quote Gordon Edwards, one of the professionals who came to meet us on the north shore and who is now a math professor at Vanier Cégep in Montreal. He said:

[*English*]

Obviously irradiated nuclear fuel will be a primary target on any terrorist's hit list, provided it is accessible as a terrorist's target.

[*Translation*]

Those are the wise words of Gordon Edwards.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, on that note, there is a wide nature of nuclear material, from medical isotopes to nuclear power plants and other forms of nuclear material.

I wonder if the member might provide comment on the importance of the Government of Canada working with provinces and other stakeholders to ensure there is some sort of plan in place to deal with potential terrorist attacks on our own ground or, for that matter, even accidents.

[*Translation*]

Mr. Jonathan Genest-Jourdain: Mr. Speaker, I would like to thank the member for his question.

I would like to reiterate the importance of working with all of the stakeholders involved. We need to shed some light on the uranium and nuclear industries. Some people are trying to get their hands on these substances. That puts a lot of people, including lobbyists, in an uncomfortable situation. I know that it is a very powerful lobby that has a direct line to the party opposite. However, the public's opinion and the demands of Canadians will have to be heard because there is strong opposition to the mining and use of these materials.

That is all.

● (1830)

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Manicouagan will have eight and a half minutes for questions and comments when the House resumes debate on the motion.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

INTERNATIONAL TRADE

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I am pleased to rise again with respect to the comprehensive economic and trade agreement. I appreciate the opportunity to follow up on a question that I asked recently about leaked reports from the European Union that suggested that negotiations between Canada and the EU were unfolding in a way that could lead to an imbalanced deal that is not in the interests of Canadians.

The first document stated that the EU list of offensive interests is larger than the Canadian one, and that Canadian services are on the table, while Europe's stay exempted. More recently, we have seen leaked documents, again from the European Union, stating that the EU is aggressively coming after Canadian banking regulations, regulations that helped Canada weather the blow of the global recession that began in 2008.

I have brought up similar issues with the parliamentary secretary before, and he generally says that he will not comment on leaked documents. This could be a justified policy except for the fact that leaked documents are all that Canadians have to go on because the Conservative government is the most secretive of any government involved in trade negotiations, maybe in the history of our country.

I have been the official opposition trade critic for almost a year now. In that time, the Minister of International Trade has never come before our committee to update us on the progress of negotiations, not once. The government does not provide us with specific information about what we are seeking to gain from the deal, and it will not provide any information about what we are willing to give up.

Once again today there was a motion before our trade committee that called the minister to update us on CETA. Once again, the Conservatives made us discuss this in secret. Once again, the motion to call the minister before our committee was not adopted. This is not how transparency is provided to Canadians.

Before being elected to this place, I negotiated hundreds of agreements. I know that negotiations can be done in a more transparent manner. Of course, actual negotiations occur behind closed doors. However, the government could give periodic updates and outline what issues are on the table to the principals upon whose behalf it is bargaining, that is, Canadians.

Trade negotiations are no different. We need look no further than our partner, the European Commission. Those doing the negotiations on the EU side must give periodic detailed updates to their trade committees. Our largest trading partner, the United States, also has a much more transparent process that involves their Congress in a real, meaningful way. Instead, in Canada, we get vague descriptions about a wonderful future where the Conservatives spin fanciful stories of mythical gains. Economists would tell us that these predictions are laughable, and that these claims have been cobbled together by a questionable methodology that is not based on real world assumptions.

On the other side, Canadians are expressing serious concerns about what the Conservatives are willing to give up in order to secure a deal with the EU. There are worries about investor state dispute resolution processes that would hamstring local economic development initiatives. There are major concerns about the effect of this deal on farmers in the dairy, egg and poultry industries. Will it raise the cost of medications for Canadians and provinces?

What is needed here is transparency in the process so that we are dealing with facts rather than with leaked documents, fear, ideology and spin. Why will the government not give a briefing to this Parliament and Canadians about what is at stake with CETA so we can see this deal before it is concluded?

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, for the Atlantic Canada Opportunities Agency and for the Atlantic Gateway, CPC): Mr. Speaker, we have pretty well heard most of what the hon. member has to contribute. He summed it up himself just now: fear, ideology and spin. That pretty well sums what he really had to say.

The member wants to look, in a serious way, at leaked documents. What is a leaked document? Who even knows? The member says this deal should be over. Is that based on a calendar? Should this be done by the calendar or on the quality of the agreement?

The minister has briefed the committee. He has been to the committee. We have had trade officials at the committee. We have had Steve Verheul, who is our chief trade negotiator, at the committee. It is absolute nonsense that somehow the European Parliament is better briefed than our own parliamentarians. It is a false statement, clearly.

We have been to the European Parliament, and we listened to this nonsense before we went. When we got there, we found out that the European parliamentarians on that trade committee were not nearly as well briefed as we were on the facts of the agreement.

The reality is that this agreement is being negotiated. People do not do negotiations in public or in the press, unless they are the NDP or trade unionists, using it to leverage some type of gain. In this case, I would call that some type of supposed political gain.

For the member's own province, for the first time, we are looking to get Canadian fish and seafood into the European Union duty free. That is a huge boost for British Columbia, with a great potential for the wild fish industry in British Columbia.

In the last three years British Columbia shipped somewhere in the neighbourhood of $324 million worth of lumber into the European Union. If we could lower those tariffs, if we could move that lumber into the European Union duty free, that would be a tremendous boost for the province of British Columbia.

In closing, I would emphasize that this is not going to be negotiated on the calendar and it is certainly not going to be negotiated by the opposition. When this deal is final, it will be debated in this place where it should be debated. It will be before the committee and we will study it in depth, as our responsibilities require us to do.

● (1835)

Mr. Don Davies: Mr. Speaker, this is classic. The government will not talk about the negotiations, but it will spin things—for example, that fish will be a benefit to Canada. It wants to talk about the positives but not what Canada will be giving up.

We can reach a deal with Europe that would be mutually beneficial. The EU is exactly the type of progressive high-standards partner with whom we should be trading, but Canadians are not convinced that the Conservative government will negotiate a balanced agreement.

Once the deal is inked, there will be no changing it. It will be presented to us, and we will have to either support it or not.

Here are some specific questions Canadians want answered now, before the deal is reached. Will farmers in supply-managed sectors be protected? Will taxpayers be protected from lawsuits? Will our federal, provincial and local governments be prevented from setting policies in the interest of Canadians? Will the cost of drugs rise, and if so, does the government have a plan to help Canadians who are faced with these increased costs?

Can the government answer these simple questions before Canadians are faced with a fait accompli and presented with an agreement to which they have no choice but to say yes or no? Why can Canadians not be involved in this process? After all, this agreement is for them.

Mr. Gerald Keddy: Mr. Speaker, that is just patent fearmongering. Those questions have already been answered. The hon. member knows that.

The member is protected in this place because he can say anything he wants. It is like Christmas every day for the NDP, because its members are not held responsible. They are in the House of Commons. They do not have to stick to the written law or rule. They can just simply spin anything they want. It is absolute patent nonsense.

What this is about is a job-creating, pro-trade plan for the benefit of all Canadians, a minimum of a 20% increase in trade between the European Union and Canada. Jobs, growth and opportunity for all Canadians are in this trade agreement.

* * *

[*Translation*]

NATIONAL DEFENCE

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, I would like to revisit a question I asked on November 28, 2012, on the mismanagement of infrastructure on military bases, since this was also raised in chapter five of the Auditor General's fall 2012 report.

The concerns related primarily to the maintenance of sites and buildings that belong to the Canadian Forces, as well as the safety of some buildings, since some do not meet safety standards and pose a danger to the personnel working in them.

The Auditor General recommended developing a real property management framework and a national strategy for managing real property, which did not exist when the report came out. Such a framework was apparently prepared in November 2010, but it remains on stand-by.

Indeed, according to the Auditor General, until such a framework is in place, the department cannot know if it has the required real property assets at the right place, and in good repair, to meet the operational requirements of the Canadian Forces.

There are gaps in National Defence's management practices for acquiring, maintaining, and repairing capital assets. The overall performance management framework for real property is incomplete. Maintenance work tends to be reactive, rather than proactive, for instance, in response to breakdown. This can result in a premature failure of real property assets.

I would like to know the status of this management framework. Have any measures been taken to create a national strategy for real property?

Furthermore, there were also problems regarding the funding cycles for maintenance and repairs. Funds intended for maintenance are available too late in the fiscal year to pay for plans and projects based on the normal construction cycle, which operates seasonally.

I would also like to know if this problem has been addressed through any changes or adjustments to make it easier to coordinate financial resources and capital projects.

The supplementary estimates indicate that $649 million were transferred out of real property, which means that the $649 million originally allocated for National Defence real property was not spent and was reallocated elsewhere.

What projects were supposed to be funded by that $649 million? Why was that money not invested in real property, when immediate funds are clearly needed to pay for upgrades to buildings on bases? What projects are being ignored or delayed when it comes to real property?

Real property assets are certainly less glamourous than ships and planes when it comes to photo ops, but I think they are the foundation of Canadian Forces operations.

The answer will no doubt be that the funds have been put in place. However, the reality is that these transfers mark a low point in the real property budget of the past five years, just a few months after the alarm was sounded by the Auditor General because the real property assets are falling apart.

I would like to know what the department is doing with these real property assets. What is under way? What does the government have planned? What strategy has been put in place? What is the plan?

I would simply like the Parliamentary Secretary to the Minister of National Defence to provide the House with more information about where we are on this matter.

● (1840)

Mr. Chris Alexander (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I thank my hon. colleague from Abitibi—Témiscamingue for asking this question as it will allow us to clarify a few facts about a file that is important to National Defence and all Canadians.

Yes, we want to take more pre-emptive action. We want to be better managers and to improve management of our real property assets. We want to be more efficient and achieve superior results in managing these assets, which are extensive.

However, I must say that it was never our intention to ignore this question, either in committee with the minister or today. During the debate on the supplementary estimates (B) that took place late last year, it was not a question of simply changing the infrastructure budget. There is no shortfall in the budget for these items. On the contrary, since 2009 we have spent much more than $3 billion across the country for all kinds of construction projects.

The government will continue to invest in infrastructure in order to ensure that our men and women in uniform have the resources they need to carry out their duties safely.

The hon. member probably knows better than most Canadians that this is nothing glamourous. We do not see many headlines about infrastructure, but it is one of the four main pillars of the national strategy. Canada puts national defence first. The other pillars are equipment, personnel, and of course, readiness, which includes training—a key component of readiness.

The Department of National Defence has one of the Government of Canada's biggest and most complex real estate portfolios, including 21,000 buildings and 800 properties covering 2.25 million hectares. The department has to manage tens of thousands of square kilometres of land. Managing such a large real estate portfolio is not easy. We know that there are still problems that need to be resolved. The department has agreed to implement the Auditor General's recommendations and is in the process of doing so.

The source of the funding used to solve the problems raised by the Auditor General was an internal allocation. As a result, to date, these expenses have been absorbed into the department's existing budget, and as things now stand, they do not need to be included in the supplementary estimates.

The government already has a plan to solve the problems that have been raised with regard to infrastructure. I have already spoken about the Canada first strategy. This is an infrastructure strategy that will be carried out over a 20-year period. Let us be clear. There are factors that we cannot control, such as the weather, the seasons and how much construction can be done in a summer or fall. These factors can lead to slight changes in the plan, but they will never interfere with our determination to follow through with this great plan to renew our infrastructure.

● (1845)

Ms. Christine Moore: Mr. Speaker, I would like to ask another quick question. In terms of financial controls over Defence Construction Canada, the Auditor General raised some questions about the fact that, contrary to normal operating procedures, Defence Construction Canada was not the subject of cyclical reviews as part of the financial management processes. No cyclical reviews had been carried out since the signing of the MOU in 2008. National Defence therefore has no assurance that Defence Construction Canada is exercising its authorities correctly.

In response to the report, the department said it would hire an independent third party in the 2012-13 fiscal year. I would like to know if such a third party has been hired. What qualifications and experience does the individual have in that area? If such an individual has been hired, what is the status of the work and the cyclical review in question?

Mr. Chris Alexander: Mr. Speaker, I want to reiterate that we have accepted the Auditor General's recommendations, and this includes recommendations on the point raised by the member.

We are still working on a strategy to respond to these recommendations. To follow up on the Auditor General's report, we are developing a strategy for our real property, in which the priorities will be aligned with the initiatives in the current budget. This strategy will be at the final preparation stage in 2013.

The funds that have already been promised and allocated to infrastructure will help improve runways and will be invested in ports, aerodromes, hangars and training facilities, and will also help provide what is needed for a modern military. Considerable progress has already been made at Canadian Forces Base Borden, north of Toronto. A few weeks ago, I attended the announcement of a contract along with the Minister of National Defence. This contract will provide more effective management of infrastructure in Ontario and in Abitibi-Témiscamingue. We are already responding in many ways at different levels.

● (1850)

[*English*]

INTERNATIONAL TRADE

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, on November 19, I asked the Minister of International Trade a very direct question. Would the Canada-European trade agreement, CETA, which the government is negotiating, result in Canadians paying increased drug costs?

In the past, the minister has described the possibility of increased drug costs as a myth. However, in his response that day, he did not in any way deny that as a result of what the government is negotiating, Canadians would be facing increased drug costs. He did not deny it. He was fairly bland about it.

It is time the government came clean and informed Canadians about what has been negotiated away and the implications in terms of the costs Canadians will have to carry, specifically in terms of, but not limited to, health care costs.

The minister's final line in his answer was that “[t]hese negotiations have been, and continue to be, the most open and transparent in Canada's history”.

In that statement, nothing could be further from the truth. This is the most secretive government and the least transparent, most controlling and most unaccountable crew the country has ever seen. As we're seeing daily in here, with the minister resigning the other day, it is an increasingly corrupt government. As hard as it is to believe, getting information and getting the minister to answer questions before committee is nearly impossible.

I see the parliamentary secretary getting ready to answer. However, the House should know that the fearless Conservatives will not even allow a motion, imagine that, to ask the minister to come before committee on what the chair of the committee himself admits, in terms of the CETA agreement, would make NAFTA look like a relic. It is a huge agreement with huge implications, and the fearless Conservative members would not allow the motion to be debated in public. That is pretty pathetic.

What are the Conservatives afraid of? The minister is allowed to go to Washington to give a little speech. He is allowed to travel around the world and give speeches here and there. He is allowed to hold press conferences and answer questions. However, he is not allowed to come before committee and answer to the representatives of Canadians on the implications of this trade agreement.

Canadians deserve the truth. They deserve information on what the costs of drugs would be as a result of the deal.

When the chief negotiator was before the committee, he indicated that some studies had been done but that he would not make them available to committee members. We are the committee members. We should have that information. The minister should appear before committee and answer questions directly. That is what democracy is supposed to be all about. It is how this place is supposed to operate.

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, for the Atlantic Canada Opportunities Agency and for the Atlantic Gateway, CPC): Mr. Speaker, I find it more than a bit surprising that the hon. member wants answers to direct questions, but he wants to ask those questions that are full of fallacy and innuendo, maybe and might and could be.

Here is the reality for the member. We are negotiating a comprehensive economic trade agreement with the European Union. We have negotiated trade agreements already with nine countries around the world. This one will be by far the largest, with 27 member states of the European Union, and 28 member states after Croatia joins on July 1. The hon. member knows that he will have to take a stand and that is really the issue about which he is concerned. He will have to balance this agreement in a reasonable, rational way. He wants to find a reason not to support it, but he will have to make a decision and he will have to present that decision based on some type of real logic to the Canadian public, because there will be real numbers in front of him at the time.

We make no apologies for negotiating this trade agreement on behalf of Canadians and we make no apologies for negotiating this trade agreement directly with the European Union. When it is negotiated, it will come back to the House for open, lengthy and fulsome debate, as it should without question.

In the meantime, the hon. member has to take a look at his own riding in Malpeque in Prince Edward Island. He has to ask himself these questions. Why not give his constituents greater access for potatoes in the European marketplace? Why not give his constituents greater access to the European marketplace for fish and seafood? P.E. I. produces some of the best seafood in the world. It is a great producer of Atlantic blue mussels.

I was at the Boston Seafood Show, the third-largest seafood show in the world, talking to our producers, many of them from the member's riding, about the advantages to reducing an average 12% tariff on seafood going into the European market with tariffs as high as 25%. If we can reduce that to zero, that is a tremendous boost for the member's constituents. The problem is that the member will have to make a decision. He will have to balance the facts, not the rumours or innuendo, of a completed agreement and he will have to make a decision.

I hope he makes that decision on behalf of his constituents, for the sake of the country and not for the sake of political gain. We have far too much of that in this place, and it is time the opposition members look beyond what they see as a quick, easy political gain to what is in the best interest of the nation.

● (1855)

Hon. Wayne Easter: Mr. Speaker, I had to kind of smile when the parliamentary secretary said that I will have to make a decision when the real numbers are in front of me at the time. If we are taking the Minister of Finance as an example, real numbers do not mean much to the Conservatives. The Conservative government never announced a number that it hit on target as yet.

However, the bottom line is that Canadians need information on this deal. It is not me. I represent people in my riding and I represent Canadians as international trade critic. We need to know where the danger points are in the agreement. We need the Conservatives to come clean on where they are really negotiating. They have been an absolute failure in terms of trade. Ten of the last twelve months have been in deficit, and I believe we need to know where the problem areas are so we can make recommendations to the government that it can build a strategy around trade that benefits Canadians, adds value and jobs and creates prosperity. We need to recommend that to the Conservatives, but they will not even have the minister at committee.

Mr. Gerald Keddy: Mr. Speaker, I know the hon. member has not looked, but the entire world is in deficit and Canada is doing better in every category than all of our competition. We are leading the world and we are going to continue to do that through growth, opportunity and exports. Sixty-five per cent of our income is generated through exports. It is probably higher than that in the member's own riding.

Another good portion of our income for our provincial colleagues and our provincial economies is services. We are looking at opening up services in the CETA with the European Union. There is opportunity here, but I am going to throw it back at the hon. member one more time. He is going to have to base his criticisms on facts, not on innuendo or rumour, and he is going to have to present them in this place in a logical manner.

I urge the member to support the agreement because it is good for the country and for his constituents.

● (1900)

[*Translation*]

The Acting Speaker (Mr. Bruce Stanton): 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 p.m.)

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