CANADA

House of Commons Debates

VOLUME 140 • NUMBER 131 • 1st SESSION • 38th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, October 4, 2005

Speaker: The Honourable Peter Milliken

CONTENTS

(Table of Contents appears at back of this issue.)

CORRIGENDUM

In the September 26, 2005 French issue of Hansard, at page 8017, following Question No. 153 by Mr. Brian Pallister, the reply given by the Hon. Jim Karygiannis should read as follows:

Société d'état	Source	Valeur	Date du contrat	Justification et mode d'approvisionnement
VIA Rail Canada Inc.	Gouvernement du Canada, représenté par Groupaction Gosselin Strategic Communications Inc.	$75,000+tx	22 janvier 2001	Participation financière de VIA à la commandite de la Compétition Sculptures de neige 2001.
VIA Rail Canada Inc.	Gosselin Public Relations Inc.	$75,000+tx	31 janvier 2002	Participation financière de VIA à la commandite de la Compétition Sculptures de neige 2002.
VIA Rail Canada Inc.	Everest Commandites (G.E.C.M.)	$215,000+tx	4 mars 2002	Participation financière de VIA à la commandite du gala Les Mercuriades 2002 (Everest mandatée par l'Association des Chambres de Commerce du Québec).
VIA Rail Canada Inc.	Everest Publicité Promotions Inc.	$75,000+tx	25 mars 2003	Participation financière de VIA à la commandite du gala Les Mercuriades 2003 (Everest mandatée par l'Association des Chambres de Commerce du Québec).
VIA Rail Canada Inc.	Everest Commandites (G.E.C.M.)	$35,000+tx	28 juillet 2000	Participation financière de VIA à la commandte du programme Mission Sydney.
VIA Rail Canada Inc.	Everest Publicité Promotions	$15,000+tx	23 juillet 2003	Participation financière de VIA à la commandite de «La Grande Fête des Enfants 2003».

HOUSE OF COMMONS

Tuesday, October 4, 2005

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1000)

[*English*]

PETITIONS

KIDNEY DISEASE

Hon. Peter Adams (Peterborough, Lib.): Mr. Speaker, I rise to present a petition on behalf of citizens of the Peterborough area who are very interested in and concerned about kidney disease. The petition concerns the Canadian Institutes of Health Research. These constituents know that the Canadian Institutes of Health Research do extremely good work and that the institutes represent a great advance in health research in Canada in recent years.

These citizens point out that kidney disease is a huge and growing problem in Canada. Although real progress is being made in various ways in preventing and coping with kidney disease, and in particular the development of the bio-artificial kidney, they call upon Parliament to make research funding available to the Canadian Institutes of Health Research for the explicit purpose of conducting bio-artificial kidney research as an extension of research being successfully conducted at several centres in the United States.

● (1005)

LNG TERMINALS

Mr. Greg Thompson (New Brunswick Southwest, CPC): Mr. Speaker, with me today I have a number of petitions signed by literally hundreds of people in and around Passamaquoddy Bay. There is a proposal by a U.S. proponent to build an LNG, or liquid natural gas, terminal on the U.S. side of Passamaquoddy Bay. We believe that this is not a smart location and some members on the other side of the House agree.

These petitioners are asking the Government of Canada to do what it did 30 years ago and say no to the transport of tankers through Head Harbour Passage, the most dangerous passage in all of the east coast of Canada. This would stop the construction of those LNG terminals, which would endanger our citizens, our environment and our economy.

CANADIAN BROADCASTING CORPORATION

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, today I have two petitions to present from hundreds of citizens in Toronto. They have to do with the situation at the CBC. We of course have finally heard some news about this. I would like to table these petitions in which the petitioners were calling for action. Hopefully we can also see a vision for the CBC in its direction into the future, a more positive vision than we have seen in the past.

* * *

QUESTIONS ON THE ORDER PAPER

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

PUBLIC SERVANTS DISCLOSURE PROTECTION ACT

The House resumed from October 3 consideration of Bill C-11, An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings, as reported (with amendment) from the committee, and of the motions in Group No. 1.

Mr. Gurmant Grewal (Newton—North Delta, CPC): Mr. Speaker, I am pleased to rise today on behalf of the constituents of Newton—North Delta to participate in the report stage debate on Bill C-11, the public servants disclosure protection act. Bill C-11 creates a procedure for the disclosure of wrongdoing in the federal public sector. If enacted, this bill would finally give Canada whistleblowing legislation, something other nations have had for decades.

When we look into the background of the bill, we see that this government has had 4,350 days to fulfill its promise and introduce effective whistleblowing legislation. That is how long this government has had.

The former government House leader, the hon. member for Glengarry—Prescott—Russell, said in 1992, while in opposition, "Public servants must be able to report about illegal or unethical behaviour that they encounter on the job without fear or reprisal". In his speech, the hon. member then went on to quote a Liberal caucus-approved document, "Public Sector Ethics", calling for whistleblowing legislation.

However, once secure in office, the Liberals quickly forgot about their promises. In the end, it took the sponsorship scandal for this weak-kneed government to dust off its decade-old promise.

Meanwhile, we have witnessed billions of taxpayers' dollars disappear. The sponsorship scandal could have been avoided or at least quashed years ago if whistleblowing legislation had been in place. The same holds true for the HRDC boondoggle, the George Radwanski affair, the gun registry cost overruns and so on.

Public service integrity officer Edward Keyserlingk, referring to the sponsorship program scandal, said that whistleblowing legislation could have saved taxpayers millions of dollars by giving public servants "the confidence to come forward".

It is little wonder no one blew the whistle on this scandal. In the absence of any whistleblowing legislation, even well-meaning public servants are reluctant to come forward because they know that making trouble will be a career ending move.

This government claims to support whistleblowers, but its actions indicate otherwise. Let us look at the case of the three scientists from Health Canada who were fired in June 2004: Margaret Haydon, Shiv Chopra and Gérard Lambert.

They were among this country's most outspoken whistleblowers. They raised issues such as the safety of a bovine growth hormone proposed for use in dairy herds to boost milk production, the influence of corporations in government drug approvals, and the need to keep animal parts out of the feed supply to keep beef safe. All three were fired on the same day for undisclosed reasons, which, Canadians were told, had nothing whatsoever to do with their whistleblowing. The government must think Canadians are hopelessly naive.

The Liberals have been boasting about Bill C-11 and everything they are doing for public servants who disclose wrongdoing. However, firing dissenting research scientists sends another message. It tells public servants that debate is discouraged in the federal government and no one's job is safe.

As far as Bill C-11 is concerned, in its original form the bill would have done more harm than good for whistleblowers. However, after a lot of hard work by Conservatives in committee, some of the major flaws have been corrected.

● (1010)

I do not want anyone to get me wrong. The bill is still far from perfect but thanks to the pressure applied by the Conservative Party, the government has relented and tabled amendments to create an independent commissioner to hear and investigate disclosures of wrongdoing. This was an essential change to the proposed legislation.

Other amendments have not been forthcoming, including: having the commissioner report directly to Parliament instead of to a minister; prohibitions of reprisals against those who make disclosures of wrongdoing to the public, media, police or anyone outside the narrow process prescribed in the bill; elimination of provisions to change the Access to Information Act to allow departments to refuse to release information about internal disclosures of wrongdoing for five years; and, the bill would still allow cabinet to arbitrarily remove government bodies from protection under Bill C-11.

The bill represents an improvement over the status quo but it remains clear that the government is more interested in managing whistleblowing than protecting and encouraging public servants who uncover evidence of wrongdoing.

It would be interesting to know if there could have been a better way to protect whistleblowers. Like the members for New Brunswick Southwest and Winnipeg Centre, as well as Senator Kinsella, I have for years been lobbying for a strong whistleblower protection. In October 2000, I introduced Bill C-508, the whistleblower human rights act, which was probably the first bill introduced in that session about whistleblowing protection.

My legislation, drafted with the help of actual whistleblowers, including Joanna Gualtieri, Brian McAdam, Robert Reid and many others, would have given people the confidence to come forward but the Liberals could not muster up the courage to support an opposition member's bill.

When the bill finally came to a vote in February 2003 as Bill C-201, because I had reintroduced the same bill, government members refused to lend their support to my initiative. If the government had been sincere about whistleblowing, Liberal members would have voted differently that day. We know the government did not want to pass the bill at that time. Instead, it revealed how phoney its promise had been.

The last time I participated in the debate on Bill C-11, I highlighted a good comparison of my bill, which was drafted by whistleblowers, to Bill C-11 at that stage. There was a big contrast. Many members on the Liberal side were nodding their heads in favour of some of the things that I was proposing in my bill.

The government needs to do more to encourage the reporting of wrongdoing and should stress that it is an important civic responsibility. In fact, it should be the stated duty of every employee to disclose any wrongdoing that comes to their attention.

Based on the experiences of the whistleblowers I have met, their careers and personal lives have been devastated. I believe an employee who has alleged wrongdoing and suffers from retaliatory action as a consequence should have a right to bring a civil action before a court. As well, allegations of wrongdoing should be rewarded like in California where whistleblowers are entitled to 10% of the money government saves as a result of their vigilance.

It is vital that the threat of employer retaliation be eliminated to encourage government employees to speak up. This will assist in curtailing the misuse of taxpayer dollars. Every day there seems to be new reports of corruption and scandal with the government that could be eliminated.

● (1015)

When I blew the whistle on whistleblowing, the Liberals had their ears plugged. Four years ago, in the face of government opposition, I introduced legislation which the Liberals refused to support at that time. Now is the time they should be serious about making this bill effective. Since it was first introduced some important amendments have been made but it is still flawed. I think we will let it pass so that a Conservative government will have the opportunity to make it stronger.

Hon. Peter Adams (Parliamentary Secretary to the Minister of Human Resources and Skills Development and Minister responsible for Democratic Renewal, Lib.): Mr. Speaker, I listened with great interest to what my colleague opposite had to say because I know of his long time interest in this matter.

However what disturbed me about his statements was his constant reference to the government and the government's bill. Although, technically, Bill C-11 is a government bill, it is my understanding that there is a history, some of which selectively my colleague referred to. It has had a couple of years of debate through private members' bills, inquiries within the system and public inquiries outside of the federal system. We are now faced with this bill which in fact was referred to committee after first reading.

As my colleague knows, the purpose of that, although to people watching it sounds a bit technical, is to allow the committee, if it wishes, to effectively rewrite a piece of legislation. This legislation, Bill C-11, which we are dealing with now, is not a government bill in the more general sense. This is a committee bill that each party here in the House has been able to deal with from the very beginning and change. It is my understanding that changes have been made.

I would like my colleague, if he would, to comment on this. Is he, in his grudging approval of this legislation, damning by feint praise the work of a standing committee of this House, work which has involved, not only members of his own party but of the Bloc, the NDP and the government side?

● (1020)

Mr. Gurmant Grewal: Mr. Speaker, it is shameful that the government waited for over 12 years to come up with a bill to protect public servant employees when they blow a whistle. It is shameful that when public servants are vigilant and notice some wrongdoing, corruption, mismanagement or waste in the government and blow the whistle for public safety, security and national interests, they are not protected.

The second thing that is shameful, for the Liberals particularly and the government, is that it was a private member like myself and some other members in the House who came up with this initiative many years ago, noticing that something was wrong in the system and that whistleblowers needed to be protected. The government first refused to support that initiative and then it tried to criticize and mitigate the private member's voice that was coming forward to awake the government, which was sleeping at the wheel, to come up with whistleblower legislation. When the government finally came up with a bill, it was a hopeless bill. It would have done more harm than good for those whistleblowers.

When the bill was in the committee, I appeared before the committee and made suggestions and recommendations for amendments because we wanted the democratic process to work. I am not criticizing or demonizing the role of the committee. The committee did a good job. All members of the committee from all the parties worked hard in the committee without partisanship, which is why this bill, which was hopeless in the beginning, has been changed a little and has some positive changes.

The government's role was in de facto carried on by private members to awake the sleeping government that it should come up with whistleblower legislation and make it effective in a real sense. When it came up with Bill C-11 it was hopeless and it was the Conservative members on the committee who gave positive contributions, suggestions, recommendations and amendments. That is how this bill has been changed from a bad bill to a somewhat acceptable bill at this stage.

The members of the committee did a good job and the sleeping government has to wake up and come up with amendments that will be effective and make the legislation really workable. Sometimes when it comes up with legislation it is simply a framework but there is no substance to it. Sometimes it comes up with a little substance which does more harm than good, but it is the members of the opposition who keep the government in line and make the bills effective.

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, I rise today to debate Bill C-11, the Liberal government's half attempt at protecting public servants who blow the whistle on corruption in government. It is a necessary bill but one, I am sad to say, the Liberal government never took very seriously.

I wish to begin by congratulating the member for Stormont—Dundas—South Glengarry for his ongoing determination to see a whistleblower protection act that actually protects those who disclose wrongdoing. The voters in that riding would do well to remember it was that member, not the Liberal government, who pushed Bill C-11 from a woefully inadequate, fatally flawed bill to at least a workable framework for protecting whistleblowers. I believe that member of Parliament will be in the House to see a Conservative government that will finish the job.

With the prospect of a Conservative government to replace this tired and scandal plagued Liberal regime on the horizon, it gives me the opportunity to think aloud about what it will take to root out the Liberal culture of corruption and bring about a better, cleaner government for Canadians. This is no small step. Forming government means that we will take the reins as the largest employer in the land. A Conservative government would have to strive for labour excellence with the public service, not settle for the old Liberal pattern to disregard and demoralize.

Labour excellence is about forging a new relationship with our public servants, recognizing them as valued partners in the quest for open, transparent and fully accountable government that is finally free from the stain of corruption. Labour excellence between a Conservative government and the public service will have to include many things.

Some context for this bill: settling contracts on time or better, not allowing them to languish for months as this Treasury Board president did; bargaining fairly and not counting on public stereotypes of bureaucrats to strengthen the government hand to legislate back to work and impose a settlement, as this Treasury Board president hoped to do last year.

Such a partnership will require real whistleblower protection, not the amended bill we have before us today.

During debate on Bill C-11, I have seen a change in the Liberal tone. There is a jump in their step. They are talking about the wonders of a minority government while they secretly hope the public does not remember the two previous incarnations of this bill that did nothing to protect whistleblowers and everything to protect Liberal corruption.

The Liberal government introduced its fatally flawed bill in March 2004, just after the Auditor General slammed the Liberal sponsorship program and the government for breaking every rule in the book. The Liberals introduced that bill just before pulling the plug on the public accounts committee and on Parliament to keep Liberal ad scam misdeeds from reaching the voters. In other words, the Liberal government never intended to protect those who blew the whistle on its corruption.

I remember Allan Cutler. Most of us remember him for bravely disclosing corruption, but how many other faceless and nameless public servants had their careers, their health and their reputations destroyed for trying to do the same before the Auditor General broke ground on the truth behind the Liberal sponsorship program? They must be devastated listening to Liberals yesterday and today acting like they are actively part of a real whistleblower protection act. In fact, Liberals have been selling the false idea that this is already legislation. What a slap in their faces.

Now I am not fooled. Not only did the Liberal government fake whistleblower protection before the last election, it had the audacity to bring back the flawed bill after the election. Another slap in the face to public servants who have high ethics.

Canadians are not fooled. If former Liberal cabinet minister David Dingwall were not under a cloud of suspicion for bilking Canadian taxpayers with padded expense claims and kickbacks for lobbying the Liberal cabinet for Technology Partnerships Canada grants, the government would not have made a single amendment to Bill C-11, not one.

The Liberal government is in desperate need of an extreme ethical makeover but that makeover does not start with a few half measure amendments that are only better than the original bill because the original bill was so awful. Such an ethical makeover starts with a heartfelt commitment that taxpayer dollars are the delegated trust of hardworking Canadians coast to coast to their representatives, not the personal playthings of a power-mongering Liberal Party desperate to hold power.

● (1025)

Such an ethical makeover requires seeing public servants as public guardians of ethics in the processes of government, not potential leaks that must be quashed to preserve Liberal corruption. These public guardians deserve our utmost consideration as full partners ensuring that the dollars taxpayers pay in good faith help fellow Canadians in need and are not syphoned off to reward the friends and cronies of an institutionalized Liberal government.

Such an ethical makeover is not possible for the Liberal government. The evidence of that is in this amended Bill C-11. Liberals had the chance to get it right and chose not to. The Liberal government had the chance to shed a light into the darkest corners of every government department, but since Canadians would likely have seen Liberal rats scurrying about, the government chose to adopt a cover-up clause instead.

First the Liberals wanted 20 years without disclosure. They would never take zero. They would go no lower than five years. For five years, disclosure of wrongdoings can sit inside a government department before coming to light. Not only this but the Liberals had the chance to broadly apply whistleblower protection without strings attached. They chose not to.

The cabinet will retain the unilateral power to pull protection from whistleblowers, for example, at crown corporations. Disgraced David Dingwall was just forced out of a crown corporation by the official opposition's digging to expose his outlandish abuse of taxpayer dollars, not because the government was forthcoming about it. If Liberals had their way, he would still be CEO of the mint, bilking taxpayers for lavish dinners and golf memberships in secrecy. The Liberals cannot undertake an extreme ethical makeover because they had the chance and did not.

I will reluctantly support the bill, quite frankly because it is the best we will get from the Liberal government. This is better than the naked exposure public servants of high integrity and ethics faced for 12 Liberal years for doing the right thing by disclosing corruption, abuse and waste.

It is too bad the Liberals could not muster the courage to end their self indulgence with a comprehensive whistleblower protection act that would once and for all slap constraints on their corruption addiction. Because the Liberals are incapable of cleaning up corruption and cannot handle disclosure of the truth about their corruption, Canadians will have to sweep them from power.

Only the Conservative Party can clean up Liberal corruption and restore better government to a great Canada. The Conservative Party is ready to step in and do the job of protecting all whistleblowers, not just most.

The member for Stormont—Dundas—South Glengarry is ready. As the next Government of Canada, Conservatives will end the cover-up clause and apply whistleblower protection to all agencies of the government. That is the clean government Canadians deserve.

● (1030)

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, I listened carefully to the member's speech, which was a long tome heavy on political rhetoric. I think it would be wise for the people who are watching today to deal with the facts.

One particular issue which I know is of interest to all members is that of crown corporations. Historically, crown corporations were not under the watchful gaze of the Auditor General. As arm's-length institutions they were not subject to the type of comptroller and audit oversight that was necessary.

The President of the Treasury Board has instituted 31 changes to radically change the type of auditing and public oversight of crown corporations. For example, crown corporations are now subject to very significant access to information provisions. Very important, they are under the watchful gaze and power of the Auditor General, who can go in and look at the books, not only for the public, but also for the government and the House.

Another big section that has been dealt with in terms of improving accountability to the taxpayer and ensuring that we get the best bang for the public's money is the comptroller system. The Prime Minister introduced a comptroller system to make sure that all departments were under a comptroller system so that the Canadian public and we as a government would know where the hard-earned money of the Canadian people is going and to make sure that the things we want to get done on behalf of the Canadian public get done. That oversight mechanism is there.

The Minister of National Revenue with his counterparts has put together an expenditure review system. It forces every single minister and department to ensure that every year the lowest 5% of the moneys being spent is removed and reallocated to higher priorities. In other words, it is an ongoing revision of the workings of a minister's department to make sure that those areas that are least productive will be driven into more productive areas for the Canadian taxpayer.

Does the member not approve and applaud the government's interventions and initiatives to improve and dramatically revamp the way in which crown corporations are dealt with? Does he not strongly approve of the new auditing procedures that we have put in place under the watchful eye of the Auditor General?

Mr. Jeff Watson: Mr. Speaker, the member's last comment was probably the most telling. I applaud the Auditor General, not the government.

The government has been dragged kicking and screaming by the exposure of its own corrupt misdeeds into making changes. It was forced. The Liberals are not forthcoming. It was not that the Liberals said that they were going to clean up the way government was done and that there would be great openness and transparency. That is not what they did. They were forced into it because of the damning disclosure of the wrongdoings that were going on under the Liberals' watch.

I applaud the Auditor General, not the government. It is too little too late, quite frankly. It deserves some real consequences. Every time I hear technical arguments, there is often the candid admission that the government does not want people to look at the broad strokes. It gets everybody to focus on this or that little detail in order to miss the big picture of what is going on.

What is going on here is that the Liberal government does not want any consequences. The bill has been radically changed. In fact, the member for Peterborough did not even want to defend the original bill, Bill C-25, quite frankly, giving credit to everybody in the House that it has been changed. That is a candid admission of how bad Bill C-25 a year ago and Bill C-11 really were.

They were fake attempts at whistleblower protection. It is sad that the government could not muster the courage to get protection for all whistleblowers this time. That is what should have happened. The government did not do it. It does not deserve any credit.

● (1035)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I believe the member referred to the cover-up clause. It is clause 55. It is a consequential amendment to the Access to Information Act.

The clause basically says that if a record has come into existence within the last five years it can be withheld by the government institution if it identifies or could reasonably identify a whistleblower. Does the member agree that with this act to protect whistleblowers there should be protection of release of information for at least five years when the Auditor General has 20 years?

Mr. Jeff Watson: Mr. Speaker, it is important when we put legislation forward that we have the proper constraints. The government does not want the proper constraints on its addiction to corruption. Probably the biggest reason is that Liberal appointees get to abuse their trust. We have seen that over and over again with the government. It should have come up with a much better bill than this one. It did not go far enough in this legislation. The government should have gone further and it will have to account for that.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Deputy Speaker: I declare Motion No. 1 carried. I therefore declare Motions Nos. 2 to 47 also carried.

(Motions Nos. 1 to 47 inclusive agreed to)

Hon. Belinda Stronach (for the President of the Treasury Board and Minister responsible for the Canadian Wheat Board) moved that the bill, as amended, be concurred in at report stage with further amendments, and read the second time.

The Deputy Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

The Deputy Speaker: When shall the bill be read a third time?

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, discussions have taken place between all parties concerning the third reading debate of Bill C-11, and I believe you would find unanimous consent that the House begin immediately third reading debate.

The Deputy Speaker: Does the hon. parliamentary secretary have the consent of the House?

Some hon. members: Agreed.

Hon. Belinda Stronach (for the President of the Treasury Board and Minister Responsible for the Canadian Wheat Board) moved that the bill be read the third time and passed.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am very pleased to speak to Bill C-11 which has a long-standing history in this place.

A former colleague, Mr. John Bryden, was very instrumental in getting this process started. It actually goes back to the creation of the government operations committee and the time when George Radwanski was the Privacy Commissioner. That was the first instance when a whistleblower came before parliamentarians under the protection of the committee. The person who came forward with information told the committee that he or she would appear only if the meeting was in camera and only if he or she could be there with a lawyer. That event in a prior Parliament was most significant in terms of being the catalyst in bringing forward whistleblower legislation such as Bill C-11.

If we were to identify one specific reason why employees in the public service were reluctant to come forward, it was the fear of reprisals. It really has to do with the issue of anonymity. It really has to do with people who want to discharge their responsibilities within the public service in a way which is in the best interests of all Canadians.

The genesis was there. In the last Parliament a subcommittee of government operations looked at this matter. The member for Ottawa West and the member for Laval East were the co-chairs of the committee. From that subcommittee came the principles which we were hoping to see in the first bill on whistleblower protection. In the last Parliament Bill C-25 was sponsored by a minister other than the minister who is currently sponsoring Bill C-11. We debated the bill but it died on the order paper as a consequence of the election call.

Bill C-25 of the day came on the heels of another bill, a bill which was also numbered Bill C-25 in the prior session, which was on public service renewal. It was a massive overhaul. I think it was the first in some 20 years. There were still many issues.

We have just dealt with 47 report stage motions, all sponsored by the President of the Treasury Board. They all had to do with one thing which was how to change the bill that parliamentarians saw at first reading so that the person who was responsible for the whistleblower protection act was changed from the president of the Public Service Commission to an independent commissioner who would report to Parliament.

If members looked at the bill which was referred back from the committee, they would still see in the bill reference to the president of the Public Service Commission. The bill was sent to committee after first reading. This is very significant and shows that the commitment of all parliamentarians and certainly the government to having a good bill was so enormous and important that the committee did not have the authority to make it itself.

It took a change in the direction and the approvals of cabinet. It was a question of having a new officer of Parliament equivalent to the access to information officer, the Privacy Commissioner and the Auditor General. The committee felt it was very important, not because the members on the committee thought that this should be done; all of this came about as a consequence of the Radwanski hearings and the witnesses that the committee heard.

● (1040)

We heard time and time again that the anonymity issue was the stopper. The concern was that if employees were to say something, would they in some way be faced with a reprisal and their careers put in jeopardy? Do we have to relegate people who want to bring information forward to delivering plain brown wrappers or envelopes to parliamentarians to try to do something?

Under the Criminal Code, it is the obligation of every party who becomes knowledgeable of a criminal act to bring forward and report that act. However, members will see that is not mentioned in the bill, but it is. It is covered in the oath of office that all public servants take.

I use the term "public service" very generally. People may think that means the bureaucrats. Let us look at the bill very carefully. We now have a new definition of who, under this umbrella, would be covered by it. Every crown corporation is now included under that umbrella for the purposes of this bill, even though they are not public servants as we would understand it in our local jargon. It means every organization, agency, crown corporation, department, name it, the people who deliver those services in those departments and companies now have the protection of the act once it is passed. That is extremely significant.

There are a couple of exceptions such as the military, CSIS and the Canadian Security Intelligence Review Committee, I believe. The committee understood that within those groups there were administrative personnel who probably should have protection, et cetera. However, it was also important to understand that in this very narrow band of interests, being the military, national security and security interests, there already was a code of conduct and provisions whereby these matters could be dealt with.

Notwithstanding that, it also should be understood that even suppliers to the government would have access to go to the public sector integrity commissioner to bring forward information. The public at large, if they want, probably could do that too. There is no prohibition on information going to this officer. However, it is extremely important to understand that the new officer would have to be recommended for appointment by the government and scrutinized by parliamentarians before the appointment. After that time, this person, just like we have the powers of the Auditor General as a parallel, would have full authority and jurisdiction to make decisions, and that means the officer's decision would be the final one.

It is also important to understand that we are not talking about everybody's complaint. This is not to be the complaint department. The essence of the bill is to provide protection for whistleblowers. However, it also has to provide an orderly mechanism for this to happen.

There was concern about what would happen if we set up a separate commission and all of a sudden a wave of complaints came forward that could swamp the commissioner. The important thing for people to understand is what the area of interest is with regard to whistleblowing in this act. It is included under clause 8. For the purposes of this act, these wrongdoings would have to do with breaking some law of Canada, putting employees at risk or gross mismanagement. We are talking about the kinds of things that we experienced with the former privacy commissioner, Mr. Radwanski, where there were very serious problems. His whole department was terribly dysfunctional. There was gross mismanagement.

This is not a human resources body for employees who think they did not get a promotion they were entitled to or who think the employer had it in for them, and therefore they can go to the new commissioner thinking the he or she will take care of it. The commissioner will say that this is a human resources concern. There are mechanisms to deal with human resources issues throughout all government departments, agencies and crown corporations.

● (1045)

I have listened to all the debate. At the outset, the opposition has done a good job of its principal responsibility, and that is to deliver blows that would tenderize a turtle. Members of the opposition have to be as critical as possible and as selective as possible with information in order to bring up their point. They have done a good job of that. However, there is a fine line when someone takes information either out of context or do not provide it in all its glorious detail.

In most of the speeches provided to those members to read, reference has been made to the amendment to the Access to Information Act in clause 55 of the bill. This has basically been referred to by those members as the cover up clause. This provision, which was formerly a 20 year protection on disclosure of information, was amended down to 5 years in committee. The opposition has said that the government wants to have this in the bill so it can cover things up.

If they look at clause 55 in the bill, they would see it says that if the record came into existence less than five years before a request for information was made, the head of a government institution, and that is any of the various departments, agencies, crown corporations that are covered under this, including the RCMP, can refuse to release the information, "if the information identifies, or could reasonably be expected to lead to the identification of, a public servant who made a disclosure under that Act or who cooperated in an investigation under that Act".

That is a bit different than what the members have been representing. I understand that it is very easy to take that little leap. They have to understand that clause 55, the consequential amendment to the Access to Information Act, is extremely important. The essence and the fundamental underpinning of the bill is to protect the identity of the whistleblower. That anonymity allowed the person to come forward in the Radwanski case. That individual came forward as long as they were provided with in camera proceedings and a lawyer.

There has to be some restriction on investigation notes and information relating to a whistleblower's statement or documents corroborating their statements so there can be less chance of reprisal against the person. We want to protect whistleblowers. We want to protect those who come forward in good faith to provide information which may identify a real wrongdoing as defined in the bill. The new commissioner has all the powers of investigation and resources available to do the job properly. Although those members like to talk fast and loose, clause 55 is extremely important.

I should remind members as well that when the Auditor General does an investigation, the information collected is protected for 20 years. It was set up that way to make absolutely sure that any information that came out could not somehow go back on the person who directly or indirectly was responsible for having that information come out.

Members have said that if we want to make the legislation better, we have to get rid of this clause. When it is put in the context of protecting the whistleblower, those members will not vote against it.

Another item that was raised with regard to the government by order in council possibly could eliminate a crown corporation for example, or anybody on schedule 1, which is the list of organizations covered by Bill C-11. Everybody is under this except the military, CSIS and the SIRC.

● (1050)

We have to think about this. I think Patrick Watson said that we should privatize the CBC, that we should put it out to tender. If we did that, we would save lots of money. What would happen if the CBC no longer was a crown corporation? What would happen if it were sold off like Petro-Canada to a private supplier? I think we probably should amend the bill in schedule 1 to delete the CBC from the list. Why would we do that? Because the CBC no longer would be a crown corporation. There could be a consolidation, or a name change or something else. What if we had a new crown corporation? Would we want it to be under this umbrella as well? Should we not have a clause in the bill that says that by order in council we can add another one?

Orders in council are not these secretive little things that people somehow squirrel away and frustrate the parliamentarians.

The member may laugh, but the member probably should get a lesson on gazetting. He should understand that order in council decisions are put into the *Canada Gazette*. They are there for all Canadians and parliamentarians to see. The member should clearly understand that if there were any change whatsoever to the addition or exclusion of any agency, department, crown or whatever, we would hear about it that very same day because employees would then know about it.

I do not see this as a threat. It is a housekeeping clause. It means that names change or consolidate, that people are added or deleted. It allows it to be done by order in council without raising a new bill to amend the act that was formally passed. It is an efficiency tool the government has to ensure we keep things up to date without having to tie up Parliament on things that are obvious. Let us be very careful about this.

I also was very interested in a few of the other points that were made. Members said that the government had to be pushed and that it did not much care about whistleblowing. I think that issue has been on the table since I was elected in 1993.

Bill C-25, which was introduced by another minister not the current minister sponsoring Bill C-11, was brought forward late in the Parliament. We had input and some opportunity to debate that bill.

Then Bill C-11 came forward. Members said in their speeches that it was the same dead bill, that it was lousy, et cetera. They have said that because they fixed it, it is okay and reasonably acceptable. Members should take the opportunity to look at the bill as returned from committee. All the changes that were made at committee are underlined. The most substantive change was to add the RCMP under organizations covered by the bill. While some members take credit for salvaging a terrible bill, if we look through it, the changes were housekeeping in nature. They were fine tuning the bill. As one speaker recently said, the broad strokes, the bill values, which push the foundations of the bill, were in the bill when we got it.

The other aspect is the bill was presented to us before second reading. It is a credit to Parliament to have the confidence in ordinary members of Parliament to send the bill to committee before there has been a vote in the House and before that approval in principle which really restricts the amount of changes a committee can make. What has happened with the bill is an excellent example of how Parliament works. I give full credit to all members of the committee who participated, full members and those who came in from time to time, for helping us to do a good job with the opportunity that was given to us. This was an excellent model.

Back two Parliaments ago when we had Bill C-25 on the modernization of the public service and public service renewal, one key issue that had to be addressed was the confidence level and morale of the public service. We are working on those things very slowly. Bill C-11 is part of what we can do to help to improve the confidence level and morale within the public service.

● (1055)

Public servants understand right now that this bill was about one thing and one thing only, and that was helping them to do a good job in order to bring forward information if they felt it was important to help them do a better job. I believe that Bill C-11 is an excellent bill and I thank all members for their support.

● (1100)

[*Translation*]

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, BQ): Mr. Speaker, I would like my colleague from Mississauga South to comment on the following points. He has talked about—I always listen to speeches in the language used by speakers—cleaning up Bill C-25. Perhaps he could tell us whether one of his reasons for wanting a cleanup could have something to do with the appointment of an independent agent, an officer of Parliament. The entire committee insisted on this, and that includes the hon. member since the recommendation was unanimous. I would like to hear him on this first.

Second, at the beginning of his speech, he said that he was convinced—and I share his conviction—that employees in the public service had such fear of reprisals that this became a stumbling block to disclosure, up until now, without legislation to protect them. The hon. member even mentioned a specific case to illustrate his point.

I would like to hear the hon. member on that and to know what he thinks of the nature of some of the actions that, unfortunately, we have been witnessing in the past two or three years in particular. Given the wrongdoings, abuse, weak governance and the government's misspending of public money, does he believe that the nature of such actions will be even more of a disincentive to disclosure by employees? Will they feel fully protected and free to make disclosures? We can think of the sponsorship scandal, the gun registry scandal and the outrageous spending. Will this raise similar fears among employees, or will the employees feel sufficiently protected to make disclosures, even in the context of scandals like those ones?

[*English*]

Mr. Paul Szabo: Mr. Speaker, let me answer the last question first. I am very confident that this bill will achieve its objectives. I am also very hopeful, cautiously optimistic, that it will receive the support of the public service as defined, and that it will be integrated and communicated to all of the stakeholders, which are all of us quite frankly, so that it has every opportunity to be successful.

However, the member well knows, and we have talked about this, that it is extremely important that we be vigilant with this new bill and that should the occasion occur where we should make or propose any changes, that certainly we should do that at the earliest opportunity and not wait for the five year mandate of review.

On the housekeeping issue, I misspoke myself. I said that all the changes were of a housekeeping nature and just tidying up. There are important ones in there and I want to give credit to this particular member who made an amendment to the bill. It says that if someone is in a smaller department and an allegation of a wrongdoing does come forward, even though that person is not identified and it is likely that someone is going to pretty well figure out who it is anyway, there should be this provision where that person would get a temporary posting outside of that department to provide the individual with some security. I think that is a very constructive change that was made and it is the kind of change we have come to receive from this member in her work on the government operations committee.

The member also talked about the reprisal issue. I know that it will always be a problem. One will never be able to prove it, but we are taking a positive step.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, I thank the member across for his statement and I would like to say that I am up to tenderize some more turtles, as he put it. He talked about the Conservative Party using little bits of information or using lack of information. I would like to help him with a few of the statements he made.

Certainly, under clause 55, the anonymous protection against reprisal, that is exactly what the clause says and it is there to do that, to protect the privacy of the person making the allegation of wrongdoing. All we are trying to state is that it also points out a very convenient place to hide wrongdoing if indeed that is what we wanted to do. Because it can be hidden for five years, that clause will allow it to be done. It is not that we do not trust the government to be forthcoming with wrongdoing when it discovers it, but it has proven itself not to be able to do so.

Under schedule 1, the list of the crown corporations and departments of government that are in the bill, he states that it is only there simply for housekeeping, simply to allow them to opt out if someone was to change the name of a crown corporation or if a crown corporation went private, it would be cleaned up that way. I hope that is truly the only reason for that clause. It certainly could have been handled by simply saying all government and crown corporation employees do not need to have a schedule. Perhaps then we would not have the opportunity in the background where people could make a decision on order in council to opt out of a crown corporation or a government body simply because wrongdoing was found there. We are not saying that is the purpose of the clause; we are saying the opportunity is there for it.

On the last little bit there was talk of the commitment to quality, the commitment to a good bill, and the commitment by the government to bring forward whistleblowing legislation as promised in 1993. In talking about quality, all of the witnesses who we saw on Bill C-11 also talked about Bill C-25. They asked for the same types of changes including an independent office on whistleblowing and yet protecting public servants was completely ignored in this version until it was massaged in committee. I would like him to comment on that.

● (1105)

Mr. Paul Szabo: Mr. Speaker, on clause 55, the request for information under access to information, the member certainly knows that those requesting the information can appeal and that appeal goes through the access to information officer, another honourable officer of this Parliament.

At some point in time we really have to trust someone because an investigation would be done to ensure that the point that is made in the bill, and that is protecting the identity of the whistleblower, comes first before the availability of information.

Second, with regard to the schedule, the member well knows that if it is an order in council it gets gazetted and there will be new crown corporations. There may be some that are consolidated et cetera. They may have to be amended. It can be done instead of having a new bill to amend it and tying up Parliament. It is housekeeping in nature. If somebody just changed the name and everything else was the same, would we really want have a bill go through all stages of Parliament?

Finally, I wish to comment on the quality of witnesses and what they told us on Bill C-25. We heard witnesses that told us some things during Bill C-11. If we took everything that everybody said, we would have a very bad bill. I think that quite frankly the government's referral of Bill C-11 to committee after first reading was a recognition that there was still not 100% consensus on some of the sticky points. It was important that the committee had the opportunity to hear from those witnesses and others to fill it in to make a final determination of consensus.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am well aware of the member's views on the bill and I think we are in agreement on many aspects of it. However, would he agree with me that, as critical as the details of the bill certainly are, implementation of this bill once it becomes law is going to be critical? The most compelling issue that we have to face, I think, is what kind of a plan will his government have to roll out for the implementation, so that it squashes the genuine fears among the public service? How will he convince public servants that it is now going to be safe to come forward? Is there a plan in place to convince public servants of that?

Mr. Paul Szabo: Mr. Speaker, I want to give credit to this member who was vice-chair of the government operations subcommittee on whistleblowing two Parliaments ago. He had, as usual, always done his homework before coming to committee and has a great deal to celebrate along with the rest of us with regard to making this a good bill.

He is quite right and I agree fully. The implementation is going to be vital, just as it was with the modernization of the public service under the previous Bill C-25, not the whistleblower bill. We are dealing with sensitive matters. We understand the morale issues, and the support and confidence levels within the public service.

The important issue here is that we have partners throughout all of the so-called stakeholders and those under schedule 1 now. They all have a job to do, which is to educate their employees. The real test and the real confidence indicator will be the appointment of a clearly, highly qualified and supported commissioner for this post. If Canadians and public servants have confidence in this new commissioner, we will have gone a long way to achieving what the member wishes.

● (1110)

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Mr. Speaker, it is a pleasure to rise today to speak to Bill C-11. I will be speaking in support of the bill. I would not say that I do so grudgingly, but let me say that I will be supporting the bill because I agree with and support the spirit of the bill. There are elements of the bill which still need some cleaning up. I think a change of government would go a long way toward effecting those positive changes that need to be made to the bill to make it a better bill than it is now, but generally speaking, the spirit of the bill is something I certainly can support.

I want to talk about that spirit and give a couple of examples. If this bill had been in effect years ago, some of the things we have experienced over the last decade or so might not have surfaced. We might have had a better government. We might have protected the taxpayer more. We might have seen the kind of Parliament that worked in the way most Canadians wish it to work.

The spirit of the bill is to effect two things, that is, to protect the identity of those individuals within the public service who wish to come forward to inform someone of wrongdoing, of criminal wrongdoing, perhaps, of illegal activities that are occurring within their particular sphere of influence, within their government department or within their agency, and not only protect them when coming forward, but protect their identity from ever being disclosed.

They need to be protected, obviously, because if any public servants felt that by coming forward they would be punished, the amount of information coming forward would be greatly lessened. If any members of the public service feel they have a true and legitimate fear of reprisal, retribution or punishment, obviously they will be very reluctant, to say the least, to come forward with any information that might point the finger at one of their superiors.

I think we have no better example to look at than what has been commonly referred to as the biggest political scandal in Canadian history, the sponsorship scandal, and what happened over the course of the last decade and what might have happened had this bill been in effect.

I think most Canadians now are familiar with the elements of the sponsorship scandal, but I want to dwell on them again just for a moment, because I think the information bears repeating. Generally speaking, what happened was the following. Over the course of three consecutive federal elections, there seemed to be, there was, an orchestrated plan perpetrated by members of the Liberal Party of Canada to take taxpayers' dollars that were part of the sponsorship program and funnel that money illegally back to the Liberal Party of Canada in Quebec, to the Quebec wing of the Liberal Party of Canada, to assist the Liberal Party of Canada in Quebec with election activities. Clearly this is of great concern to all Canadians, because not only it is highly illegal, it is reprehensible on a moral basis as well.

Let us just think for a moment about what might have happened if we had had Bill C-11 in place a decade ago. During the Gomery commission investigation into allegations of misuse of taxpayers' dollars in the sponsorship scandal, one of the things we learned was that two directors general of the Quebec Liberal Party testified that they in fact took money from the sponsorship program and delivered that money to organizers, to individuals within the Quebec Liberal Party, to assist these people to perform election related duties during federal elections. In other words, they laundered money back to the Liberal Party of Canada to allow the Liberals to try to increase their political profile and to increase their election readiness, preparedness and that type of thing.

● (1115)

I can assure the House that if legislation like this were in place, that might not have occurred. Just for clarification purposes, in provinces outside Quebec the term "director general" refers to a position mostly commonly known as executive director. I have some knowledge of the role of an executive director of a political party since in a former life that is the position I held with two political parties in my home province of Saskatchewan. I was the executive director of the Progressive Conservative Party of Saskatchewan. I was also the general manager of the Saskatchewan Party. "General manager" was a term that we equated with executive director.

I can assure members that had anyone in our party in Saskatchewan at any time suggested that we concoct some sort of money laundering scheme similar to that of the sponsorship scandal and asked me in my role as an executive director to help implement this scheme by funnelling money to one of my political operatives, I would not have done that without at least a very serious, honest and frank discussion with other members of my party.

I can assure members that, at least in my opinion, the directors general who testified before the Gomery commission would not have carried on this activity without getting approval from someone else, someone higher up the political food chain. There is no director general and no executive director in Canada, in my opinion, who would carry on illegal activities such as this on his or her own accord. In my opinion, someone higher in authority than the directors general of the Quebec wing of the Liberal Party of Canada authorized this type of illegal activity. They were told to do these types of things.

My point is that someone, or perhaps many other people, knew of this activity. They knew of this plan. They knew of this scheme. Why did no one come forward? Was it that every member of the Liberal Party in Quebec was corrupt and every single member who was privy to this information and privy to this illegal scheme agreed with it? Was it that they said, "Let us flaunt the law, let us money launder and steal money from Canadian taxpayers. It is okay. We are Liberals". Perhaps they did. Perhaps every single person who was aware of this activity agreed with it, condoned the activity, and thought that it was perfectly normal and legitimate to do because of course as Liberals they were above the law.

Although I have spoken of this type of activity before, perhaps, and have made suggestions that all of these members who were complicit in this activity were on the same page, I honestly do not think that would be the case. I think there would be some people who were aware of these activities and who did not agree with them, and who thought this would be absolutely unconscionable and reprehensible, not to say highly illegal, but they did not come forward.

Until the Auditor General started seriously investigating the activities surrounding the sponsorship program, no one came forward internally from the Liberal Party of Canada to say, "I think something is amiss here. I think there are some problems". Why did they not come forward? I can only guess about this. Perhaps they did not because there was no protection for them to come forward.

Certainly, a scandal of the size and scope of the sponsorship scandal, as we have seen, would have prevented individuals from coming forward. If they felt that their jobs were in jeopardy, that their future livelihoods and incomes were in jeopardy, they would not have come forward.

This bill goes a long way toward preventing that type of attitude from employees. Now, hopefully, with Bill C-11 in place, they would feel assured that they could come forward with information which would be both informative and salient, and they would not be punished and their names would not be released. They would feel that the information they provide to someone, and in this case hopefully it will be the independent commissioner, would result in preventing this type of illegal activity from occurring again, and those individuals involved with these types of schemes would be punished but the individual who came forward with that information would not be punished.

I think that if we had had had Bill C-11 in place a decade ago, there is a reasonable chance that the sponsorship scandal would not have occurred, or at least it would not have gone down the road as far as it did. After all, and I will just repeat myself, the sponsorship scandal occurred over three consecutive federal elections.

● (1120)

This program was not an isolated incident. This scandal occurred successively over three federal elections. Most Canadians I have spoken with have asked, "How in the world could they get away with this?" How in the world could anyone perpetrate a scheme this large without someone knowing, without someone coming forward and saying, "This is wrong, stop it, this is absolutely reprehensible". Perhaps the reason no one came forward is that they were afraid. They were afraid of what might happen to their careers if they came forward.

Bill C-11 is an extremely important piece of legislation in that regard. It allows individuals who see wrongdoing, who see activities that should not be condoned, to come forward without fear of reprisal or retribution or punishment. That is the spirit of the bill and it is certainly something that I totally agree with. It is something that should have happened a long, long time ago, but as the saying goes, better late than never.

Not only do I agree with the spirit of the bill, but I agree with one of the other comments that my colleague from Mississauga South mentioned earlier. He was giving credit to committee members who worked on the amendments to the original bill to get it to the state that it is in now. I want to make a comment for all my colleagues here. I think that as parliamentarians we should all be concerned with only one thing, and that is the fact that collectively we need to bring forward legislation, regardless of subject material, in a cooperative manner that brings forward the best possible legislation for Canadians.

Quite frankly, as an individual I do not care if it is a Liberal initiative, a Conservative initiative, or a Bloc Québécois or NDP initiative, as long as the end result is something that provides good government and good legislation. With that fact, I totally agree with my colleague from Mississauga South that the committee should be applauded for the fine work it did.

I also have to give a bit of a partisan plug here. It was the Conservative members of that committee who drove many of the amendments from the original bill that are now contained in the current Bill C-11. Some of those amendments were not only extremely important but extremely timely.

The member for Mississauga South spoke of the intent of clause 55 and why it was put in. This is one clause that the Conservative members on the committee were very much opposed to, because it states that information disclosed from a whistleblower can be withheld from the public purview for a period of five years.

Here is where we Conservative members differ in opinion from the member for Mississauga South. He suggested that this is a good clause because the primary function of the bill is to protect the identity of the whistleblowers. He said in regard to any head of any department that if he or she legitimately believes the information being released could possibly lead to the identification of the whistleblower, this gives the head of that department the right to withhold information for up to five years.

I would humbly suggest to the member for Mississauga South that any department heads of any crown corporations or agencies or line departments in government could make the argument that they could not release the information because they believe that the information, once it is public, could perhaps lead to the identification of the person who provided that information. Therefore, they would say, that would be a legitimate reason to withhold it for up to five years. That destroys the intent and the spirit of the bill.

Yes, we must protect the identification of the whistleblower, but even more important is the fact that the information the person wants to release to prevent illegal activities from occurring should be provided and should be made available to the public, to the Auditor General, to Parliament in whole, without anyone arbitrarily determining and choosing to withhold it for five years because it might lead to the identification of the person who provided that information, or the whistleblower.

● (1125)

I and most Conservative members believe that clause should be eliminated and when a Conservative government is elected that clause will be eliminated from the bill. The current information officer, another officer of Parliament, agrees with our take on that clause, which is that it should be removed, as should any reference to special exemptions for crown corporations. If we really want to make this truly effective, this legislation should apply equally to all arms of government, whether they be crown corporations, line departments or agencies.

The spirit of the bill is to ensure that Canadians and Canadian taxpayers are protected, that individuals with information about wrongdoing by superiors in government can come forward without fear of reprisal, without punishment and that their identities would be protected. While I agree with that wholeheartedly, should that not apply equally to all arms of government? Why should there be exceptions? In my humble opinion there should not.

I also want to speak briefly to the new position that we hope the bill will result in and that is an independent information officer who will report directly to Parliament as opposed to directly to a minister. I heartily approve of this portion of the legislation. The original bill, as I am sure the House is aware and most Canadians are aware, according to the legislation drafted and presented by the government, was that individuals would report to a superior or to someone perhaps in their own department and, ultimately, it would go to a minister of the crown and then perhaps that information would be made public. I think there are too many ifs in that. There are too many variables to really suggest that the information would protect the identity of the whistleblower and protect the whistleblower from political reprisal.

Allowing the office of an independent commissioner to be established to deal with these issues is absolutely a right step and a correct step.

I would suggest, however, that if we want to go one step further we should give more powers to that independent commissioner. We would like to see the power to grant more generous compensation to whistleblowers who have been reprised against. Frankly, something that is still a concern of mine is that, regardless of this legislation, I am somewhat fearful that in the future any government, whether it be a Liberal government, a Conservative government or any other government, might still choose to take actions against those individuals who came forward to give information that might be considered politically damaging or, at the least, embarrassing.

I would like to make sure that in the future we take whatever steps that might be necessary to provide even more protection and perhaps even compensation for those whistleblowers.

This is a long overdue piece of legislation. Once again, I applaud all members of the committee who came to some agreement on amendments to the bill. It is something that I hope in future will prevent the type of actions that we have seen, like the sponsorship scandal and the Dingwall case, from ever occurring again.

● (1130)

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, the hon. member cannot have it both ways. He cannot stand around and criticize the government for being disinterested in accountability without also acknowledging the fact that being the government we are the ones who introduced this bill with respect to whistleblower legislation. It is a very good bill and, by his own words, his party supports it, as do other parties.

Quite correctly, we have all acknowledged the contribution that has been made by all parties. I think the reason for that is that the minority government situation right now has allowed all parties to make those contributions and we have been very willing to extract the best from everybody so we can build the best legislation for Canadians.

It would be worthwhile to go back and dispel some of the horrible rhetoric that the member has been trotting out on the government and set the record straight once again on what actually occurred when the current Prime Minister came into power at the end of 2003. One of the first things he did when he came into power and took the helm of the government was to end the sponsorship program. He did that within 48 hours of getting into his current position.

The second thing he did, correctly, was to hire lawyers to actually investigate the situation, find the people who were responsible and to get the money back. He also called in the RCMP.

There was not a whole lot more that anybody could actually do, but he did. He set up the Gomery inquiry in an effort to ensure the truth to this particular issue would come out in a very public and transparent way. All of us are members of Parliament and taxpayers and we would be appalled if someone were misrepresenting or misappropriating taxpayer money.

Does the hon. member not wish to compliment the government on the initiatives that we have put forth, such as hiring lawyers to prosecute the individuals involved, calling in the RCMP, setting up the Gomery inquiry and trying to get the moneys back, which about $45 million is on the table now to be extracted back for the taxpayers?

Mr. Tom Lukiwski: Mr. Speaker, I rise slightly bemused that the member would suggest that I would compliment the government on trying to clean up the mess that it created to begin with.

Let us talk some more about the sponsorship scandal. I am very glad the hon. member across the floor raised it again to allow me a few more moments to dwell on that because, again, this is something that is so reprehensible that no Canadian taxpayer should ever forget what the Liberal Party of Canada did. The biggest fraud that was perpetrated on the Canadian taxpayers was the sponsorship scandal.

Specifically, let me reference back to what the hon. member said when he asked: Should we not congratulate the Prime Minister because within 48 hours of his successful leadership bid and assuming the position of Prime Minister he cancelled the sponsorship program?

I can recall with great clarity the Prime Minister's words when he cancelled that. He takes great pride in the fact that, "I cancelled that because this demonstrates to all Canadians my commitment to ensure that we have proper, clean, honest and accountable government". He was then asked the obvious question, "Why did you cancel it within 48 hours? What information did you have that made you make this your first official act of office?" He said, "Well, I didn't really know anything but I had heard rumours".

It just floors me that here is the duly elected Prime Minister, who was previously the finance minister of this land, who had heard rumours about possible irregularities, or worse, within the sponsorship program and did nothing and then he tries to take credit for the fact that he cancelled it.

The Prime Minister, at that time, knew the jig was up. He knew the Auditor General was on to it. He knew this would be uncovered and that the lid would be blown off and so, after the fact, the Prime Minister tried to say that he should be the good guy. For the hon. member to suggest that we, in some form, should congratulate the government is laughable.

● (1135)

[*Translation*]

Mr. Bernard Cleary (Louis-Saint-Laurent, BQ): Mr. Speaker, clearly, the members of this House support any positive measures to protect public servants who speak out to help the government manage.

It is a given to say that we support, this bill in part. Obviously, it is equally important that we be able to enforce this bill. However, in order to be able to enforce it, sources must be protected. By appointing a commissioner who will be able to assist in this regard, the government is moving toward a solution.

However, there is no room for magical thinking, either, believing that this fixes everything and that people will be inclined to disclose any number of things in complete confidence. We must not forget that the public servants in office were often appointed by the Liberal Party: over the past century, the Liberal Party has had the opportunity to hire and appoint public servants. As a result, it is clear that such individuals will want or be in a position to protect the government.

In my opinion, the government must ensure that people continue to have confidence once they have disclosed wrongdoing. This confidence will not be instilled solely through a bill or legislation. It will be instilled through the individual—I am thinking of the commissioner—or organizations that will put people at ease, so that they can feel good about filing a complaint.

In my opinion, this is an interesting bill. However, we must also include conditions that will encourage people to do what they are meant to do.

[*English*]

Mr. Tom Lukiwski: Mr. Speaker, I basically agree with what my hon. colleague has suggested. I think the main point my colleague was trying to get at was the fact that Canadians need a professional public service. We need individuals working on behalf of Canadian taxpayers who are professional on every level, not political appointments, not individuals working supposedly on behalf of Canadian taxpayers, but really working for their political masters. We do not need that. We need to ensure that all appointments made are done with the greatest level of scrutiny to ensure that Canadians are well represented. Without question, I agree with my colleague on that point.

I would suggest that in the future we may want to look at other ways of strengthening the hiring processes within the public service of Canada to ensure that the political patronage appointments that we consistently see from the government and, frankly, other governments on a provincial level across Canada, are, for the most part, eliminated.

I am also a realist and I understand completely that in many cases governments of all stripes will continue to appoint some of their political cronies to certain high level positions. However let me state unequivocally that I am not totally against political patronage appointments as long as, and this is the qualifier that I must insist upon, they are qualified to do the job. After all, it is only natural that any government of any political stripe wants to have people who agree with its political philosophy in areas in which it can influence the direction of the department or the government agency it is representing.

In other words, any government of any political stripe, should work with the public service in the form of a ballet. If the government moves one way, the public service should move with it. If the government moves the other way, the public service should move with it. What we see sometimes is a break dance rather than a ballet and that is unproductive.

If individuals are qualified, political patronage appointments are something that perhaps we will never eliminate, but the first priority should be and must be professional civil servants in all cases.

● (1140)

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I am pleased to again speak on Bill C-11. When all the members of the House decide to join forces to ensure the success of a bill, we see that things can be done quickly. I last spoke on this bill less than 24 hours ago, so it is possible to move quickly when we want to.

Since people's comments and speeches often lose sight of the main objective of a bill, I will start by reading the title of Bill C-11: An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings." The purpose of this bill is to establish a procedure for disclosure and to protect those making disclosures.

I have listened to, and read, the speech by the President of the Treasury Board. I too would like to draw attention to the invaluable work done by the members of the Standing Committee on Government Operations and Estimates, including the permanent members, among them my colleague from Rimouski-Neigette—Témiscouata—Les Basques, and the other members, both occasional and semi-permanent. We were always extremely glad of their helpful suggestions.

I would also like to thank certain colleagues, among them the hon. member for Mississauga South, who has shown a marked interest in Bill C-11 since yesterday, as has my colleague from Terrebonne—Blainville. I also congratulate her for introducing a bill in complementarity to Bill C-11. I use that term, but I am sure there are more appropriate words in a dictionary of synonyms. The bill in question is Bill C-360, the purpose of which is to help the victims of psychological harassment and to recognize the harmful effects of such harassment on federal public servants.

My congratulations to her, and my thanks for her interest in Bill C-11, now at the third reading stage. I know that yesterday she questioned the President of the Treasury Board on the repercussions and also on the complementarity of bills C-11 and C-360. The President of the Treasury Board has shown some openness to meet with my colleague in order to see how these two could work together, how they could be dovetailed.

Many normal, relevant, important questions on Bill C-11 were raised by hon. members in this House and I am sure that those who sat on the committee on a regular basis helped us to clarify our thinking or realize that in fact we could have better defined or taken into account certain aspects of the bill, which naturally can be improved upon.

In my opinion, every bill presented in this House can be improved upon, and it is in listening to our colleagues and their suggestions that we see just how this can be done. Nonetheless, we must be careful when we consider the bill or when we make suggestions, because we must look at what is already included in the bill. I will come back to that a little later.

Some aspects of the bill also deserve to be acknowledged and repeated, even if hon. members have already repeated them. In my opinion, it is highly important to repeat them for the public servants watching us, those who worked on developing the bill, and also to respond to clause 4 of the bill, which stipulates:

> The Minister must promote ethical practices in the public sector and a positive environment for disclosing wrongdoings by disseminating knowledge of this Act and information about its purposes and processes and by any other means that he or she considers appropriate.

● (1145)

Yesterday, I ran out of time to finish my speech. I will spend more time today talking about raising awareness and disseminating information.

The hon. member for Louis-Saint-Laurent pointed out earlier that this bill is not a panacea. We will not fix every problem in the federal public service or in Canada with this bill. Nonetheless, this bill is certainly a step in the right direction for improving working conditions and relations and ultimately for moving toward sound management of public funds.

When this bill is given royal assent, it will be highly important for the government, through the Treasury Board, to run an awareness campaign to inform public servants covered under the legislation of the important tool parliamentarians will have given them.

I have been entrusted with multiple mandates here in the House, and if there is any bill that I am proud to see become law, it is this one. I talk about it in my riding whenever I can—as well as about my role as a member of the opposition. I had the opportunity to do so recently at my nomination. If any bill makes me proud of the work we can accomplish, together and with rigour, in this House, particularly under a minority government, it is Bill C-11. I know that it will protect public servants, ensure they benefit from healthier working conditions and encourage disclosure whenever wrongdoing occurs within their working group or their immediate work environment.

I hope that the President of the Treasury Board and the government will be able to provide adequate information so that public servants can be made aware of the important tool they currently have at their disposal, a tool that will ensure they benefit from better working conditions.

Further down in the bill, subclause 5(1) indicates that "The Treasury Board must establish a code of conduct applicable to the public sector". Then, in subclause 5(3), we read, "Before the code of conduct is established, the Minister must consult with the employee organizations certified as bargaining agents in the public sector".

During discussions and comments on how to improve this bill, Nycole Turmel, representing the public service union, was consulted and worked closely with parliamentarians in order to have a bill that takes public servants into consideration and best meets their expectations.

A code of conduct must, then, be tabled by the President of the Treasury Board. However, this code of conduct must be established in cooperation with the public service union. Obtaining this degree of collaboration was extremely important to us. The collaboration that existed within the committee is now needed to develop the bill.

I repeat that we also defined wrongdoing. One of the questions that we were asked yesterday was extremely relevant. Paragraph 8(*c*) mentions "a gross mismanagement in the public sector". I had asked the question in committee as to why use the word "gross", when it could have simply read "a mismanagement in the public sector". This gives public servants and the integrity commissioner the freedom to determine what constitutes gross mismanagement.

I am convinced that others share my view that the integrity commissioner must not be inundated with trivial matters. Granted, each dollar paid in taxes by Canadian citizens has to be administered in a serious and rigorous manner. But in any business, be it a corner store, a general store or a pharmacy, man will do what man will do, as the saying goes. Unfortunately, there are dishonest individuals who doctor inventories or numbers. The whole government, with a budget of hundreds of billions of dollars, cannot therefore be expected to ever be made 100% perfect.

● (1150)

On the subject of trivial matters, for our listeners, $1,000 or $5,000 do not represent trivial amounts of money; these are large amounts. In other cases, other realities, other places, employees who observe mismanagement in their immediate work surroundings may complain to their union steward or immediate supervisor. In reference to relatively small but nevertheless significant amounts, instead of describing them as "trivial", it would be more appropriate to talk about relatively small but nevertheless significant amounts.

When a really significant situation arises, however, employees ask themselves if it constitutes gross mismanagement in the public service. They determine on their own whether there was indeed gross mismanagement, in which case they make a disclosure, a complaint, to the integrity commissioner, who may agree that there was gross mismanagement. They get to exercise their freedom of choice and think for themselves. Rightly or wrongly, we have agreed in committee that this was one way of handling or dealing with this kind of wrongdoing and its definition.

Further on in the bill, the text addresses the protection of those making disclosures. Clause 19 reads: "No person shall take any reprisal against a public servant." Further on, there is mention of the person's horizontal transfer without loss of benefits or seniority.

I have listened carefully to the comments, criticisms and suggested improvements to the bill, and find them overall totally legitimate. For that reason, we have included a five-year review in the bill, somewhat along the lines of the one in the Canadian Environmental Protection Act. I feel there ought to be similar provisions in the Official Languages Act as well. Unfortunately, there has been no review of that act and it is beginning to collect cobwebs. I do not know whether Official Languages Commissioner Dyane Adam would agree with me, but I feel that legislation dating back to 1968, with a revision in 1988 and nothing since, might well be expected to need reviewing, considering the way society has changed. That is what Bill C-11 does.

Bill C-11 gives the government the benefit of the doubt. Initially, there will be an integrity commissioner appointed. We know how well known the Auditor General and the Commissioner of Official Languages are today for their exemplary and rigorous work. We can only hope that the man or woman appointed as public sector integrity commissioner will be equally well known, but not for having brought major scandals to light. We hope there will be no such scandals. We hope that the management of public funds and the working people's money will be done efficiently.

Should there be a sufficiently high number of complaints requiring public servants to meet with the commissioner, as my colleague from Louis-Saint-Laurent has just said, there ought to be a climate of trust in place.

Certainly the first two or three people to disclose will be afraid, as they are today, of being identified, of being the victims of reprisals, of being involved in the trial runs of a new system. The commissioner and his or her staff will have to ensure that the first complaints set an example to other public servants who see wrongdoing taking place, so that they will also feel free to disclose.

Between the first and second draft, we included RCMP officers and we have now excluded various positions, such as positions with the Canadian Forces. I am also thinking of CSIS, in terms of telecommunications.

These groups have been excluded for reasons related to national security. They appeared before the committee and told us that, for national security reasons, they did not want this bill to apply to them.

● (1155)

These groups told us that they agreed, on the condition that these institutions have a similar measure allowing employees of these institutions to lay a complaint. In five years, or even earlier, we will be able to see if those who asked for protection for national security reasons kept their promise to comply with these conditions.

Earlier, I was talking to a Radio-Canada host. I told him that Radio-Canada is not subject to Bill C-11. However, the committee learned that Radio-Canada already has a similar tool in place for its employees. As a result, this crown corporation is excluded from Bill C-11, because it has an equivalent measure in place for its employees.

So, the entire public service benefits from adequate, professional and rigorous protection. Those who do not must have a similar and comparable measure that shall be subject to the approval of the Standing Committee on Governmental Operations and Estimates. Those who are not protected by Bill C-11, but who already have a similar measure in place, will have to test how well it works with regard to any future complaints.

The integrity commissioner will now be an independent officer, which was not the case in the initial version of the bill. We think the definition of wrongdoing will not leave any room for a series of frivolous and vexatious complaints. I believe the terms "frivolous" and "vexatious" were dropped from the initial version—I will have to verify that—to prevent the bill from being used as a pressure tactic during the negotiation of collective agreements. Public servants must not use Bill C-11 to go against its philosophy, its intent and its initial purpose, which is to protect public servants and provide them with a legal framework.

All these corrections were made to the bill in light of comments by witnesses, including Mr. Keyserlingk, who was the integrity officer for a while and who asked the government to give the rules or existing policy a legal framework. The existing policy was inadequate and did not have the necessary authority or tools to defend public servants properly. All this work was accomplished because of everyone's cooperation and good will.

We in the Bloc Québécois, like my colleagues from the Conservative party and all the other parties, believe we have come up with a bill that, although imperfect in some parts, responds to the expectations resulting from the sponsorship scandal, the goings-on of the privacy commissioner, Mr. Radwanski, and the current case involving Mr. Dingwall at the Royal Canadian Mint. Just this morning the papers reported that some ministers in this government, including the former president of the Treasury Board, broke Treasury Board rules and travelled on private jets instead of taking commercial flights, which would promote sound management of public funds.

Public servants who witness such wrongdoings could disclose them. Certainly, ministers and deputy ministers will be more careful. Exemplary public servants could disclose wrongdoings in the same way Allan Cutler disclosed the sponsorship scandal, despite the enormous pressure dissuading him from doing so. According to comments made in committee, this public servant would have been a little more comfortable had the bill been in place, although he still would have been afraid.

Time will tell whether the bill will meet all its objectives.

It would be my pleasure to answer any questions.

● (1200)

[*English*]

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, I am rising to take significant umbrage at a comment that was made by the previous Conservative speaker on the issue of the public service. The former speaker lamented the fact that we did not have a professional public service.

Mr. Speaker, I can tell you that every member in the House knows, at least on this side and I am sure on most sides, that we have a very professional public service. It is full of intelligent, competent, and hard working people who give of themselves for Canada and the Canadian public. I hope the Conservative member who made those appalling comments about the public service will retract them. I assume it is not a position of the Conservative Party.

My hon. friend from the Bloc Québécois has heard the comments I made concerning changes that the government has made with respect to crown corporations and introducing new measures for accountability. One of the hallmarks of this government is the fact that it has taken this issue with both hands and tackled it. It is a big issue and a number of substantive changes have been introduced for the public to ensure the moneys that the hard working Canadian taxpayer gives to the government and the House to spend on their behalf is done in a wise and effective fashion.

Does he approve of the changes that the President of the Treasury Board has made with respect to bringing crown corporations under the watchful gaze of the Auditor General and also the new access to information opportunities that will now be applied to crown corporations which did not exist before?

[*Translation*]

Mr. Benoît Sauvageau: Mr. Speaker, I recognize the tremendous open-mindedness of the President of Treasury Board. I recognize the tremendous open-mindedness of the Liberals, who were members of the Standing Committee on Governmental Operations and Estimates. However, unfortunately, their tremendous open-mindedness exists only within the context of a minority government.

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, in my opinion, this bill is a big step forward. Make no mistake, the members worked hard in order to reach agreement on this bill. Be that as it may, the fact remains that every member of every party on the committee had to be able to speak as one—particularly with regard to a bill as sensitive as this one.

In my opinion, this bill was essential. It is unfortunate that, today, we cannot predict its impact. However, I am quite hopeful that it will give public service employees who witness wrongdoing and want to disclose it the confidence to do so. We will see if this bill and its provisions are effective over time.

However, I am concerned—my colleague from Repentigny raised a point earlier. Parallel with this bill, I also introduced Bill C-360 to protect victims of psychological harassment. Despite the extensive protection we are able to offer public servants who disclose wrongdoing, psychological harassment will always be the aftermath.

This morning, I received three e-mails from former public servants who followed yesterday's debates. They congratulated me for being the only one who dared lift the veil on what would come after. I greatly appreciate the fact that my colleague from Repentigny has just revisited the aspect of protection and the legislative framework of the bill. The three e-mails I received said more or less this: "Ms. Bourgeois, after the famous 60 days of protection, what will happen if we are transferred to a new place, moved to another department? Then what will happen? Even if people do not know the name of those who make the disclosures, people will end up knowing, or thinking they know, because everything eventually becomes general knowledge. The public service is a closed microcosm."

That reminded me of something I said here in the House yesterday. I said that the bill is a huge step forward but that there was a little something lacking, and that was iron-clad protection for public servants who make disclosures. That is something that I am proposing along with my bill, but I would also ask that this bill include someone competent who would listen to federal public servants and those covered by the Canada Labour Code. This independent commissioner could be the same one as proposed in Bill C-11, but that person would have to have a staff mandated to deal with public servants subjected to reprisals. These staff members would be able to act even 60 or 120 days after the fact. According to the bill, unless I have misunderstood—and I would like to be told so, if that is the case—the complaint may be filed after that 60-day period if the board deems this appropriate under the circumstances.

With all these "mays" and "ifs" anything is possible, but we are not necessarily resolving the problem. That is what public servants are worried about because they do not have this iron-clad protection. The workplace is merciless toward public servants who blow the whistle. A public servant might be exposing the practice of a government, or, just as likely, the actions of a superior.

● (1205)

I want to close by saying that there is no guarantee that the public servant disclosing wrongdoing can be protected from intimidation, abuse of power, isolation or everyone ganging up on him. I thought that was what the President of the Treasury Board realized yesterday when he nodded in agreement with me that there was a little something missing.

I am not sure there will be as many disclosures as we hope. This bill shows transparency. It goes far beyond any political party. I have heard it said the game here in this House is power. Of course there is criticism. Nonetheless, it goes beyond any political party since it will allow public servants, honest workers, to say, "I am doing this because I do not accept the situation. If I want to sleep well at night, then I will disclose this wrongdoing." This bill is good, but it needs to go a little further and supplementary protection needs to be added to it.

I now want to ask my colleague why the Canadian Forces were excluded from this bill. He touched on this, but I would like him to elaborate. I want him to explain it again. Many disclosure, harassment and intimidation cases come from National Defence or the Canadian Forces. Of course we trust them. They have their own way of managing and processing complaints as they see fit. Nonetheless, I have some reservations.

● (1210)

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I would have liked to have had the time to answer my colleague's numerous questions. I thought my speeches today and yesterday had done the job, not to mention our discussion after my speech yesterday. It appears not to have done the trick. Unfortunately, I do not have the time to answer all the multitude of questions she raised during her speech.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, it is with some satisfaction that I rise on behalf of the NDP to speak to Bill C-11 at third reading. It has been eight long years that I have been seized of this issue and trying to develop some satisfying amendments regarding the protection of whistleblowers. It looks like there is light at the end of the tunnel. By the end of this business day in fact we may pass a significant, satisfactory whistleblowing bill. It is very gratifying for me to address this one last time, I hope, in my career.

I emphasize the words "a bill for the protection of whistleblowers". I should point out at the outset that that in itself is progress. The original bill that we dealt with in the previous Parliament, Bill C-25, a bill which my colleague from Mississauga South touched on in his remarks, was all about putting in place a system by which people could blow the whistle on wrongdoing. It made very little mention of and had very little emphasis on the protection of the person who blew the whistle on wrongdoing. It struck me that the emphasis was all about protecting ministers from whistleblowers, not about protecting whistleblowers. We were critical of that from the outset. We raised it a number of times. It would seem that our presentations on that issue resonated because we now see that Bill C-11 is titled "an act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings".

In a perfect world I would even reverse those points and say that this is an act to protect whistleblowers. Without going into the technical details of the bill, the biggest challenge we have now is to convince the public sector that it is going to be okay. Somehow we have to mitigate a century of distrust on the part of the public servants. The empirical evidence to them has been that if they open their mouths and blow the whistle, they are putting their jobs at risk and nobody can really protect them. That has been the prevailing wisdom, well deservedly I am afraid.

As a former trade union leader, if I were a union leader in the public sector and one of the people I represented came to me for advice saying, "I have evidence of a wrongdoing here; I am tempted to go forward and blow the whistle", my advice would have had to be, "Keep your mouth shut because I cannot protect you. Your employer may persecute you, discipline you or make your life difficult as a result of your coming forward and blowing the whistle". My advice would have had to be not to do it.

Even though I am well aware of the legal obligation to report breaking the law, there are other things that can be categorized as wrongdoing. Employees may be made aware of maladministration of funds that fall short of criminal behaviour, just fundamentally silly activities.

We hope to learn a great deal after this bill is in place, but as I said, our first challenge and the issue I am seized with now that I am confident this bill will pass, and where I am directing my attention is on how we can get the message out there to assure the broad spectrum of public servants that they are safe now, that they can come forward with the confidence that they will not suffer reprisals just for doing the right thing. That is what it boils down to, doing the right thing.

With any kind of luck, this new officer of Parliament that we are putting in place by virtue of this bill will be like the Maytag repairman and maybe will not get a lot of business. That would be everyone's first hope.

Let us put this in perspective. This whistleblowing legislation should be only one element in a series of bills in a suite of legislation that will augment and enhance the accountability, transparency and openness, and the freedom of information that are the characteristics and earmarks of a western democracy that we can be proud of.

● (1215)

If we had true open government, if we had better access to information and freedom of information laws, there would not be the corruption that whistleblowers would have to report because the government would be operating in the light of day. It is the culture of secrecy that allows corruption to flourish. That much we have learned, and we have learned it the hard way in my years in the House of Commons.

In the context of the current culture of secrecy for which the government is famous, we need whistleblowing legislation. There are activities going on in the shadows without the scrutiny and oversight of Parliament, much less the general public. We would not have unearthed any of the recent corruption scandals were it not for the courage of whistleblowers who came forward at great personal risk and without any personal benefit. I do not know of a single whistleblower case, and I have studied many, where the whistleblower was motivated by self-interest. That is just not the motivation. The motivation is values, morals, ethics and knowing the difference between right and wrong.

I want as an employee the type of person who cannot sleep at night if he or she knows of a wrongdoing in his or her working environment. That tells me we have a decent person. Someone who is decent enough to feel bad about wrongdoing is the kind of employee that we want, that we want to reward, and ultimately that we want to protect.

Here we are in this chamber all of us speaking in lofty language about values, integrity and ethics, but we have been derelict in our duties to not protect those very values within the public service and not to reward those values. If anything we have cut those people adrift and have not given them the support they have needed in recent history. Until the advent of this bill they were on their own.

I have cited this example before. My colleague from Mississauga South, the vice-chair of the government operations committee that developed the bill, will remember it well. During the Radwanski scandal, we would never have known about the wretched excess and the abuse of privilege that was George Radwanski without whistleblowers. The most significant thing and the thing that still bothers me to this day is that those whistleblowers who had clear abundant evidence of wrongdoing within Radwanski's office did not feel comfortable in coming forward to a standing committee of the House of Commons without their lawyers present.

It was at midnight in the East Block behind closed doors at an in camera meeting and they still did not feel comfortable about talking to us. They insisted on bringing their legal counsel with them to defend them. As soon as they left that room they were vulnerable people. That is atrocious. Honest people who were doing the right thing felt they needed legal counsel to be able to report gross misuse of funds.

That illustrated to me more than ever the urgent need for whistleblower protection but as I say, as an interim measure. I am optimistic that within a short period of time the pent up demand may abate. There may be a number of wrongdoings of which people have knowledge. The floodgates may open briefly for the first year or two years, but in the fullness of time as we develop other complementary legislation about access to information, freedom of information and transparency, there should not be a great deal of need for the whistleblower officer. I hope his or her phone does not ring off the hook because we will have a self-correcting regime. Sunlight is a great disinfectant and when we shine the light of day on an issue, it is the natural enemy of the culture of secrecy that allows corruption to flourish. That is the next logical step for those of us who are interested in this issue.

● (1220)

It is not hard to see where the justifiable apprehension about coming forward came from within the public service. I came across a research paper in October 2004 which talked about the United States. Prior to it passing similar legislation, a survey was done of 161 workers who were disclosed wrongdoings. Of those 161 workers, 62% lost their jobs, 18% said they were harassed or transferred against their will, including being subject to isolation tactics and character assassination, 13% had their salaries and the terms and conditions of their employment reduced and many experienced a mental breakdown or family break up. Those people sacrificed an enormous amount to report wrongdoings. Granted, this is an American study, but it is a recent study. I think it is a snapshot of the experience in Canada.

We heard heart-rending testimony from a number of prominent whistleblowers who came before our committee. They could not even hide from the spotlight on this issue.

Ironically, the very week that the latest incarnation of the whistleblower bill was introduced, the three most prominent whistleblowers in Canada were fired, three officials at Health Canada who blew the whistle on the bovine growth hormone. They were under pressure by industry and by Health Canada to approve the agricultural nutritional supplement for milk in cows. However, because they were not satisfied it was safe, they blew the whistle on it.

These individuals went through five years of misery. They went through all the things outlined here today. They were transferred to different offices farther from their homes. They were transferred to places where there were no computers. Imagine a scientist being asked to work without a computer. The department could never seem to get them hooked up. They were denied meaningful work and given only insignificant work. All of a sudden holidays were not available when for years they took their holidays at a certain period of time. This was punishment by subtle harassment. It does not have to be as overt as firing somebody.

Before I run out of time, I caution the government about another thing. In the earlier incarnations of Bill C-11 we were very critical of the government's language which spent more time and attention contemplating punishing those who would make a false report or a complaint that was not in good faith, a malicious or vexatious report. There was very clear, specific, harsh, swift discipline for those who would do that, but there was no corresponding language to punish a manager who might impose punishment upon a whistleblower. It seemed completely out of balance. The government clearly stated that it would not tolerate false or malicious complaints.

Some people say that whistleblowing could be used as a form of industrial sabotage. For example, if people hated their bosses, they could blow the whistle on them in false ways. That was dealt with in Bill C-11, but there was no corresponding discipline contemplated if management was just mad that somebody blew the whistle on it and disciplined the employee. The only recourse for employees would be to file a grievance with their union, wait in line at the Canada Industrial Relations Board to have their grievance heard, and two years later they may or may not achieve satisfaction. That is not good enough.

We now have it clearly stated that punishing a whistleblower is in and of itself a wrongdoing and an individual may be disciplined or fired for doing that if it can be demonstrated. We are comforted in some way that balance has been reintroduced into the bill. However, I caution the government in the application of this bill once it becomes law. Far greater attention and resources should be dedicated to ensuring that managers do not discipline employees wrongly rather than employees wrongly reporting mischievous grievances.

Those are some of the cautionary notes I point out to the government.

We should use these final moments of this debate at third reading to reflect on two things.

● (1225)

It takes enormous courage for a worker to come forward with evidence of wrongdoing. Inversely, it takes a lot of courage for a government to introduce meaningful whistleblowing legislation. I think that is why governments, and not just this one, around the country and the world are reluctant to allow true whistleblowing legislation to come into force. In fact, when we pass this bill, we will be the eighth developed nation, of which I know, that will have meaningful whistleblowing legislation. That is not very many. It is an act of courage on both parts. It is an act of courage on the part of the whistleblower and on the part of the government.

The fact that we are debating this much improved Bill C-11 today is evidence of a minority government situation working as it should. This is a graphic illustration of the advantage to ordinary Canadians of minority parliaments. We saw the type of whistleblowing legislation introduced by the majority Liberal government. Every witness who came before our committee rejected it out of hand. I believe there were 14 leading authorities, from university professors, to union leaders, to people who studied this issue from one end to the other. They rejected it unanimously. That is the kind of bill we get from a majority government. As soon as it was a minority situation, things started to open. Log jams were broken. All of a sudden things that we were told were impossible were in fact possible, and we have a better bill as a result.

I believe it is a case study for the advantage of minority governments, especially as it pertains to issues that affect the general population. Minority governments are good for ordinary Canadians. That is my point and I stick to that.

It was worth the time it took to get the bill right the first time. As opposition party members, we could have said that we were getting half a loaf with Bill C-25, that at least it was a bill about whistleblowing and that was better than nothing. We could have voted for it and had it introduced by now. However, we did not. We stuck to our guns and said that it was not good enough, and I am glad we did.

Nobody could have used a crystal ball to foresee this, but that party lost its majority status as a government. All of a sudden we had some influence. All of a sudden there was consultation and cooperation. All of a sudden my phone would ring and a minister would ask me what it would take for me to support this kind of thing. That did not happen in the majority situation. Believe me, nobody cared what we thought about then, no matter how relevant and valid our contributions could have been.

It is interesting to go back and think about the money we could have saved and the quality of administration we could have enjoyed had we had whistleblowing legislation quite some time ago. Maybe we would not have had to endure the terrible sponsorship scandal that is ripping the country apart.

My Saskatchewan colleague from the Conservative Party said that the sponsorship scandal was the biggest scandal in Canadian history. I disagree with him somewhat. When the dust settles, it may earn that position in the history books. However, to this point in time, the biggest scandal on record, dealing with the malfeasance of politicians, is the Conservative Party government of Grant Devine. Most of its cabinet ministers were not only charged but convicted and sent to prison in massive numbers.

Until such time as the last Liberal is led away in handcuffs, the Devine government in Saskatchewan is holding the record for malfeasance, and I presume that scandal was revealed by a courageous whistleblower.

We are proud to support Bill C-11. We are proud of the role we played in it. I take great satisfaction and some pride in the fact that we will have a bill under which public servants will be protected and feel comfortable in telling us what they know. We will ensure that no one harasses them or persecutes them for doing the honourable thing.

● (1230)

Mr. Gurmant Grewal (Newton—North Delta, CPC): Mr. Speaker, I highly appreciate the efforts and the comments by the member for Winnipeg Centre. Quite some time ago he had a private member's bill to protect whistleblowers. I improved upon that bill and introduced a bill in the early part of my political life. That bill did not get to see the light of day in the House of Commons. I reintroduced it in the House and it was debated.

It was surprising that the Liberals did not support either of these bills or the efforts of other opposition MPs to introduce protection for whistleblowers. I would conclude that the Liberal Party did not have the political will to introduce any meaningful, effective whistleblower legislation. Only when the government was ridden by scandal after scandal and only when the corruption became very evident to all Canadians, were the Liberals forced to bring in whistleblower legislation, and they came up with a half-hearted approach. That was after 12 years in government.

I compliment all opposition parties that have worked significantly hard and effectively in committee to improve upon Bill C-11. Finally we have legislation that is better than before, although not perfect yet.

Does the member for Winnipeg Centre believe that the Liberal Party did not have the political will right from the beginning and that it was the efforts of private members in the House to force the government to come up with meaningful whistleblower legislation?

Mr. Pat Martin: Mr. Speaker, I would concur that it was the efforts of opposition party members who forced the issue until it reached such a critical mass that the government could not ignore it. I recognize my colleague from Newton—North Delta was very aggressive in his pursuit of whistleblowing legislation.

I read the bills he introduced on this subject. They are very similar to mine and the one introduced by the Bloc Québécois in 1996 in the 35th Parliament. It had it right from the beginning. The whistleblower officer should be an independent officer of Parliament. In the incarnation from 1996, it suggested the Auditor General. My private member's bill also said that we should use the office of the Auditor General, only because we knew the Auditor General had the confidence and respect of the public servants and that her office was an independent office that reported only to Parliament and not to a minister of the Crown or to government.

Therefore, the opposition parties knew what they wanted nine or ten years ago. It was echoed and reinforced by significant efforts made by my colleague, myself and others who put forward private members' business.

Again, it is an example of the advantage of minority Parliament when we are advancing some of these soft issues, non-monetary issues, issues that advance and elevate the status of the working conditions of public servants. I think it is going to be a different world. As soon as we pass Bill C-11, the culture and the morale in our public service will elevate.

● (1235)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, earlier the member asked a question in debate which dealt with the implementation plan to achieve the objectives of the bill and I have had a chance to reflect on that. One of the responses that I had given to him at the time was to make absolutely sure that the recruitment and selection of this public sector integrity commissioner be as thorough as possible to find an excellent candidate for that position, because it is the starting point.

Could he suggest to the House some other ways in which we might have a plan and an implementation approach that will give us the best chance to earn the confidence and support of our valued public service? I would even suggest to him that perhaps the committee has a responsibility. When the committee meets tomorrow, it should talk about our role in shepherding this through the Senate. As well, it might be engaged in the recruitment process as far as discussions and indeed to ensure that some of the steps that have to be taken for the information needs of the public service, as now defined in the bill, are being developed, and perhaps we should review them prior to some of that going out. Does the member have some thoughts on how we can ensure that the implementation approach is also going to get it right?

Mr. Pat Martin: Mr. Speaker, I thank my colleague from Mississauga South for listening to the point I was making, that the implementation of the bill is going to be the critical point. The devil is going to be in the details.

We can pass this laudable legislation, but if no one believes that they are safer, we are no better off. The individual that we choose is going to be paramount. We need to choose a real champion of workers' rights in a sense because that will be the primary function. It will be to supervise the administration and the application of the process but with the key and paramount duty to protect the whistleblower.

I will openly state that I think the best person for the job would be the member for Mississauga South. He himself should think twice about running again in the next federal election. Perhaps he should accept the appointment if we invite him to be that new first whistleblower officer.

In terms of methodology, an information campaign has to be undertaken throughout the public service and it is a massive job. The dissemination of information to 180,000 people is abundantly clear and it has to go right to the lowest level, the casual labourers. All of them need to understand their rights as they pertain to this new whistleblower regime.

Just as we did with the WHMIS legislation, workers have the right to know and the right to refuse unsafe work. The workplace hazardous information materials system was a massive undertaking and a five year project to inform all workers that they have rights under WHMIS. We need to inform all workers what their rights are under this new whistleblower regime and then the benefits will begin to be evident.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Mr. Speaker, I have a couple of quick points in response to an observation from my colleague on the definition of the largest political scandal in Canadian history. He mentioned the Devine government in Saskatchewan.

I would point out to the member that the total amount of money that was stolen by members of the Saskatchewan Conservative Party was far less than the amount stolen by Mr. Coffin in one example of abuse in the sponsorship scandal. Yet Mr. Coffin, it appears, gets to lecture on the university circuit while others in Saskatchewan, as the member rightfully points out, did go to jail. I would suggest that if we are looking at the scale of theft, this is by far, in terms of monetary terms, the largest scandal in Canadian political history.

The member mentioned in his remarks that it was worth the time it took to present this bill, and the years that it took in development to get it right. There were a couple of points that my colleagues and I have raised that this bill still needs some refinement in terms of clause 55, which refers to the five year period in which information can be withheld.

If a department head chooses to do so based on the fact that he or she may feel the disclosure of that information would ultimately lead to the identity of the individual, I feel that is somewhat restrictive and onerous on the Canadian public. It would allow department heads to arbitrarily say that they are going to withhold the information because they believe the identity of the whistleblower might be revealed and, therefore, the information itself cannot come forward.

Second, does the member believe there should be exemptions for crown corporations and others or should all arms of government be treated equally inasmuch as they should all be under the same umbrella of Bill C-11 as every line department or should there be exemptions as this bill suggests there should?

● (1240)

Mr. Pat Martin: Mr. Speaker, I actually like Conservative scandals better than Liberal scandals because with the Conservatives they do not seem to be afraid to fire people and put them in jail. When Brian Mulroney was prime minister, a cabinet minister a week went down. He would fire them. He would not just prop them up month after month. I am with my colleague. I prefer all of the scandals of the Progressive Conservative Party to the ones that we have lived through with the Liberals.

Clause 55 is meant to be very narrow in scope and application. There is some comfort we can draw from the fact that our committee at any time could amend and change Bill C-11 if we find there is a real problem with clauses. We do not have to wait for the five year mandatory review of the bill. There is nothing stopping us from correcting irritants as we go. I believe the application of clause 55 will be very rare and narrow as it pertains to the Access to Information Act.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, I will be sharing my time with the hon. member for Newton—North Delta.

I am pleased to rise on behalf of the constituents of Fleetwood—Port Kells to speak to Bill C-11, an act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings.

Canadians have been waiting for a long time for effective whistleblower legislation. Countries around the world have had whistleblower legislation for decades, protecting public servants who take their oath of protecting the public interest seriously.

Indeed, one wonders that if there had been whistleblower legislation years ago, we may not have had a sponsorship scandal. Who knows how much taxpayers' money could have been saved. Instead, it ended up in the coffers of the Liberal Party.

Unlike the Liberal Party, the Conservative Party has always supported effective whistleblower legislation for public servants who expose wrongdoing, corruption, waste and mismanagement.

Bill C-11 fails on a number of levels, including its enforcement apparatus, its procedural scope and its transparency mechanisms. Before voting to support this bill, I would like to see amendments made to correct these glaring deficiencies in the bill.

First, as it stands, the bill's creation of an independent commissioner to oversee whistleblowing complaints is flawed.

As was the case with the previous Ethics Commissioner, the independent commissioner will report to a minister and not the House of Commons. Past experience with ministerial reporting has not endeared anyone to the process. In fact, in the case of whistleblowing, which could easily implicate political appointees, party workers and/or elected government officials, there is nothing worse than having the commissioner report to a cabinet minister who is often beholden to these interests. An enforcement apparatus must be put in place that avoids reporting to cabinet.

This is clearly a case of the fox guarding the hen house. An independent commissioner reporting to Parliament would be freer in his or her assessments and also more likely to avoid the subtle and structural procedures and biases of cabinet and ministerial authority. Why after 12 years of Liberal rule would we trust a system that furthers ministerial power over whistleblowing?

Rather, we should be making every attempt to make the independent commissioner's office truly transparent. Quite frankly, why should Canadians trust these Liberals to guard themselves, when in the past, they have proven themselves so capable of being untrustworthy?

Second, an independent commissioner responsible to Parliament would further decentralize power from the Prime Minister's Office. As we saw in the sponsorship scandal, power concentrated in one area tends to be abused. Or as Lord Acton most famously said, “Power corrupts, and absolute power corrupts absolutely”. Lord Acton's words are just as applicable today as yesterday.

Part of the need for whistleblowing legislation is that power has been centrally concentrated in the Prime Minister's Office, leading to cronyism and control. By having the independent commissioner report to the House of Commons, we can further erode the incredible power of the Prime Minister's Office, promoting greater transparency, accountability and democracy.

However, democracy has not been this government's strong point. In fact, the Prime Minister came into office promising to slay the democratic deficit. We have seen in this House the exact opposite: confidence votes ignored, excessive nannying of the Prime Minister's Office, appointing Liberal hacks to the patronage appointments and absolutely no movement on democratic and electoral reform.

Bill C-11 furthers this trend by not prohibiting reprisals against public servants who bring their complaints through procedures other than the ones spelled out in the bill. Those who go through the media, police or Auditor General all face the possibility of disciplinary action under this bill. Far from opening up government, this aspect of the bill places undue restrictions on public servants and could continue a climate of secrecy in the public service.

● (1245)

A Conservative government would provide broad protection for civil servants in all areas of disclosure, including the media. The media's role in any democratic society is to act as a check and balance against excessive government authority and control. While we would all think that at various times the media has failed in its role, by eliminating the ability of public servants to go to the media we further erode the checks and balances of a free and democratic society. Accountability and transparency demand that public servants be allowed media disclosure.

There is nothing to keep politicians more accountable than the prospect of headlines screaming scandal and corruption, as the former head of Canada's Mint has recently discovered. Accountability through the media is a key component of any whistleblowing legislation and a Conservative government would ensure that it was included in the bill.

Transparency is further eroded by the scope of the bill, which excludes several crown corporations. There is simply no excuse not to include all government agencies. As we saw at the Mint under former Liberal MP David Dingwall, crown corporate heads often feel themselves outside the purview of Parliament and end up spending taxpayers' dollars wildly. We cannot allow this to happen by excluding certain agencies.

Transparency is also jeopardized by the time allowance for departments to refuse to release wrongdoings for over five years. Frankly, five years is too long. With such a provision in place, the sponsorship scandal would still have taken place even if it had been reported by dutiful public servants. The Liberals could have continued to keep a lid on the scandal while claiming to be ethical in government.

Such a scenario is completely unacceptable. It seems the Liberals have learned nothing about ethics in government over the last two years. While the Prime Minister is good at ethics rhetoric, when we look below the surface we see the same Liberal solutions to Liberal-made problems. It is not surprising that the solutions turn out to be no solutions at all.

Whistleblowing legislation is an important component to any reform agenda. However, it is one piece of the puzzle. Well crafted whistleblowing legislation provides transparency and accountability, but it does little to address the systemic and structural problems inherent in our present parliamentary system. For that we need a clear focus on system-wide reform measures, such as parliamentary confirmation of judges and heads of crown agencies, electoral reform, and Senate reform.

What we clearly need is leadership on both democratic reform and ethical government. We have had leadership on neither issue from the Prime Minister and I fear we never will. The only way to truly bring honest government to Canada is by implementing a broad range of democratic reforms, something a Conservative government will be more than happy to do in the not too distant future.

● (1250)

Mr. Gurmant Grewal (Newton—North Delta, CPC): Mr. Speaker, I am pleased to rise again on behalf of the constituents of Newton—North Delta to participate in the third reading debate on Bill C-11, an act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings.

It has taken more than a decade for this weak government to fulfill its promise and produce this whistleblower legislation. Canadians have had to endure the tainted blood scandal, the HRDC boondoggle, the ballooning gun registry, and the sponsorship scandal, not to mention the numerous other smaller scale spending scandals which have been regularly occurring in this mismanaged government and which have emerged on a regular basis since the government came to power in 1993.

In each and every case, the existence of effective whistleblower legislation could have made a significant difference, but the government has not been interested. It lacks the political will. The Liberals have been more interested in protecting their own reputations than in ensuring good government and the careful handling of taxpayers' money.

It took the sponsorship scandal for the Liberals to finally make good on their 1993 campaign promise, coupled with the pressure from members of the opposition and the Conservative Party. However, even now it is obvious that their hearts and souls are not in this legislation. Up to now, it seems that the Liberal government's policy has been to control occupational free speech rather than permit it.

Rather than rewarding whistleblowers, like governments do in the United States and many other countries, the Liberals have bullied whistleblowers, intimidated them, harassed them, fired them, and ruined their professional and personal lives. The Liberals have always believed in secrecy, confidentiality and cover-ups rather than transparency, accountability and corrective actions.

Let us take a moment to remember some well publicized whistleblowing cases. Bernard Dussault, the chief actuary of the Canada pension plan, reported that he was asked to modify numbers to paint a more positive state of the CPP. He was fired from his job.

Michèle Brill-Edwards, senior physician in Health Canada's prescription drug approval process, was pressured to approve medication that had caused deaths in the United States. She went public. She had to resign from her job.

Joanna Gualtieri, DFAIT portfolio manager for Latin America and the Caribbean at the time, blew the whistle on waste and lavish spending on diplomatic housing and embassies. The inspector general and the Auditor General later supported her allegations. She was harassed and marginalized within the department. Finally she had to quit and go through the expenses of court, her career completely ruined.

Marilla Lo, senior analyst at the Treasury Board, claimed abuse and harassment, including discrimination for promotions, layoffs, and abusive management practices. She was ultimately fired from her job. Of course she later won a wrongful dismissal suit, but was then forced into retirement.

Brian McAdam was a 25 year veteran foreign service officer, an honest officer in Canadian diplomatic missions in the Caribbean, Europe, the Middle East, South America and Asia. In 1991 he documented evidence of corruption at Canada's foreign mission in Hong Kong, real evidence, which I have mentioned in my earlier speeches. He was demeaned and ostracized by his colleagues. He finally gave up and had to take early retirement.

● (1255)

Michael Sanders, a financial analyst with the Office of the Superintendent of Financial Institutions, blew the whistle on the absence of sufficient safeguards to protect taxpayers against the collapse of major financial institutions. His fate was to be fired from his job.

Dr. Shiv Chopra, a senior veterinary drug evaluator in Health Canada's therapeutic products and food branch, blew the whistle on the drug approval process for bovine growth hormones, saying that human health concerns were being completely ignored due to pressure from drug companies. His fate was to be fired from his job.

There are many other cases, including those of Corporal Robert Reid of the RCMP, Dr. Margaret Haydon of Health Canada, Bob Stanhouse, again of the RCMP, and Dr. Barry Armstrong of the Canadian armed forces. The list goes on and on, but my time is limited.

Canada is well served by professional and independent public servants, who are often the first to spot problems such as those in the sponsorship scandal. They know when their department has been told to suppress test data. They know when someone is submitting inflated travel expenses or phony invoices or when the work is not being done but the invoices are being submitted. They know what laws they are supposed to enforce and they know when they are not being enforced.

However, federal public servants who disclose wrongdoing in the workplace have little or no recourse if their manager chooses to retaliate against them. Bill C-11 proposes an improvement over the status quo, but it is far from protecting the real whistleblowers and it is not nearly as effective as legislation in other countries.

Five years ago, in the face of government opposition, I introduced legislation to protect bureaucrats who reveal wrongdoing in the workplace. In 2003 the Liberals refused to vote in support of my private member's bill because they did not have the political will to introduce any effective whistleblower legislation. They simply lacked the political will, and that is well reflected in Bill C-11.

When I blew the whistle on whistleblowing, the Liberals had their ears plugged. My private member's bill, Bill C-201, was debated in the House. It was written with the assistance of real-life whistleblowers, many of whom I have named before. They have suffered harassment and reprisals for doing what was right, for doing what was in the best interests of this country but not the Liberal Party.

One whistleblower, Joanna Gualtieri, was of great assistance. She founded the institution called FAIR. Ms. Gualtieri has highlighted a number of points that must be included in whistleblowing legislation if it is to be effective. The following points were included in Bill C-201 but are not found in Bill C-11.

First is full free speech rights. Protected whistleblowing should cover any disclosure that would be accepted in a legal forum as evidence of significant misconduct or would assist in carrying out legitimate law enforcement functions. There can be no loopholes for this one.

Second is to permit all disclosures of illegality and misconduct. Whistleblower laws should cover disclosures of any illegality, gross waste, mismanagement, abuse of authority, substantial and specific danger to public health and safety, and violations of policies, rules and conventions. They are missing from this bill.

Third is the duty to disclose illegality. It is also missing from the bill.

Fourth is that the coverage under the bill should extend to all personnel and affected communities. This is also missing.

Last, and of course, there should be safety from harassment after blowing the whistle.

Bill C-11 serves more as a tool to manage whistleblowing and rein in potential whistleblowers than it does to encourage disclosing wrongdoing. We need effective legislation that would really protect whistleblowers.

● (1300)

The Conservative Party deserves kudos. It is through our efforts that we have these amendments, such as whistleblowers now reporting to an independent commissioner rather than to the president of the public service, the commissioner reporting to Parliament rather than to a minister, the RCMP being included in the group of whistleblowers and the Access to Information Act restrictions being reduced to five years from twenty years. In fact, there should be no restrictions. However that goes to the Conservative Party's credit.

Similarly, there is the amendment on the removal of government bodies. The government had the arbitrary authority to remove certain bodies from coverage of whistleblower protection, such as the public service commission, the pension commission, CPP commission, Bank of Canada and many others. Compensation should be given by the commissioner and the penalties against reprisals should be given by the commissioner, not by anyone else.

All those things were the accomplishments of the Conservative Party.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I appreciate some of the work that the hon. member has done over the past in his private member's legislation.

I have a very specific question concerning the justification for the moral high ground that has been presented in this debate from his party. When it comes to the ethics of both patronage and the protection of civil servants, if one were to step back in history to when the Conservatives, God help us, were last in power, the amount of patronage that flowed from within the prime minister's office was extraordinary, breaking all records and the scandals that came from that.

However during this very debate a colleague of his stepped forward and said that he had no problem with patronage appointments and thought they should continue with some mild justification that they should be connected to merit. Whereas the moral high ground would firmly place us to say that all positions in crown corporations, wherever the government has any authority on the decisions and the decision makers in our country, should be based entirely on merit, not so much on which party's allegiance one holds and whether one has been contributing significantly to the party that happens to be in power at the moment.

If Canadians are expecting the government to exhibit a certain amount of fairness in the way in which it conducts its business, and Lord knows we have been missing that, extraordinarily, for at least the last 20 to 25 years, how is it that the Conservative Party is able to stand up, with such a shakey record at best when it comes to the issuing of patronage, and in the very debate in which we are talking about trying to go to a new era of clean government and accountable government, still promote the use of patronage as a buy-off for their loyal donors and party members, which flies in the face of many of the words that were expressed by the member today?

I wonder if he can reconcile those two disparate realities.

Mr. Gurmant Grewal: Mr. Speaker, I am surprised that the hon. member's question has nothing to do with the whistleblower legislation, Bill C-11. This is simply a ranting from a different point of view.

I would like to highlight that the worst corruption record in Canadian history is from the current Liberal government, for patronage appointments, for corruption, for mismanagement, for wrongdoing and for the things I mentioned earlier.

The Conservative Party of Canada believes in appointments based on merit and on transparency.

What the member should have asked is why Bill C-11 is not very effective legislation. Even though it is a step forward in the right direction, I would like the bill to be much more effective so that it would really protect the whistleblowers. In fact, any whistleblower legislation should protect the public interest that it serves and, when applied, should be free to expose the mismanagement, waste, corruption, abuse and cover-ups within the public sector without the fear of retaliation or discrimination.

With this bill, the government has blown a golden opportunity to have effective whistleblower legislation. It could have implemented real protection and meaningful reforms that the Conservative Party has been asking for, and the opposition parties in general. However what the government has done is it has given us a half-baked, half-measure kind of bill.

Bill C-11 is a step in the right direction but it is not at the point where it will actually protect all whistleblowers for the wrongdoing they expose with the corrupt Liberal government and other corrupt governments.

● (1305)

Mr. Nathan Cullen: Mr. Speaker, I am beginning to enjoy this exchange. I think the connecting of the dots, which I hope the member is struggling to do, just in the lack of perception rather than any other reason, is that when one supports the use of patronage, as his party said not an hour ago in the House, and when one suggests that this is a good way of appointing the top level decision makers and authority figures within the country, it terrifies many Canadians as we watch the Coffins, Radwanskis and the many others going all the way back through to the Mulroney's years and before. When a patronage appointment is made the responsibility and the allegiance of that person placed in that spot automatically is given toward the person and the party that made the appointment for them. Their allegiance lies there, not to the taxpayers of the country.

For a party that claims to want to clean up government, not connecting the two dots between patronage and the ethics of our crown corporations and their officers is baffling at the very least. I wonder if the member could connect those dots and justify his position.

Mr. Gurmant Grewal: Mr. Speaker, I will be very gentle and tell the rookie member to talk to the member for Winnipeg Centre and his party about the whistleblower protection.

If the Conservative Party of Canada is given the opportunity to form the government, the member will see how transparent a government can be. We would restore accountability, transparency and clean up the government and the government system that the Liberals have corrupted for the last 12 to 13 years.

As far as the legislation is concerned, we support legislation that is effective and in the best interest of the country but not legislation that is half-hearted.

We have shown with a flashlight where the darkness is and the Liberal Party has sometimes fallen down in bringing effective legislation to the House.

Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC): Mr. Speaker, it is a pleasure to rise in the House today to address Bill C-11. As a former public servant for 22 years, I and many of my colleagues laboured in the trenches without any protection whatsoever. I saw firsthand the kinds of things that unscrupulous management can do if the rank and file do not have support and protection. Therefore I am very glad to address Bill C-11. Although it is flawed legislation, it is a step in the right direction.

I would like to make some observations. First, the Conservative Party has always called for protection for public servants who expose corruption. We have seen so much corruption recently from the government that thank God we are finally enacting legislation to protect the people who care enough to expose this corruption.

In its original form, the bill would have done more harm than good because it was the same old, same old. It was the government controlling the agenda. Now, with the amendments we have made, the Conservative Party has finally convinced the government and the President of the Treasury Board to agree to have an independent commissioner in charge of whistleblowing. Although the legislation is flawed, none of the flaws are fatal and we can work with the legislation. The bill lays important groundwork on which we can work further when we, the Conservative Party, form the government in the not too distant future.

The bill was amended at committee and at report stage to ensure that the bill created a truly independent commissioner to hear and investigate disclosures of wrongdoing from public servants and others and protect those making disclosures. We heard witness after witness at committee, long term public servants with 20, 25 and 30 years of loyal service, and because they were just doing their jobs of exposing what they thought was a wrongdoing to their superior, they ended up losing their careers and suffering years of emotional distress. These people did not even realize they were whistleblowing. They thought they were doing their job and that was the thanks the government was heaping on them. They were fired from their positions after long, loyal service.

The bill includes most crown corporations and the RCMP. I have to thank the member for Nepean—Carleton for insisting that we include the RCMP. He led the charge and we were able to convince the government to include the RCMP under the legislation. The bill still excludes military personnel, CSIS and the CSE. It includes several other government agencies and crown corporations listed in the schedule to the bill but the cabinet, unfortunately, may add or delete from the schedule at any time after the bill is passed. We have some concerns about the fact that the cabinet will be able to remove certain agencies from that.

One of the nice features about the bill, which again is because we worked so hard in committee, is that we now have legislation where whistleblowers may report directly to the commissioner instead of having to report internally first. The government's original piece of legislation was totally ineffective. At one stage of the process the committee was trying to decide whether it should scrap the whole bill and start over again. However we worked on it clause by clause and we think we have come up with pretty decent legislation that requires a heck of a lot more work, but it is a big first step.

In closing, the public servants of Canada, people who have served this country loyally for years and have worked day in and day out and have done such a good job for the country, deserve the respect of Parliament. I believe this bill starts to give a little bit of Parliament.

● (1310)

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, it is good to participate in the debate on Bill C-11. I will be sharing my time with my colleague from Skeena—Bulkley Valley.

This bill is an act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose those wrongdoings. That is the long title of the bill. The short title is the public servants disclosure protection act, but I think we all know it as the whistleblower legislation.

Today we are on the verge of passing this legislation. In fact, we may finish the debate today and finally see this important legislation move through the House of Commons. That would be an occasion to celebrate. It has been a long time coming. Many people in this place have worked very long and hard to see the accomplishment of some whistleblower legislation. This legislation is not perfect, but it has been long needed. Today if we get the bill through the House, it will be an accomplishment indeed.

I want to pay tribute to my colleague from Winnipeg Centre, one of the people who have worked hard on this legislation. He has worked hard on this legislation from the very moment he arrived in the House back in 1997. His first private member's bill focused on the whole issue of whistleblowing and the need for an accountability mechanism that would allow public servants to raise important issues of wrongdoing in government and not suffer the consequences for their courage in raising those issues.

That came from my colleague's background in the trade union movement. For many years he represented workers and the difficulties they faced in the workplace, not the least of which would be how to deal with wrongdoings on the part of an employer. His work and initiatives which started back in 1997 have contributed to where we are today on this issue.

Members from other parties have contributed as well. We have heard today that the Bloc Québécois back in 1996 introduced a significant private member's bill on this issue. This was an important contribution and included important principles that have finally seen the light of day in the legislation we are debating today. We have also heard of attempts from the Conservative side of the House on this issue.

We are taking an important step to finally get a bill through the House. This kind of legislation is a crucial part of any government's approach to ethics in government, accountability in government and a response to wrongdoing in the conduct of government. Even though there are still some problems with this legislation, it will take us to a new level of accountability. It is something we can all celebrate.

In the past there have been other attempts. Bill C-25 in the last Parliament was an extremely flawed bill. It was so flawed that some folks came to believe it was an attempt to protect ministers from the disclosures of whistleblowers and that it had nothing to do with the protection of people who took that strong step and made the commitment to expose wrongdoing in government. It is a good thing that is behind us.

I think it is because there is a minority government situation in this Parliament that we have been able to make progress on this issue. The government has been convinced of the importance of proceeding along these lines, perhaps egged on by some of the other scandals that face the government today.

Whistleblowing is not an easy thing to do in any workplace, particularly a government workplace. We know the power dynamics of the workplace. Workers often feel they do not have the resources and huge power that managers and the people who are in authority over them have, which often puts workers in a terrible position.

There are huge risks involved in whistleblowing, such things as the loss of jobs and relationships people build in organizations and the workplace. There are subtle reprisals people can face, such as changes in holiday times or access to other benefits in the workplace. We have also heard in the past of concerns around frivolous complaints that might be made because of other disputes in the workplace.

When the Canadian Labour Congress appeared before the committee, it talked about many important issues and cited a study from the October 2004 issue of *Policy Options*. Researcher Donald Rowat highlighted a study done in the United States on the fate of whistleblowers. This was before the U.S. had strengthened disclosure law.

● (1315)

Mr. Rowat studied 161 workers who had made a wrongdoing disclosure. He found that 62% of them lost their jobs, 18% were harassed or transferred, including being subject to isolation tactics and character assassination, and 13% had their responsibilities or salaries reduced. In addition, many of them experienced mental breakdown and family breakup. Those are very high prices to pay for speaking out on wrongdoing in government.

I am glad that we have finally made progress on this and that we are taking steps to ensure good management and to encourage public servants to make this kind of disclosure, to encourage government to engage in the problems that have been raised, and to encourage action to resolve those problems.

Bill C-11 almost died in this Parliament. It took the hard work of many opposition and government members to keep it on track. We have ended up with a piece of legislation that is a good attempt at addressing these important issues. It is a good example of how a minority Parliament can work.

We have worked hard in this Parliament to ensure fairness to see that not only the interests of the government are addressed, but also the interests of opposition parties, of Canadian citizens and of the workers in the public service. We successfully reached a conclusion of which we can be proud. It took a minority Parliament to convince the government of the need to move in this area. Clearly, the earlier attempts had been unsatisfactory and in some cases extremely disappointing.

Bill C-11 saw some major changes from that which was introduced originally by the government. Those changes have enabled the bill to go forward. Those changes include an integrity commissioner who would report to Parliament and not to a minister. That is a significant improvement to this legislation.

Changes have been made to the list of exempted organizations of government. Significant deletions were made from the long list that was originally part of the legislation. All crown corporations, agencies and institutes are now included. Those that are not included are those that have clear measures around wrongdoing and whistleblowing already in position.

Many whistleblowers have lost their jobs because of that, including a number at Health Canada who are very important to this whole process. This legislation is a tribute to the risks that they took and the punishment that they received. I am glad that we are on track with this legislation. I look forward to its final passage.

● (1320)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member's speech was constructive, particularly with regard to advising the House and Canadians that we did hear from whistleblowers. We heard their stories. I can assure the member that the committee was quite moved by the real life examples that have gone on over a number of years.

He will also celebrate the fact that the new commissioner will be in a position to receive alleged wrongdoings and those kinds of matters not only from members of the public service, but also from suppliers and others. There is also the opportunity to bring forward some matters which were of a whistleblower nature prior to this legislation coming into force.

The committee had a great opportunity to shape this legislation by having it after first reading.

I wonder if the member would care to comment on the matter his colleague from Winnipeg Centre raised about how important it is going to be to shepherd the implementation and communications plan to ensure a good start with regard to Bill C-11.

Mr. Bill Siksay: Mr. Speaker, the member for Mississauga South has raised an important issue of how this legislation is implemented. The regulations, the implementation process and the administration of this legislation will be absolutely crucial to establishing trust among members of the public service in their ability to raise issues of wrongdoing. That must be done successfully in ways that do not force them to bear the most dramatic consequences of having taken that step. That has often been the case in the past. I mentioned the people at Health Canada. Over a number of years I think they are some of the most dramatic examples of the kinds of consequences that public servants have faced.

A number of years ago Pierre Blais raised very serious concerns about silicone gel breast implants and Health Canada's position on them. He is someone who took the consequences of raising that important issue. In my constituency that is a very important issue. Daphne Robertson, who is an activist on the issue of silicone breast implants, would see Dr. Blais as a real hero in the movement to deal with the health impacts of breast implants. I know that in her work she would feel that he had taken a very important step and a great personal risk to assist many thousands of women who have had to deal with that issue.

There were the scientists who lost their jobs over the whole issue of bovine growth hormone. Those people, Shiv Chopra, Margaret Haydon and Gérard Lambert, and the late Chris Basudde, have known great consequences. Even at this point I think one of them is in the process of losing his or her home in order to finance not having had a job and the consequences of having made the disclosures about bovine growth hormone. We have seen that often public servants are on their own once they take action.

My colleague from Winnipeg Centre talked about how in the Radwanski case public servants who blew the whistle had to bring lawyers to the parliamentary committee because of their lack of security around their position. They took the very important and ethical stand that they did in that terrible situation.

It is crucial that the regulations be developed with care. The ongoing interest of the appropriate parliamentary committees must be focused on this legislation to make sure that it does what we hope to have accomplished with this legislation.

● (1325)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, one of the most worrisome aspects of the whole idea of blowing the whistle is being disciplined for that wrongdoing. That is why the name of this bill is the protection of whistleblowers.

I would ask my colleague if he has given some thought to the possibility that a person could come forward with information of a wrongdoing that the person believes to be accurate and it turns out that the information is incorrect, then that person is very vulnerable to discipline as well. Does he agree with me that being simply wrong about an issue should not preclude coming forward? A person should not worry about reprisal. In other words, it is not evidence of mischief to be incorrect.

Mr. Bill Siksay: Mr. Speaker, I agree with my colleague from Winnipeg Centre that being wrong on the issue should not preclude someone from making an attempt to bring light on an important issue. It is important to have protection for those folks as well. It is crucial to openness and accountability that people who are acting out of a sense of altruism and a sense of commitment to the work of the public service be in a position to raise these important issues.

With the appropriate investigation of those issues, if some explanation is found for the matter that was raised there should not be any retribution to that person if it was done in good faith and via the proper channels. That is an important part of what this legislation is about.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I thank my colleague from Burnaby—Douglas for splitting his time on this important legislation for Canadians. It is important for them appreciate it and have some understanding of it. Because of the way we have operated in the House this past session and in sessions before, the erosion of public confidence in this place has been extraordinary. When we go back to our ridings and talk to average Canadians about their faith in not only politicians but also in the work that is carried out on their behalf, it is clear the erosion in faith has been steady and consistent. It is at an all time low, I would suggest.

The bill starts to move in the direction of addressing the issues. Bill C-11 is an example of how a minority Parliament can improve upon any government's unwillingness to see something through to the end of the day. The first attempt at this bill in the previous Parliament was a second class affair. The intention of the bill was at some point buried in the midst of protectionism and it became much more about ministerial protection than it did about what it was truly intended to be.

The modifications from all four corners of the House, including from the member for Winnipeg Centre and many others who have contributed to the debate, have led to a bill that has the congratulations and support from all four corners of the House. This is very important to me and to many here. We are trying to make this place work, despite the constant mudslinging and the rest that we see on a daily basis.

I will contextualize for average Canadians who are watching the debate, why the bill is important and why it came to be. It is important to understand that the intention of the bill is to prevent the scandals we have seen over the last number of years. Many people will understand this issue from having watched the movie *The Insider*. Great strain and stress is put on a person who has the evidence of a company or a government that is doing something wrong. That person has to break through the many barriers, which now exist for public servants and administrators, to proclaim from on high the wrongdoings of someone potentially at a senior level who, by de facto, has more power than the person who blows the whistle.

Our own *Insider* movie has been playing in Montreal and Ottawa: the Gomery inquiry. There are absolutely scandalous tales of what went on in the backrooms between the government of the day and the present government and their supporters, the people who funded them and worked on their behalf. Brown bags of money across tables at nefarious restaurants and all the rest brought cynicism to a new high within the Canadian electorate. We saw that through the last election, which bore extraordinary fruit, a minority Parliament. We have taken mediocre bordering on bad legislation and improved it to a quality where people can start to be proud of the work of the House.

The strength of the opposition in this place has contributed to the government's slightly increased humility and intelligence in introducing legislation that would meet the requirements of the constituents who have elected us to represent them from all parts of the country. They are seeking a government that is accountable, not only in words, but in action.

For years we have heard rhetoric of this government and past government about the need for openness and transparency. Yet when it comes to action, when it comes to the day to day happenings at the most senior levels, both within the Liberal Party and those they appoint to those patronage spots in particular, the House of Commons and the entire parliamentary system suffers. The reputation of the hard-working people in the Canadian bureaucracy also suffers. It becomes an embarrassment to admit that we work for the federal Government of Canada, knowing what has gone on.

The intention is another important context. What is the intention of the government in introducing the bill? Is the intention to have a fundamental cultural shift, almost a psychopathic culture toward the promotion of patronage, of taking care of friends and ensuring that the flow of money from the trough always arrives at people who are most supportive of the government of the day? Is it the intention of the government, to reform itself from within? It is a speculative question with a deeply held suspicion as an opposition member, having watched the goings on in the government from an arm's length.

● (1330)

I take a small example of the many patronage appointments. The Prime Minister promised to fix this process in the last election, another promise broken. It is the appointment of Mr. Murray, a failed Liberal candidate, to the National Round Table of the Environment and the Economy. He is very nice, commendable fellow of sorts and a very strong mayor in Winnipeg. He was appointed to an environmental portfolio at a very important time in the history of Canadians, particularly when it comes to the environment. We are facing dire predictions for our future. We have a government that has failed to reduce the amount of pollution and smog, with another smog day for Toronto and many other cities across the country.

The obviously loyal member of the Liberal Party of Canada came before a committee to present his credentials. He was found wanting. He was found to be in absence of some of the basic understandings of the issues facing our environment today. It was a patronage appointment that led to a lack of confidence in one of our most important bodies, a fully funded body from the national taxpayers' roll, the National Round Table on the Environment and the Economy. This further eroded our confidence in the government's ability to manage and steer this ship.

The Information Commissioner, Mr. Reid, through a number of disclosures to Parliament and in the press has talked about the almost addiction to privacy that the government has maintained. Legislation was passed to create the position of an officer of this House who would report to the House and keep the government in check, when it came to access to information. It also provided other key tools that the Canadian public and their representatives, us, could use to access the government's work to ensure that there was accountability and the much looked for openness of government. This officer has told us repeatedly that the Liberal Party needs to fundamentally shift its culture away from this addiction of secrecy and seek the openness and transparency that has been talked about but not fully acted upon.

Once again we are asked to have faith and confidence that the words which exist within the bill will match the actions that are forthcoming. These include a sincere commitment by the government to reverse the culture of protecting minister at all costs, of protecting one's immediate superior in the bureaucracy. It is a commitment to a culture in which we can appreciably learn from our mistakes, a culture in which we can understand that mistakes in a bureaucracy the size Government of Canada will be made and certain expenditures will not be the most prudent. It is a culture that accepts that fact and will improve upon the mistakes rather than cover them up as we have seen over and over again. Only through the exposure of the work of the opposition parties in this place and the media were we able to gain access to find out what went wrong with policy or spending of tax dollars.

The governing party of the day is looking for praise in the introduction of this. The best way to negotiate at times is while holding the gun. Putting the government's back against the wall, with certain dire electoral predictions, is a way to motivate it, after more than a decade of words but no action, to finally produce a bill that has some merit and some weight. That accountability must now take us to the next step to see what the ramifications and actions will be.

Will the culture shift? Will the Radwanskis no longer appear? Will the patronage end? Will the trough be closed down for a small period of time to allow Canadians some restoration of faith in the decisions that come out of this Parliament?

The Prime Minister has often talked about the democratic deficit, yet when promises have been made with respect to electoral reform, of fundamental accountability, the government has stalled, dragged its feet and has not come forward with its promises.

What comes next? Will the patronage machine continue? Will failed Liberal candidates seek the high positions and the gravy train they have come to expect? Will former ministers have extravagant expense accounts and no accountability or will the government finally take charge and change its fundamental culture? I remain doubtful.

Canadians expect the protection that is offered by strong whistleblower legislation, the protection of their food, of their medicines, of their tax dollars. They need this. They expect this bill to have teeth. They expect the enactment of this bill to be sincere.

● (1335)

The New Democrats' position is that we will hold the government's feet to the fire, hold it to account on this and the many other promises that have been made through legislation. We will ensure that Parliament begins to function rather than the mudslinging that is so supported and relished by the official opposition, which dare I say barely has the reputation to hold the name.

Within the context we now have, we have an opportunity to get things done, as the New Democrats did in the spring by providing a better balanced budget for Canadians. We will continue to work hard and diligently for Canadians.

● (1340)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am little cautious about suggesting the bill can solve all the problems of the world. We should keep some perspective as to what in fact the bill is trying to address.

It is important to remind the House of the definition of a wrongdoing, which is the subject matter of the whistleblowing bill. It is the contravention of any act of Parliament or legislature of a province or any regulations made under the act, or breaking a law. It is the misuse of public funds or public asset and misuse in the context of misappropriation or use for purposes for which it was not authorized or intended. It is the gross mismanagement in the public sector. That is one that would have to be looked at carefully in terms of assessing what constitutes gross mismanagement. It is an act or omission that creates a substantial or specific danger to the life, health or safety of persons or to the environment, other than a danger that is inherent in the performance of the duties or functions of a public servant. It also is a serious breach of the code of conduct established under this act, or taking of a reprisal against a whistleblower or a public servant which is consequences for having been a whistleblower. Finally, it is knowingly directing or counselling a person to commit a wrongdoing set out in the act.

Perhaps the member could reflect on the expectations of the act. We are not talking about human resources complaints, or general complaints or matters related to policy directions or decisions of government . I think the member mentioned patronage. It is not illegal to have a patronage appointment. It may be that there is an accountability.

Therefore, I want to be absolutely sure that Canadians understand the expectations of the bill. The bill will not somehow solve all the policy or philosophical differences that people may have with regard to Parliament and parliamentarians. The bill deals with the protection of public servants who come forward with allegations of serious wrongdoings.

Mr. Nathan Cullen: Mr. Speaker, I thank the hon. member for reading clause 8 of the bill. That was the first clause I read when I was given the bill.

The member talked about expectations. I am not sure the expectations of Canadians could be any lower of the government's actions when it comes to credibility and ethics in its guidance of the public purse.

He mentioned the patronage appointments. The Conservatives seemed to have a problem earlier connecting of the dots between the allowance of patronage appointment and the allegiance of the person in that appointment to the Prime Minister or inner-party sanctum that appointed the person. This sets up a scenario in which Canadians cannot have the confidence of that officer who has been appointed. That person's allegiance does not go to the Canadian taxpayer as much as it goes to the person who put him or her in that place. We are seeing that with the Dingwall effect going through Ottawa this last couple of weeks. The responsibility to the Canadian taxpayer is eroded.

The question at hand with respect to the expectations, I can very clearly read. I can read other pieces of legislation whereby the spirit and intent of the law has not been enacted. The spirit and intent of this is clear. The member's reading of it was exceptional.

It is the credibility of the government to enforce this. The sad and strange irony of this is the day the bill was introduced we saw the firing of Health Canada officials. They were trying to do their jobs and protect Canadians from the potential hazardous effects of something like the bovine growth hormone.

We all know the enactment of these measures will be signed by the leadership at the very top. The Prime Minister and his cabinet have spoken much about the need for such things as electoral reform. We have heard so much about the democratic deficit, although we have heard much less about it these days. The intention and the credibility of the government is found wanting at best.

The only way the bill will restore faith and have some merit within the eyes of Canadians is somehow if those folks change their culture. That is what I express my doubt over. As we have seen over the last number of months in Parliament, the fixing of the democratic deficit has been one of the lowest priorities. This is merely an example of the culture which exists within that fundamentally flawed party.

● (1345)

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I am very honoured to stand and speak on this important topic. In general I support this legislation. I have some reservations about some of the details but that is always so. It is not likely even when we form government that every piece of legislation brought forward in every detail will have no imperfection or no room for improvement. I would like to point out a few of those things during the course of my discussion.

I have had an extraordinary privilege for the last almost 12 years now of observing government in action. I was one of those ordinary taxpayers. I was the single wage earner in our family. We made that choice. Even though I was making a very fine professional salary, we found it tough to make ends meet because of the huge amounts of taxes. That is one of the reasons I became involved in the political process.

From that perspective, all the time that I have been here it has been drilled into my mind even more in observing what happens around here, the absolute importance that all parliamentarians, all civil servants, all people who work for government, which is another way of saying that we are employed by and work for the people of this country, treat every dollar as a sacred trust. Maybe I should not use the word "sacred", but it is an extremely important trust. I compare it to the trust that is placed in a lawyer when someone gives that lawyer money in order to proceed with a real estate transaction. That money is held in trust. That lawyer will lose his or her position, will be debarred if he or she in any way misuses or abuses the funds that are entrusted to him or her.

The same thing should be true for every civil servant, every parliamentarian, every senator, every individual who works for the public in this country. I hesitate to use my own convictions as the example, but it is one that came to mind because of what happened to me last week. I had to change my airplane flight and lo and behold the company, and I will not name the company because it is not nice to pick on Air Canada, would not let me change my flight to one day prior without paying over $1,000.

Even though I have been here for 12 years, I have tried very hard to not become "Ottawized" and think that because it is not my money, it does not matter. I am always concerned about that. I cannot spend money so flippantly that some poor taxpayer in my riding has earned. I went to a competitor, and I am not about to give any free advertising so I will not mention WestJet, but for about $500 I bought another ticket. By the way, Air Canada did let me change that ticket to a date further down the road. I moved that ticket to a future date which I will use and I used the WestJet ticket to take me to my riding. I had to set my alarm at 3 o'clock Alberta time in order to make the flight, but I did so, and on the way to the airport that morning, I thought, "I am doing what is right and I feel good about it", even though I would have liked to have stayed in bed for a couple more hours.

I hesitate to use that as the example and yet I cannot resist saying that is the conviction that I have. The kinds of decisions we make with respect to how we are using the money given to us in trust should reflect the seriousness with which we guard that trust.

● (1350)

I am in favour of this legislation in principle, but I really wish that all civil servants at all levels would have a built-in moral compass, from the ministers, the deputy ministers, all the way down, as the parlance goes, to the people lower in the organization. I think the real important work is done by those who are at the bottom of the organizational chart. They are at the top, in my view, in terms of the importance of their tasks. They are the ones who are actually delivering the services for Canadians. I wish every one of the people in the organization would have a built-in moral compass that says that abusing, misusing and misspending public money is wrong and that they will not do it. That is what I would like to see.

However, as we always say, laws are not there for those who have this moral compass built in anyway. This is true for laws against murder. It makes no difference to me whether or not there is a law against murder. I am not going to murder anybody. To me it is wrong. I would refuse to murder someone even if I knew I could get away with it and no one would ever find out. I still would not do it. I wish every civil servant had the attitude that they would not do something that is wrong, whether or not there was a whistleblower in the wings. That would be the goal. We need to keep pressing toward that kind of standard in our country.

The rules are there for those who would break them. That is why we have rules against drunken driving. It is not because we want to restrict those who would not do it anyway because it is wrong. We have laws in order to stop those who do not have the common sense and the moral fortitude to make that decision themselves.

This whistleblower legislation in effect gives freedom to other people in organizations when they observe someone misusing public funds or in other ways misusing the public trust to bring it the attention of someone who has the ability to do something about it. That is probably a good measure because, unfortunately, human nature being what it is, there will always be those who abuse their privileges and the positions they hold. This is a way of counter-balancing it and I appreciate that.

I am very glad we live in a day and age in which with computer technology, the Internet, et cetera, there is so much more information available and so much more openness that is accessible, provided the information is put there by the authorities. I believe that exposure is one of the greatest motivations to doing what is right.

For those who wonder whether or not something should be done, if they ask themselves whether it became public and their family, friends and colleagues knew that they did it, that will often help them decide that they had better not do it.

Hopefully, the result of this will be not a whole flood of complaints made by whistleblowers, but rather that the amount of misuse of public funds will be reduced simply because there is this additional motivation to not break those rules.

I have a couple of concerns about this bill. My colleague opposite took the time to read from the bill. I was going to do that as well but I will not repeat it. We need to be aware of the wrongdoings as specified in clause 8 of the bill. My colleague read six points contained therein. Actually there are seven, the seventh one being that every one of the six is a violation if a person counsels someone to do the wrong thing. He read those and I think they are a good starting point.

● (1355)

We need to recognize that there is probably no codification that would cover all the bases. We have to make sure that we build within this legislation the positive part of the culture which says that because in principle we are doing this, therefore the abuses will cease.

I was going to say I had the privilege but it was not a privilege, it was more of a punishment to be on the committee that investigated Mr. Radwanski. It was, very frankly, a dreadful thing. I remember when the investigation was going on and whistleblowers from within his organization came forward to our parliamentary committee, a reporter said to me, "You must be really excited about this because this really helps you as a party". My response to that reporter was, "No. This makes me incredibly sad. The fact that a person in public trust could do this and put in question his own reputation and the reputation of thousands of civil servants, to abuse the taxpayers' money and to so blatantly break the rules and think that he could get away with it, to me, that is a point of great sadness. It does not give me any pleasure at all".

Without divulging any of the confidential proceedings that went on in that committee, I must confess there were a couple times when, even though I am a man and real men do not cry, I had tears running down my cheeks as I saw the tremendous depth of emotional turmoil that the witnesses were experiencing in drawing to our attention the wrongdoings that were going on. They were fearful for their jobs. They were fearful for their own futures. That is just not acceptable. They were people who wanted to do what is right.

We need to set up our rules and procedures in such a way that the people who want to do what is right feel comfortable and that those who want to do what is wrong are made incredibly uncomfortable. In this particular case, because of the lack of this kind of legislation, it was turned around. The person who was doing what was wrong, specifically the commissioner, felt very comfortable and at ease because he was in charge and if people broke a confidentiality of his department, he could call for their heads and cause them to lose their jobs.

I am so glad that our committee was able to respond to that. As far as I know, not one of the individuals who were involved in bringing this injustice to light and getting it corrected lost his or her job.

In that sense, I strongly support this legislation, because people who take that risk—and there is always a risk; even with this legislation there would be a risk—should not have to deal with the possibility of losing their jobs and having financial hardship imposed on them.

It is important for us to make sure that when this bill becomes law, and I trust that it will, we press for implementing the spirit of this law and not just the legalities of it.

In our present milieu in Canadian political history, we are at a low point. A number of Canadians have lost trust. This is demonstrated by the fact that fewer and fewer of them even bother to vote. It shows that we do need to do something.

Mr. Speaker, I will finish my speech after oral question period.

S. O. 31

STATEMENTS BY MEMBERS

● (1400)

[*English*]

PARKINSON SOCIETY CANADA

Mr. Gary Carr (Halton, Lib.): Mr. Speaker, I rise in the House today to let all members of the House and all Canadians know that 2005 marks the 40th anniversary of Parkinson Society Canada.

In every community across this country nearly 100,000 Canadians woke up this morning knowing they would experience tremors, slowness, difficulty walking, impaired balance and several other symptoms. This number is expected to double over the next 10 years.

Parkinson's equally affects men and women, and this disease, for which there is currently no cure, affects young and old. Young onset of Parkinson's can affect people as young as 30 or 40 years old. Parkinson Society Canada has made this disease more manageable for those affected. This organization has helped ease the burden for many and has been instrumental in finding a cure.

I invite all members of the House to join me in wishing Parkinson Society Canada and its regional partners success in easing this burden and finding a cure. Its commitment to people is truly remarkable.

* * *

PUBLIC SAFETY

Mr. Jim Abbott (Kootenay—Columbia, CPC): Mr. Speaker, winter in the Rockies is coming.

Snow avalanches have killed more than 600 people and are the most deadly natural hazard in Canada. Emergency Preparedness Canada has a mandate to minimize risks to personal safety for naturally occurring events.

ABS, avalanche airbag systems, save lives in avalanches. It uses compressed nitrogen gas to inflate a pair of airbags, which helps someone caught in an avalanche to stay above the surface. When deployed it has been 95% successful.

Sale of ABS has been hindered in Canada by the Department of Transport because the canister, when screwed into this lifesaving backpack, is acceptable. However, the same canister, in a protective case for independent transportation, supposedly is a danger. This is bizarre.

The Minister of Public Safety and Emergency Preparedness must work with the Minister of Transport to ensure approval of ABS is granted now, today, before another life is needlessly lost.

Stop the avalanche of red tape.

* * *

EINSTEINFEST

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, the Perimeter Institute for Theoretical Physics is hosting North America's most comprehensive event marking the 100th anniversary of Albert Einstein's miracle year of 1905.

EinsteinFest is taking place until October 23, 2005 at the institute's award winning research facility in Waterloo, Ontario. Perimeter Institute's EinsteinFest is a spectacular event that celebrates Einstein's most pivotal year by exploring our rapidly changing civilization and setting his prolific contributions in context with the science, philosophy, politics, art and music of the day.

Einstein's pioneering accomplishments of 1905 are being commemorated worldwide as part of the world year of physics 2005, a United Nations endorsed international celebration of physics.

More than 30 nations are participating in year long festivities to highlight the importance of physics in the coming millennium and inspire a new generation of scientists, Einsteins of the future.

* * *

[*Translation*]

CENTRE D'ENTRAIDE AUX RAYONS DU SOLEIL

Mr. Marcel Gagnon (Saint-Maurice—Champlain, BQ): Mr. Speaker, on August 17 last, the Centre d'entraide aux rayons du soleil launched its 2005-06 fundraising campaign at the Auberge Santé Lac des Neiges.

Among the many scheduled activities to raise $50,000, this campaign's objective, is a fundraising dinner, which I will be proud to host in an honorary capacity. This event will be held on October 15, at the Sainte-Flore golf club, in Grand-Mère.

Centre d'entraide aux rayons du soleil is an organization in the field of addiction working with a mixed clientele, which addresses a real need in our community.

I wish every success to this fundraising campaign. I encourage the public to take part, to show their solidarity and support to people who are greatly in need of it.

* * *

TORONTO FRENCH BOOK FAIR

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, last week, I had the honour to represent the Minister of Canadian Heritage at the 13th annual Toronto French Book Fair.

Each year, it brings together participants from Ontario, Quebec, France and every part of the world for roundtables, lectures and study groups on the development and promotion of the Franco-Ontarian culture.

Since October 1993, the Toronto French Book Fair has been a forum where participants can meet and share their Franco-Ontarian culture.

Participants also strive to support young Ontarians who are enrolled in French studies programs in the province.

Finally, the Toronto French Book Fair is designed to promote francophone culture and communities across Ontario.

I am sure that hon. members will join me in wishing the 13th Toronto French Book Fair the very best of success.

● (1405)

[*English*]

RAMADAN

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, tomorrow will mark the first day of the holy month of Ramadan. Ramadan is the ninth month of the Muslim calendar. The month of Ramadan celebrates when the Holy Quran was sent down from heaven.

The fast of Ramadan lasts an entire month. It is a time when Muslims concentrate on their faith and spend time with their families and communities.

During Ramadan strict restraints are placed on the daily lives of Muslims. They are not allowed to eat or drink during the daylight hours. At sundown the fast is broken with a prayer and a meal called *iftar*. After the meal Muslims spend time visiting with their family and friends. The fast is resumed the next morning.

Ramadan is a time to focus on family and faith. I hope all Canadians take time to experience and learn more about the Islamic faith.

On behalf of the official opposition I would like to wish all my Muslim brothers and sisters well during the observance of Ramadan in a joyful celebration of Eid.

* * *

RAMADAN

Mr. Wajid Khan (Mississauga—Streetsville, Lib.): Mr. Speaker, tomorrow marks the beginning of the holy month of Ramadan. For Muslims across the world it is a time for worship and contemplation, a time to strengthen family and community ties, a time to focus on self-sacrifice and devotion to Allah.

On behalf of my colleagues in the House of Commons and myself, I would like to wish all Muslims across Canada a very happy holy month of Ramadan. May God bless us all. God bless Canada.

* * *

[*Translation*]

HOUSING

Mr. Christian Simard (Beauport—Limoilou, BQ): Mr. Speaker, I want to address the Prime Minister on behalf of thousands of homeless people who will soon lose their main source of support.

Even if an immediate decision will not guarantee that the homeless will not be deprived of services after March 31, 2006, it is imperative that the supporting community partnerships initiative, SCPI, be extended and improved until full responsibility for housing can be transferred to the Quebec government, with the corresponding budgets.

Will the Liberal government finally heed the calls of alarm being sounded by 135 organizations, located throughout Quebec, which submitted a formal demand to the Prime Minister on September 12?

The empty promises on the eve of the confidence vote last May are not enough, particularly since CMHC is sitting on a nearly $4 billion surplus.

A decision must be made now.

* * *

[*English*]

JASWANT SINGH RANDHAWA

Mr. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, I would like to take this opportunity to acknowledge the late Jaswant Singh Randhawa. He was a successful businessman, a devout Sikh and a community leader.

Mr. Randhawa passed away last year after he courageously battled cancer for 12 years. His legacy, however, will live on through the Jaswant Singh Randhawa Memorial Foundation. The foundation provides scholarships to students from across the Greater Toronto Area who are pursuing post-secondary education.

The criteria for the scholarship is that the student must be involved in his or her local community and in need of financial assistance. The scholarships, as the Minister of Social Development recently told me, are all about hope, hope for a better future and the ability for individuals to reach their potential. Through Jesse's memory and his foundation, this sense of hope is being brought to many students across the Greater Toronto Area.

* * *

LIBERAL GOVERNMENT

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Speaker, today we celebrate a year of broken promises on the anniversary of the last Liberal throne speech.

First, the speech promised to reduce Liberal corruption, yet Technology Partnerships Canada has lost nearly two billion tax dollars, partly to illegal Liberal lobbyists and millions more are wasted on Liberal ministerial excesses. Promise made, promise broken.

[*Translation*]

Second, the Prime Minister promised to stop the waste and the excessive spending, but the agreement between the Liberals and the NDP cost an alarming $4.6 billion. Promise made, promise broken.

● (1410)

[*English*]

Finally, the Liberal leader promised a grand state day care scheme. A year later there are no new spaces, stay at home parents are excluded, and the scheme will cost at least $10 billion a year to implement. Promise made, promise broken.

This Liberal leader is a phony and his party is—

The Speaker: Order, please. The hon. member for Nunavut.

* * *

EQUALIZATION PAYMENTS

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, Canada was founded on the basis of all Canadians having comparable access to programs and services at comparable levels of taxation.

S. O. 31

Two very important panels are currently studying this very important founding principle of the Canadian federation, namely equalization and territorial formula financing.

Both the expert panel on equalization and territorial formula financing and the council of the federation advisory panel on fiscal imbalance, have heard firsthand the challenges and also the opportunities that are unique north of 60.

Both panels will be reporting over the next several months and it is my hope that these reports will lead to a more equitable funding mechanism reflective of the needs of each of Canada's northern territories.

* * *

RAMADAN

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, as Muslims around the world commence their most holy month, I would like to wish them a blessed Ramadan. For our Muslim community, this is a time of worship and contemplation. It is a time to strengthen family and community ties.

In my hometown of Hamilton, the Muslim community is one of our most vibrant and active. Hamilton Centre is a riding where many new Canadians first settle and so it is a place where we learn from each other and about each other. An important part of making diversity work is the sharing and celebration of each other's beliefs and cultures.

I recently had the opportunity to celebrate Hamilton events with communities ranging from the Taoist Tai Chi Society, the Polish community and the Turkish community to an event co-sponsored by our Italian and Jewish communities and the reopening of the Hindu Samaj Temple, destroyed by arsonists and rebuilt with the support of Hamiltonians of all cultures.

I wish my Muslim friends a joyous Ramadan, with happiness, health and success always. *Ramdan mubarak*.

* * *

JUSTICE

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, over the past year Canadians have watched as families have been torn apart by rising levels of gun violence in our communities. Over the summer, I met with criminal defence lawyers, municipal leaders, heads of national police associations and local law enforcement officials to discuss Bill C-215, my private member's bill, which would introduce mandatory minimum sentences on indictable gun offences.

Support for this initiative is growing in this country, both at the grassroots and among provincial attorneys general. Yesterday I had the opportunity to discuss these and other issues with the chief of the Toronto Police Force, Bill Blair, a man who has had to deal with over 40 gun deaths in his city alone. He joined numerous others in identifying the links among gangs, guns and drugs.

It is time for this government to send a clear message to the criminal element that their actions will no longer be tolerated. The first opportunity to do this is on October 18, when Bill C-215 comes up at the justice committee. I urge my colleagues to demonstrate clearly their commitment to the ultimate responsibility of parliamentarians, which is to provide for the health and safety of their constituents.

* * *

[*Translation*]

NATIONAL WOMEN'S CENTRES DAY

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, the first Tuesday of October is National Women's Centres Day. There are 98 women's centres in Quebec, which belong to a network of women's centres.

Women's centres are working to ensure equality for women. Their activities fall into three categories: first, intake, support and self-help. Second, there are educational activities such as workshops, meetings and a newsletter. Finally, there are collective actions, such as protests, representation on various boards of administration and a number of actions for solidarity.

Women's centres have helped thousands of women through times of crisis, to find the tools they need and to become independent, and they raise public awareness about the importance of gender equality and social justice.

I want to highlight the excellent work done by the Centre des femmes de Laval. I wish all the women's centres in Quebec a good day.

* * *

● (1415)

[*English*]

TERRORISM

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, it is with sadness and anger that I rise in the House once more to condemn a terrorist attack on innocent people. For a second time in the peaceful tourist resort of Bali, terrorists have chosen innocent victims. As in 2002, again Canadians were among the injured.

This summer we saw cowards target innocent people in London, U.K. They also struck in Madrid in May 2004. We also see innocent people being targeted in Iraq daily. We will not be intimidated by these cowards.

It is regrettable that at the recent UN meeting of world leaders consensus could not be achieved to provide for a greater and concentrated anti-terrorism effort, which would have been in the best interests of all the members. I cannot overestimate the absolute importance of the world leaders coming together on this point.

We want to tell the Indonesians that Canada will stand with them to fight terrorism. On behalf of the official opposition, I offer my heartfelt sympathies to the victims of this tragic event and their families.

CANADIAN ARMENIAN COMMUNITY

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, 2005 marks the 10th anniversary of the enthronement of His Holiness Aram I as Catholicos of the Armenian Catholicosate of Cilicia. To mark this occasion, His Holiness is conducting a pastoral visit to North America.

Last week I had the distinct honour of meeting His Holiness as he met with members of the Canadian Armenian community in Toronto. At that time, I presented him with a copy of the Canadian Charter of Rights and Freedoms, translated by this government into Armenian.

This is a special time for the community members. With the spiritual leader of the church in their midst, they are engaging in dialogue with a man who promotes human rights, peace with justice, and greater communication among religious leaders.

ORAL QUESTIONS

[*English*]

TECHNOLOGY PARTNERSHIPS CANADA

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, my question is for the Prime Minister.

It has been admitted that, besides his extravagant spending, David Dingwall was involved in unregistered lobbying and in instances of breach of contract to the tune of $350,000.

Could the Prime Minister tell us why, instead of calling in the RCMP and instead of trying to go after Mr. Dingwall for the money, he is praising him here in the House and trying to negotiate a golden parachute for him?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, as I have said over and over again, in the case of Mr. Dingwall and any other lobbyist who has been in receipt of a contingency fee, our recourse is to the company. Our contract is with the company. We are dealing with the company. We have recovered the money and the company may in fact choose to take action against Mr. Dingwall.

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, I am simply going to again ask the Prime Minister to answer the question. David Dingwall apparently received $350,000 in breach of contract. He is not entitled to it. The Prime Minister used to be mad as hell about this stuff. Why, instead of being mad as hell, is he praising Mr. Dingwall and negotiating a golden handshake for him?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, we have recovered the $350,000. That has been dealt with. The company may in fact choose to take action of its own. That is up to the company. That is its decision. The government cannot go after him for that particular money.

* * *

DAVID DINGWALL

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, I do not think I am going to give up.

Some hon. members: Oh, oh!

The Speaker: Neither am I, but we will have some order. We want some order so we can hear the question that the Leader of the Opposition is about to ask. He has the floor.

Hon. Stephen Harper: Would the Prime Minister explain? We know David Dingwall received $350,000 he should not have received. Why, instead of trying to recover that money, is the government actually contemplating giving him perhaps up to half a million dollars more?

Some hon. members: Oh, oh!

The Speaker: Order, please. We have a question. The Minister of Industry has the floor to answer the question. I am sure the Leader of the Opposition will not be able to hear it with all this noise. We will now hear from the Minister of National Revenue.

● (1420)

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, with respect to the severance package, the government lawyers have been asked to advise the government on what is the minimum separation package that the government can pay given the relevant laws and given the policy framework.

I can list the relevant laws if the members will listen. They are the Royal Canadian Mint Act, the Financial Administration Act, and the crown corporation general regulations.

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, I know that a couple of days ago in the House this minister liked to quote the common law. There is no common law saying the government has to pay severance to someone who voluntarily quits. That may be the common practice of the Liberal Party, but it is not the common law.

Once again, given that there is no requirement to pay severance to someone who quits voluntarily, and given that Mr. Dingwall received hundreds of thousands of dollars he should not have received, why is the Prime Minister contemplating giving him any money at all?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, perhaps the Leader of the Opposition ought to take some legal advice, because according to the government's legal advice, his facts of the law are wrong. Indeed, it is the case that without a mutually agreed separation package, even when somebody resigns voluntarily there is most definitely the risk of a long and expensive lawsuit.

[*Translation*]

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, David Dingwall hired Chuck Guité, the man behind the sponsorship scandal. He has broken the rules governing lobbyists and the awarding of contracts for his own personal gain. He ran up quite a few expenses on his expense account at the Royal Mint.

Does the Prime Minister really think that buying David Dingwall is the way to put an end to corruption?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, the government has sought legal advice as to the minimum amount the government has to pay under the relevant legislation and its policy. That is the government's objective.

Oral Questions

PUBLIC FUNDS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, since the beginning of the parliamentary session, the list of scandals related to the squandering of public funds has been growing and illustrates the laxity that reigns within the public administration. After the unjustified expenses of David Dingwall, now we learn that some ministers have been misusing the government's Challenger jets.

With one scandal after another, how does the Prime Minister have the nerve to tell us he learned any lessons from the sponsorship scandal?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, we understand that the—

Some hon. members: Oh, oh!

[*English*]

The Speaker: It may be clear that the Prime Minister is very welcome, but he does have the floor.

[*Translation*]

He needs to answer the question of the leader of the Bloc Québécois. We must have order to hear him.

The Right Hon. Prime Minister.

Right Hon. Paul Martin: Mr. Speaker, we understand that Canadians demand that the Challengers be used appropriately. That is why there are very clear rules in place.

The use of Challenger jets has to be justified. These planes can be used only for government-related functions and only when commercial options are not available. That is the current policy. It is respected and it must be respected.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, it is very clear that the policy has not been respected and that the rules have not been followed.

Is this not an old Liberal habit to say that the rules have been respected? Is this not the same speech that was used in connection with the sponsorships, instead of acknowledging the facts and taking action? Has it not become routine for the government to break the rules and then unapologetically plead ignorance? Is that not the Liberal way?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, as the Prime Minister clearly said, we have specific rules. We have a very important asset for the country, namely four planes available for ministers and senior public officials and, from time to time, the opposition and other public figures to travel across this large country.

These planes are used in keeping with certain conditions and clear rules, which are always respected in the opinion of the Prime Minister's Office and in my opinion. Some may think otherwise, but I can assure the House and the hon. member that we have rules and we respect them.

● (1425)

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, in each of the scandals affecting this government, the ministers always use the same defence: Treasury Board rules have been applied.

How could this reassure us, when we recall that, at the time of the sponsorship scandal, with the theft of tens of millions of dollars, the government answered all of our questions by saying that Treasury Board rules had been complied with?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I am not asking members of this House to break Treasury Board rules. I assure hon. members that the PMO and my office work in close conjunction to ensure that these aircraft are not used just any old time. They are a last resort solution, for use solely on government business when commercial options do not allow us to fulfill our responsibilities properly.

That is our policy, a good policy, good for this country and for the efficiency of our government.

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, when the sponsorship scandal first broke, Alfonso Gagliano answered one of our questions, on May 31, 2000, as follows, "Mr. Speaker, immediately upon being appointed minister responsible for Quebec, I gave very clear directives to the CIO to the effect that it had to comply with Treasury Board policies." We know what happened next.

How can we feel reassured when we know how nonchalantly the government hides behind Treasury Board rules in order to justify the worst abuses of this administration?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, there is an article in today's newspaper advancing the opinion of an individual who has reviewed certain flights.

First of all, I think we have to know what methodology was used, and second we need to know details of the individual cases.

I can assure the House, all hon. members—including those who have used the Challengers—and the other public servants, such as Chief Electoral Officer Kingsley, who is headed for Haiti this very day, that these aircraft are used solely for government purposes.

* * *

[*English*]

HEALTH

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, my question is for the Prime Minister.

Yesterday, the Minister of Health said that the government had already responded to the Chaoulli decision on privatization of health care, before the decision was made. Utter nonsense.

The Prime Minister gave $41 billion away without a single string attached and pretends this is somehow a response to the Supreme Court decision to privatize health care.

How can this be the fight of his life if he is not willing to stand up and take action against the Chaoulli decision that is threatening our health care system today?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, the hon. member should simply take a look at what we did in that federal-provincial understanding in which $41 billion was transferred. Not only did that money go to provide more doctors, health care providers and nurses, which is so necessary if we are going to reduce wait times, that we specifically set out the need to reduce wait times in a wide range of areas from cancer, to heart, to cataracts, to hip replacement.

The fact is that the program is working. We also appointed Dr. Postl from the province of Manitoba to work with the federal government and the provinces to make sure that those commitments were met. When those commitments are met, then Canadians will have—

The Speaker: The hon. member for Toronto—Danforth.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, I guess that is why the only thing busier than a private medical clinic these days is the private Liberal jets. Maybe if the Liberals were flying a little more often with the people, they would find out that people are afraid of losing the Canadian health care system.

It was four months ago that the Supreme Court made a decision that challenged our public health care system and yet our Prime Minister is afraid to speak. Why is the Prime Minister afraid to do what Canadians want him to do, which is to stand up and defend our public health care system and do it now instead of dithering on it?

● (1430)

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, the Chaoulli decision was about the question of wait times and the length of time it took to get access to decent care. In the last election campaign we made that an important centrepiece. We were the only political party that said that wait times had to be reduced and the only political party that said we had to come together with the provinces and we did that.

As I look at the opposition members in front of me, time and time again they said it was not a problem. Time and time again they refused to defend the public health care system. Well, we will defend the public health care system.

* * *

DAVID DINGWALL

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, the waiting list for leadership gets longer all the time.

When the Prime Minister replaced Jean Chrétien, it was out with the old and in with the old. Canadians were hopeful that we would have Mr. Clean but what we have instead is Sergeant Schultz, "I know nothing, I see nothing". That wilful ignorance is costing Canadian taxpayers.

The Privy Council's own rules stipulate that appointees are entitled to one week's pay for each completed year of service, but that is only for terminations not for spendthrift quitters.

David Dingwall does not deserve one penny. Will the Prime Minister admit—

The Speaker: The hon. Minister of National Revenue.

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, my advice comes from those Privy Council lawyers. They have been asked to tell us what the minimum amount is that the government must pay given the relevant laws and the policy framework. I have already listed those laws and the policy framework includes the desire to avoid the cost of a long lawsuit. Those are the factors that enter into the consideration to get the minimum amount that the government is required to pay.

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, the minister says that he is for a rules based system but if there is one thing David Dingwall has taught the people of Canada, it is that the government believes in two different sets of rules: one for Liberal patronage appointees and one for everybody else.

When working Canadians quit their jobs there is no golden parachute for them. In fact, there is no unemployment insurance either. When the minister rules that Dingwall's golf club memberships are acceptable while Revenue Canada's own rules say that they are not, then there is a problem of a double standard that exists here.

Could the minister, who is also the revenue minister, tell us whose rules apply to Dingwall, his or his?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, we are indeed committed to a system in which not only do we enforce the rules but under the leadership of the Treasury Board president we have been improving the rules in a significant fashion over the past month. The crown corporation governance has been strengthened.

On this specific point, if Pricewaterhouse finds any expenses by Mr. Dingwall that it deems to be inappropriate, then those expenses will be, dollar for dollar, subtracted from any severance package.

* * *

TECHNOLOGY PARTNERSHIPS CANADA

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, at least five companies have been found to be in breach of their Technology Partnerships Canada contracts. In one case, David Dingwall received a payment of $350,000 after successfully lobbying for a government grant.

Does Dingwall have to pay the money back? No. Has the company that hired Dingwall had its government grant revoked? No.

Why is the industry minister not going after David Dingwall and forcing him to pay back the $350,000 he received in violation of the government's own rules?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, it is getting a little tiresome answering the same questions over and over again.

The government has recourse to the company with which it has a contractual relationship. The company has the opportunity to deal with Mr. Dingwall. It can choose to do that or not to do that. We have dealt with the company with which we can deal.

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, this is taxpayer money. The government should be showing some leadership instead of passing the buck to the companies.

We further learned today that six lobbyists connected to this scandal have been referred to the lobbyists registrar for further investigation. My question for the industry minister is simple. Has the RCMP been called in to investigate any of these lobbyists and when will taxpayers finally get their money back?

● (1435)

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, the taxpayers did get their money back. The reality is that where there was an unregistered lobbyist, we have referred it to the RCMP or to the registrar of lobbyists who can also refer it to the RCMP. That is where there is a legal issue at play here and that has been done.

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, 11 companies have reportedly paid lobbyists commissions for grants obtained under the Technology Partnerships Canada program, a kickback for successfully securing grants, which is prohibited.

My question to the minister is very simple. Could he table before this House the list of companies at fault and the names of the lobbyists, registered or not, involved in this affair?

[*English*]

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, if I were the hon. member I would not call it kickbacks outside the House.

The answer is that when we have completed the audits and we have satisfied the requirements of the privacy laws of this country, we will release the information. I promised to release it. I will release it. We will release it when we have the information to release.

In the meantime, we will not be putting companies out of business that are out there transforming our economy and investing in technology. That is not what this government is trying to do.

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, we refuse to allow the government to strike secret deals behind the scenes with companies at fault in the TPC program affair. We know the name of at least one of these companies: Bioniche. And the lobbyist was David Dingwall.

We want the names of the other 10 companies at fault and the names of the 10 lobbyists who illegally received kickbacks. Who are these people?

[*English*]

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, we will release the results of those audits when the results of those audits are complete and when we have satisfied the requirements of the Privacy Act and the Access to Information Act.

The hon. member knows that we have been very open and will be very open. We will be releasing that information.

[*Translation*]

KYOTO PROTOCOL

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, given the Kyoto protocol and the fuel crisis, the development of wind power is becoming increasingly important. The ceiling on subsidies per province penalizes Quebec, which intends to develop 3,500 mW in the near future.

Does the federal government agree that if it wants to be fair to Quebec, it needs to lift the provincial ceiling immediately and increase its aid per kWh produced?

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, the government certainly does intend to strongly encourage wind power throughout Canada, including in Quebec. Measures will be implemented in order to prevent the problems the member just mentioned.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, I have the green plan in front of me; it fails to mention eliminating this provincial ceiling. The minister knows this.

The federal government spent nearly its entire nuclear energy budget in Ontario. From 1970 to 2002, the federal government spent $72 billion on nuclear energy, coal, natural gas and oil, in Ontario, Saskatchewan, Alberta, Newfoundland and Nova Scotia. But it failed to invest a single dime on hydroelectricity in Quebec.

In order not to repeat this injustice in the area of wind power, will the federal government recognize that it needs to amend its program to take into consideration Quebec's proven leadership in this field?

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, if any government has shown leadership with regard to wind power, it is the Government of Canada.

However, I want to address the separatist comment we just heard. The Government of Canada has never penalized Quebec in any way whatsoever. I am prepared to debate this at any time.

As for the green plan that the member just referred to, we are going to work very closely with Quebec and all Quebeckers, who have much to offer other Canadians and much to receive from them.

* * *

[*English*]

LIBERAL GOVERNMENT

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, we have learned today that the Liberals have been hiding the real cost of their flying limousines from Canadian taxpayers, claiming that the luxury jets cost only $2,000 an hour when in fact these jets cost $11,000 an hour to operate.

On top of that, Liberal ministers have abused their luxury jets dozens of times, spending over $1 million on unnecessary flights, rather than rubbing shoulders with average Canadians on much cheaper commercial aircraft.

Is all of this not just more proof of the culture of Liberal arrogance and waste?

● (1440)

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, members of the House, let us be reasonable here. The very reason we are discussing this today is that the government is open and transparent about these flights. They are all posted and available to the public. We have nothing to hide whatsoever.

These flights are used for government purposes. There are very few planes available. They are strictly rationed in respect of our needs to get around our country and for our international travel.

When the hon. member suggests that there is something corrupt about the use of these flights, he demeans the House and all members on both sides of the House who have used those flights on many occasions.

[*Translation*]

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, while Canadians are barely coping with higher gasoline prices, the Liberal ministers do not share such mundane concerns. They prefer going from Ottawa to Toronto aboard a luxury jet that costs $11,000 an hour to operate, rather than share a commercial flight with ordinary taxpayers. They also prefer to use their luxury jet to get to Montreal, rather than drive like ordinary folk.

How can the Prime Minister justify such a waste of public funds?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I take commercial flights between Toronto and Ottawa several times a week. Lots of ministers and MPs use commercial flights. We use these aircraft only in circumstances where it is absolutely necessary to do so for the smooth functioning of our government.

Furthermore, as hon. members are well aware, two of them are reserved, one for the Prime Minister and one for the Governor General, since they cannot take commercial aircraft. We ministers use them according to the rules and requirements of good government. It is ridiculous to claim otherwise, as the member is doing.

* * *

[*English*]

JUSTICE

Ms. Helena Guergis (Simcoe—Grey, CPC): Mr. Speaker, last week Ruby Thompson, an 83-year-old lady, was mugged in broad daylight in Toronto. She is a double amputee who was doing her Christmas shopping because it is too cold for her in the winter. She was knocked out of her wheelchair by a 16-year-old and received a broken arm and an injured hip.

Under the Liberal justice system there are no serious consequences for this type of crime. Why is the Prime Minister so out of touch that he will not close the loopholes on these horrific crimes?

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. parliamentary secretary has the floor. Members might want to restrain themselves so we can hear the answer from the parliamentary secretary.

Hon. Paul Harold Macklin: Mr. Speaker, clearly, violent crime is totally unacceptable. This government has responded through the Youth Criminal Justice Act in ways in which it is capable of providing proportionality in the sentencing process. Those with the most violent crimes are also going to be subject to the most violent penalties. In fact, adult sentences can be applied to those most violent offenders.

Ms. Helena Guergis (Simcoe—Grey, CPC): Mr. Speaker, the government does everything it can for criminals and nothing to protect our law-abiding citizens. It has mobile units giving heroin addicts a free fix, and adult criminals who commit gun crimes can be back out the very next day only to terrorize their victims again.

Why do the Liberals continue to dither on violent crime and why is the government doing nothing to protect vulnerable Canadians like Ruby Thompson?

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I do not believe the hon. member had the benefit of hearing my answer. In fact if she had listened, she would have heard that we are very much interested in proportionality in sentencing so that those who do participate in the most violent crime will receive the most severe sentence that we can possibly have brought and deal with them in the appropriate manner.

* * *

HEALTH

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, Toronto's public health officials are investigating the deaths of four people from a respiratory illness at a seniors residence.

Could the Minister of State for Public Health tell the House if the Public Health Agency of Canada is assisting the Ontario officials in finding an answer to this question?

● (1445)

Hon. Carolyn Bennett (Minister of State (Public Health), Lib.): Mr. Speaker, the members from Toronto take these infectious disease outbreaks very seriously.

The Ontario public health officials have been investigating it. They have ruled out SARS, avian flu and influenza. Dr. McKeown today feels that the outbreak is winding down. This weekend I was seriously impressed with the tremendous cooperation of Dr. David Butler-Jones, Dr. Sheila Basrur from the province, Dr. McKeown from Toronto, and Dr. Allison McGeer with regard to the infectious disease at Seven Oaks.

* * *

TECHNOLOGY PARTNERSHIPS CANADA

Hon. Ed Broadbent (Ottawa Centre, NDP): Mr. Speaker, my question is for the Prime Minister, who is ultimately responsible for the ethical standards of the government.

Today in the House the Minister of Industry continued to say it is up to the company to retrieve the illegal $350,000 payment that Mr. Dingwall got. The Minister of National Revenue continues to imply that Mr. Dingwall is entitled to some kind of severance pay, which according to the law he is not.

Will the Prime Minister clarify this ethical situation? Does he support these low ethical standards of his ministers, or does he support the people of Canada who believe Mr. Dingwall does not deserve another cent and should repay the $350,000?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, both members have spoken of the law as it is. Both members have spoken about their desire to make sure that the right thing is done. Both members are working very hard.

I take considerable exception to the reference by the hon. member to the low ethical standards of the ministers. I want the member to know that the ethical standards of this cabinet and the ethical standards of this government are the highest and they should not be called into doubt.

Hon. Ed Broadbent (Ottawa Centre, NDP): Mr. Speaker, the Prime Minister has a chance to deliver on his rhetoric now. Does he maintain the highest ethical standards? If so, will he get to his feet and demand publicly that Mr. Dingwall repay the $350,000?

Some hon. members: Oh, oh!

The Speaker: It is clear the Minister of Industry who has risen to answer the question is a very popular minister. We have to have some order so we can hear his answer. The difficulty is we are wasting time and some members are going to miss their questions.

The hon. Minister of Industry has the floor.

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, the reality is we have recovered the $350,000 from the company, which is the party with whom we have the legal relationship. If the party wishes to pursue Mr. Dingwall, it can do that. It has a legal relationship with Mr. Dingwall. We have a legal relationship with Bioniche. We have recovered the money.

* * *

NATIONAL DEFENCE

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, the Prime Minister and the Minister of National Defence have committed 1,000 of our soldiers to hunt down the Taliban in Afghanistan without ensuring that they have the necessary equipment to do the job. This is a politically irresponsible act that places our troops at unnecessary risk.

The minister is now rushing through an obscene number of sole source contracts to cover his and the Prime Minister's political posteriors. Committing troops to battle is not a casual political decision.

Why did the minister make this decision without first confirming that the forces are properly equipped to engage in guerrilla and mountain warfare?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, the hon. member has a long and proud military tradition himself.

I can assure the hon. member and members of the House that this government will never commit our troops to any operation without our Canadian Forces being behind us and without the advice of the top military officers of our country. They have advised us that we are going to this mission with the best led, best equipped and best prepared military we have ever had and the best one in Afghanistan. The hon. member should know that.

● (1450)

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, that is the old "the CDS made me do it" defence.

Because the government made a hasty decision to commit troops to battle, it is also making hasty decisions to equip them. It is carrying on with the questionable procurement practices of the past. The minister is in the process of committing billions of taxpayers' dollars to directed contracts. I am sure many people are asking who one has to know in the PMO to get a contract.

Who will benefit financially as the government skirts the checks and balances of competition? Why is the minister starting down the slippery slope of following one bad decision by another?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I think the hon. member and many members of the House rejoice in the fact that in the last budget some $13.5 billion was consecrated to our forces. That is the largest single commitment to the armed forces in some 20 years. It will enable us to equip ourselves to do the job we have to do.

We will be going to Afghanistan with allies. They bring different equipment. We bring our assets. We are committed to making sure that our military is equipped with the best resources that we can possibly provide. I give the undertaking to the House that we will be doing that. The finance minister has provided us with the funds and the Prime Minister has provided us with the support to enable us to do that.

* * *

CITIZENSHIP AND IMMIGRATION

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, we have all seen the pizza flyers at our doors, two for one pizza, $19.99 pizza, pizza with chicken wings, and the list goes on, but I have never heard of a $138 pizza like the immigration minister spent for him and a guest on July 4 at Camarra Pizzeria in Toronto. I have heard of extra toppings, but this is ridiculous.

When the most expensive item on the menu is $34, how did he manage to spend $138 for two people at a pizzeria?

Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I thank the member for recognizing that one of the functions of the minister is to have consultations and to think in terms of developing a plan for immigration.

I will be pleased when he recognizes, as the press has today, that three cities in Canada, Vancouver, Calgary and Toronto, have made it to the top 10 list of most desirable cities. They have one thing in common and that is they are filled with immigrants.

I look forward to discussing those issues with the House as we unfold the plan.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, we have been asking pretty straightforward questions of the minister but he seems to always complicate the answer.

Managing to spend $138 at a pizzeria for two just does not add up. Either he ordered some very expensive wine, or maybe he ordered a lot of take-out, or maybe he is a very generous tipper. The most incredible thing is he is trying to justify that the taxpayers picked up this bill.

I ask the minister again, how did he manage to spend $138 on pizza for two?

Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, once again, everyone in the House is aware that one of the reasons we post these on a proactive disclosure is so everyone sees exactly where the money is spent and how it is spent. I am quite happy that the House is going through a period where it is beginning to understand all of these.

As for the member, it is difficult to appreciate what he says because he is one of those individuals who has not seen a $3 bill that he would not idolize.

* * *

[*Translation*]

CANADA POST

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, according to the Minister of Revenue, the mail sorting centre in Quebec City is being closed because even grandmothers no longer use conventional mail to send birthday cards, but use e-mail instead.

How can the minister explain, other than by the behaviour of grandmothers, that Canada Post has six sorting centres in Ontario, two in Alberta, two in Saskatchewan, and two more in British Columbia, yet it is so urgent to close the one in Quebec City, leaving just one centre for all of Quebec?

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, as I said yesterday, the main thing is that no jobs will be lost. That is the first reason.

Second, it is not just in Quebec, but throughout Canada, that Canada Post has to become more efficient, since the use of conventional mail is in decline. We do not want to go back to a deficit. We want to preserve the rural mail system. Canada Post has to become even more efficient than it already is.

● (1455)

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, given the number of sorting centres in Canada, would it not be fairer and more reasonable to the Quebec City area, before closing the sorting centre in Quebec City, to require Canada Post to submit a comprehensive restructuring plan so that we can know why it is so urgent and so essential not to have a sorting centre in Quebec City? I would like the minister to explain that to me.

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, this plan is not unique to Quebec. Canada Post has a mandate to become more efficient in every province in Canada. In this case, as I mentioned, no jobs will be lost. However, the challenge for Canada Post is that this is an industry in decline as more people are sending their mail electronically. Canada Post therefore has to become more efficient not just in Quebec, but throughout Canada.

* * *

[*English*]

JUSTICE

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, Canadians are outraged by the fact that the Liberal government refuses to raise the age of consent. They are extremely uncomfortable with the justice minister's strategy of trivializing the safety of our children by constantly referring to this issue as an issue of puppy love.

Everyone knows the real issue is about protecting our children from adult predators. Raising the age of consent will allow our police departments, our courts and most important, our parents the ability to protect children.

When will the minister stop mocking the issue, do what Canadians want and raise the age of consent?

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member simply does not understand the issue at hand. The issue at hand is not the age of consent, but rather can one actually consent to be exploited. The reality is that no one can consent to be exploited. The purpose for which they are moving forward is totally at odds with what the goal is.

Each and every one of us wants to protect our children and that protection is a priority of the government. We are going to do so through Bill C-2 when it is fully enacted and the section dealing with sexual exploitation which deals with the predator—

The Speaker: The hon. member for Fleetwood—Port Kells.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, before voting on my age of consent motion, the justice minister claimed that it would criminalize teenage kissing. The minister also claimed that police and prosecutors would be overwhelmed with puppy love cases.

Sex between a 14 year old and a 45 year old is not puppy love. In fact, I offered a close in age amendment to the minister. Will the minister stop trivializing this issue and raise the age of consent or will parents have to wait for a Conservative government to protect our children?

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Again, Mr. Speaker, clearly the issue of consent is of some concern to the member. I think what one has to appreciate is that exploitive conduct where one cannot consent are such things as pornography, prostitution, or a relationship of trust, dependency or authority, which we already recognize. What Bill C-2 is doing is actually adding one more category, and that is one of sexual exploitation where one cannot consent to the exploitation.

[*Translation*]

TRANSPORT

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, transport ministers recently agreed to designate new highways as part of the national highway system. Two highways in my riding of Madawaska—Restigouche were included as collectors, namely highways 11 and 17. A few months ago, the Minister of Transport of Canada visited my riding to meet with groups calling for these highways to be upgraded.

Could the Minister of Transport summarize briefly for us the meeting he had with his provincial counterparts on September 22 in Calgary?

Hon. Jean Lapierre (Minister of Transport, Lib.): Mr. Speaker, I want to thank the hon. member for Madawaska—Restigouche as well as his colleagues from the New Brunswick caucus. Their pressure, combined with the efforts of local mayors and all the people who mobilized, have ensured that highways 11 and 17 are now part of the national highway system.

This decision was unanimously approved by the council of ministers responsible for transportation in Canada. We are very pleased, and we are now looking forward to new funding being put into the infrastructure program, so that this decision can be implemented in the field, or should I say on the road?

* * *

● (1500)

[*English*]

SPONSORSHIP PROGRAM

Mr. Gary Lunn (Saanich—Gulf Islands, CPC): Mr. Speaker, we have asked the Minister of Public Works repeatedly to confirm or deny that the RCMP attended the public works offices and seized in excess of 100 boxes of sponsorship documents. First the minister claimed ignorance, next it was a single invoice, and since then he has just been avoiding the question.

I would like to give the minister another opportunity to confirm or deny. Did the RCMP attend the public works office and seize over 100 boxes of documents? If so, why has the minister not been forthcoming? What is the minister trying to hide from the Canadian public?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, once again, it is a public fact that there are criminal proceedings against a number of individuals, including Mr. Guité and Mr. Brault. We are cooperating with all RCMP investigations, both as the Department of Public Works and the Government of Canada. We will continue to cooperate fully but we will not comment on specific investigations of the RCMP. That would be inappropriate. That hon. member, who once claimed to be a lawyer, ought to understand that.

CANADA BORDER SERVICES AGENCY

Hon. Rob Nicholson (Niagara Falls, CPC): Mr. Speaker, we continue to have some serious issues at Canada's international crossings. This last summer in Niagara alone we had four unscheduled shutdowns at the borders by Canada's border guards. The border guards have some understandable concerns about security. At the same time, this has huge implications for the Canadian economy.

What is it going to take for the minister to settle this issue? Are we going to have to wait for 40 unscheduled shutdowns or, better yet, wait for a Conservative government?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, first of all, let me say that I am aware of the shutdowns. We take the security and safety of our border agents very seriously. That is why we have had Labour Canada do a number of reviews of border officers' safety, and time after time it would indicate that the conditions under which they operate are safe.

Clearly our goal is to ensure that we facilitate the movement of low risk travellers and goods across the border. We will continue to work with everyone in good faith to ensure that happens.

* * *

PRESENCE IN GALLERY

The Speaker: Order, please. We have a number of important visitors in the gallery this afternoon. I would like to first draw to the attention of hon. members the presence in the gallery of His Excellency Felipe Ramon Pérez Roque, the Minister of Foreign Affairs of the Republic of Cuba.

Some hon. members: Hear, hear!

The Speaker: I would also like to draw to the attention of hon. members the presence in the gallery of His Holiness Aram I, Catholicos of the Armenian Catholicosate of Cilicia. His Holiness is also the Moderator of the World Council of Churches.

Some hon. members: Hear, hear!

The Speaker: I would also like to draw to the attention of hon. members the presence in the gallery of the Honourable David Simailak, Nunavut Minister of Finance.

Some hon. members: Hear, hear!

The Speaker: Finally, I would draw to the attention of hon. members the presence in the gallery of the Constituencies Fund Committee from the Parliament of the Republic of Kenya, led by the Honourable Karué Muriuk, the Chairman of the Committee.

Some hon. members: Hear, hear!

ROUTINE PROCEEDINGS

● (1505)

[*English*]

COMMITTEES OF THE HOUSE

CANADIAN HERITAGE

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, discussions have taken place among all the parties concerning recorded divisions scheduled for tomorrow, Wednesday, October 5, on the 11th and 12th reports of the Standing Committee on Canadian Heritage, requesting an extension to study private members' bills. I believe you would find consent that the recorded divisions scheduled for Wednesday, October 5, on the motions to concur in the 11th and 12th reports of the Standing Committee on Canadian Heritage be deemed carried.

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

Some hon. members: Agreed.

[*Translation*]

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

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

[*English*]

PUBLIC SERVANTS DISCLOSURE PROTECTION ACT

The House resumed consideration of the motion that Bill C-11, An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings, be read the third time and passed.

The Speaker: I am advised that the member for Edmonton—Sherwood Park has five minutes remaining in the time allotted for his speech, followed by the usual questions and comments period. I invite the hon. member to resume his remarks.

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I do not know whether I hold the record for the longest interruption of a speech. About eight or nine years ago I was giving the last speech of the day and the particular bill I was speaking on was not called again for a whole year. It was a couple of days short of a year before we resumed the debate, and I finished my speech after about 12 months of waiting, so to me this little delay for question period is nothing compared to that.

I would like to complete my speech on Bill C-11. Before the interruption, I was talking about the fact that among Canadians there is an increasing lack of trust in their politicians and their government. I think Bill C-11 at least partially addresses this. We must first and foremost change the whole culture, the whole way of thinking. That is what is important here. Hopefully, with people knowing that somebody else can blow the whistle on them, it will mean that we will have many fewer instances of people abusing the public trust.

I would like to point out that one of the reasons for this is that even under the present law when people are found out and found guilty, the penalties seem to be quite disparate from what other Canadians face. I want to share with members an observation made to me by the editor of the *Sherwood Park News*, which I think is very appropriate here.

She and I were talking about the sentence Paul Coffin got for stealing, which he admitted. He confessed to it. He stole millions of dollars from the Canadian people. His penalty is that he has to give speeches on ethics, but he must be finished by nine o'clock. The editor of the *Sherwood Park News* said she has covered the local court there a lot and has seen way more stringent penalties for young people who have been picked up for shoplifting in the local mall. So here we have one person who is picked up for shoplifting a $50 or a $100 item and who gets a more stringent penalty than somebody who steals from the taxpayers in the amount of millions of dollars. This needs to be corrected.

I suppose we could say that our case is with the judge who handed down that particular sentence, but it is also with the government of the day. This Liberal government has set up a culture in which this type of thing is tolerated. It must come to an end. This must be stopped. Otherwise, we are going to land up with even less trust and respect for government, for Parliament and for our institutions in this country. It should not surprise us that people increasingly object to having to pay their income taxes when there is so much misuse and abuse.

The latest case with the president of the Mint is another example. How atrocious and how shameful it is that an individual can so abuse the money that is entrusted to him. It is not his money. He is there on behalf of the Canadian people to try to manage, of all things, the printing of our money and the production of our coins. He is in charge not of our monetary system but our monetary framework and he is getting away with this abuse. If we cannot trust the people in Canada's bank, who can we trust? This has to come to an end.

I urge this government not to stop at Bill C-11 with a little whistleblowers' legislation. Let us change the culture of what is happening. Let us communicate clearly to all civil servants what the expectations are. Those expectations must include an impeccable attention to honesty and trust and absolutely no abuse.

Let us do that. Then, hopefully, Canadians will once again be proud to be Canadians and proud to pay their taxes and will have faith and trust in Parliament and in our civil service.

● (1510)

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Speaker, the member correctly pointed to several instances of Liberal theft, Liberal fraud, Liberal corruption and Liberal crime. These instances are becoming so frequent that they scarcely even make news any more.

We had a Liberal government that systematically stole over $100 million over the period of seven years, shovelling much of it back into Liberal Party coffers, a criminal conspiracy in which up to 600 different individuals are implicated.

It just strikes me as amazing that—

Mr. Paul Szabo: Mr. Speaker, I rise on a point of order. I am becoming a little concerned about the allegations of criminal wrongdoing and theft when that has not even been adjudicated. I think the member should be cautioned about the language he is using.

The Speaker: I have indicated to the member my concern about the constant use of language in this way and I think he might show some restraint in the way he speaks. As the hon. member for Mississauga South has pointed out, the words cannot be used in relation to a member and he has come very close in his suggestions and the use of these words in relation to members. I would invite him to exercise proper caution and curb his language.

● (1515)

Mr. Pierre Poilievre: Mr. Speaker, I will be cautious but I will not be silenced by that member's dilatory motions intended to interrupt the truth in the House of Commons.

The Speaker: No, but he will be silenced by the Speaker's efforts to restrain his language. I know he will want to observe what the Speaker says in all respects.

Mr. Pierre Poilievre: Mr. Speaker, I appreciate those words of wisdom.

Once again, there was a criminal conspiracy involving 600 people over a seven year period and not a single person has gone to jail. Two and a half years after we learned about this massive criminal Liberal conspiracy, not one person has gone to jail. An individual is caught red-handed stealing $1.5 million and he does not receive a jail sentence. Only in the Liberal wonderland can such a thing occur. That member cannot obstruct that truth from coming out in this House or anywhere else.

I now ask my hon. colleague if he will explain that we need a new government to prosecute this kind of crime and this kind of corruption in order to get to the bottom of it and reach real justice.

Mr. Paul Szabo: Mr. Speaker, I am rising on a point of order on the matter of relevance to the matter before the House. The member is talking about matters to do with judicial proceedings of which there have been no convictions. I am sure it is not relevant to the bill.

The Speaker: The hon. member for Edmonton—Sherwood Park, I am sure, will make remarks that are relevant to the bill in his response to the question he was asked. We will hear him now.

Mr. Ken Epp: Mr. Speaker, indeed, my colleague has given me a bit of a challenge to bring it back there, but it is on the same general topic and that is that we need to make sure that Parliament's oversight of the public purse is impeccable and that this type of activity, which my colleague has described, just simply does not occur.

I find it absolutely incredible, as he has mentioned, that this has been known for seven years. If our system were working correctly, in that length of time for a shoplifter there would have been justice, there would have been a penalty and there would have been a sentencing. After seven years nothing has happened.

My colleague's complaint is absolutely and totally legitimate. These laws have to be corrected. The rules and guidelines have to be lived by. They are not and there is no penalty for not doing so.

With respect to Bill C-11, it would increase the degree of thought that a person might give before he or she embezzles public money. The probability of my being caught is now increased. For the person who does not have the built in moral compass that would prevent him from doing it, perhaps the fear and the increased probability of being caught will have that deterrent effect and, in that sense, the bill is necessary.

However I still decry the fact that under successive Liberal governments the culture of lack of honesty has been allowed to grow to this point with no penalties that are visible at all for breaches of that trust.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I tend to agree with the member on his last point. Having a bill like Bill C-11 is much like parking a police car at the side of the roadway even though there is nobody in it. There tends to be an optic that causes people some pause to reflect.

The significant importance of this bill is that it is in the best interests to protect whistleblowers who, with the proper moral compass and the commitment to their oath of office, are prepared to come forward. The member well knows that many of the witnesses who came before us had been whistleblowers without the process and protections involved prior to the Radwanski episode in which there were some emulated protections and with which there were no apparent problems. We have heard many stories.

I thank the member for raising the importance of the bill in regard to providing protection to whistleblowers and in regard to it maybe being the starting point for a greater level of support and confidence within our public service so that when there are wrongdoings, as defined in the bill, appropriate steps will be taken to bring resolution to them to the fullest extent.

● (1520)

Mr. Ken Epp: Mr. Speaker, leadership comes from the top and that is always true. The standards are set by the people at the top. I cannot expect my employees to go beyond the standard that I am willing to set.

With respect to Mr. Radwanski, one of the things that distressed me immensely was the fact that the day before he was appointed he had a considerable debt to pay to Revenue Canada and it was essentially written off. This debt was forgiven the day before he took on a job that gave him a very good salary that would have allowed him to repay that debt to Revenue Canada. That is leadership at the top. There was a deal made by the Prime Minister's Office. There he is with that kind of moral compass going into the job. No wonder there was frustration in his department when people noticed that his lack of moral fortitude showed up in the way he was handling affairs.

The member is absolutely right. The bill would give greater assurance and protection to those who boldly stand up and say that we have to do what is right, that we must protect the taxpayers' dollars and that we must do it truthfully and honestly. I agree with that but it is not the final answer. The final answer is that we need to have leadership at the top.

Very frankly, I believe it is time for the Canadian people to say that they are going to trust the party that is now the official opposition to go on that side. Among other things, I would like our Leader of the Opposition to be the prime minister when the Gomery report comes in because that report goes to the prime minister. In that way we would be able to give Canadians the whole truth of the matter.

The Speaker: Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

The Speaker: I declare the motion carried.

(Motion agreed to, bill read the third time and passed)

* * *

REMOTE SENSING SPACE SYSTEMS ACT

The House resumed from September 30 consideration of the motion that Bill C-25, An Act governing the operation of remote sensing space systems, be read the third time and passed.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I want to take this opportunity to explain to hon. colleagues how many of the concerns expressed regarding Bill C-25 have been met with the amended bill that we asked the House to pass.

I will concentrate on five major concerns that have been raised: provincial access to sensed data; the archiving of data; the adequacy of protections afforded for privacy; protections in the bill regarding foreign ownership of licensed operators in Canada;, and, similarities with the provisions of Canada's export control laws on the export of military and dual use goods and technology.

In doing so, I will also discuss the impact of certain amendments added to the bill during proceedings before the Standing Committee on Foreign Affairs and International Trade. With my explanation added to the thorough discourse we experienced through the committee's review of this bill, I hope to make clear to all members of the House why this sound bill, so valuable to both the national security and economic prosperity of our country, should be passed.

Let me begin with the protection of the interests of provinces. When one drafts a bill, one must select an overarching legal mandate to the guiding light for its development. Bill C-25 was based on the defence and international relations powers of the Canadian Constitution. The bill's emphasis on national security, the defence of Canada, the protection of Canadian Forces, the conduct of international relations and the observance of Canada's international obligations thus reflect a federal mandate. Outer space is also a domain of exclusive federal jurisdiction. On that there is no disagreement. Thus, the language of Bill C-25 fully accords with exclusive federal powers.

During committee review of the bill, some hon. members sought changes to incorporate the protection of unspecified provincial interests in a bill that had been drafted reflecting the exclusive responsibilities of the federal government. One of these amendments serves as a point of additional clarification. The addition of section—

● (1525)

The Speaker: Is the hon. member for New Brunswick Southwest rising on a point of order?

* * *

POINTS OF ORDER

ORAL QUESTION PERIOD

Mr. Greg Thompson (New Brunswick Southwest, CPC): Mr. Speaker, I know we have to bring these issues to you immediately following question period and I do this reluctantly or hesitantly. I wanted approval from the member to whom it happened.

During question period I heard very distinctly a very sexist remark coming from the member for Scarborough—Agincourt when one of our younger, newer members to this House was up speaking. She is a newer member to the House and she did not completely understand the rules, but she clearly heard it herself and it basically put her off stride in question period. It was a very sexist remark and I would expect you to review the blues and demand an apology from the member for Scarborough—Agincourt who has been identified by me and another member as the member making that remark. It was wrong and he should apologize to the member and to the House.

The Speaker: I am afraid I did not hear any such remark. As I indicated during question period, there was quite a lot of noise, but I am sure we will hear from the hon. member for Scarborough—Agincourt. I am sure he will note that a point of order has been raised and we will see what happens. Certainly we will check the blues and if something shows up, the necessary steps I am sure will be taken.

* * *

REMOTE SENSING SPACE SYSTEMS ACT

The House resumed consideration of the motion that Bill C-25, An Act governing the operation of remote sensing space systems, be read the third time and passed.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, during committee review of the bill some hon. members sought changes to incorporate the protection of unspecified provincial interest in the bill. One of these amendments serves as a point of additional clarification. I speak of the addition of clause 4(3)(c) which adds that "the interests of the provinces are protected", when the responsible minister must weigh whether to grant an exemption from the act or any person, remote sensing space systems or data. Even without the phrase we may rest assured that provincial interests would have been given full consideration, but if a more explicit expression is needed to provide reassurance then so be it.

As an hon. colleague elaborated on September 30, the responsible minister is granted the power of exemption under the act for several reasons, one being to deal with competing jurisdictions laying claim to the same remote sensing space system. A private remote sensing space system controlled by Canadian persons or operated from within Canada would either need a licence granted under section 8 or an exemption order issued. Given that Canadians could operate from a foreign jurisdiction, which may want to licence the system under its own laws, Canada needs this power to release Canadians from obligations under the proposed act where appropriate.

It was successfully argued during the review of Bill C-25 by the Standing Committee on Foreign Affairs and International Trade that the responsible minister would naturally factor into a licensing decision the issue of whether a clarification of section 8(4)(c) had to be specified within the licence to ensure that the provinces had access to data sensed by a Canadian licensed satellite.

The government accepted an amendment for section 4 in this regard. The amendment clarifies that the minister would ensure that the provinces had secure access to data gathered over their territory, pursuant to Canada being a sensed state as understood in the UN Principles concerning the Remote Sensing of the Earth from Outer Space. This would apply both to a satellite operated and licensed from Canada and to satellites controlled from other countries by Canadian operators.

In the latter case, a foreign jurisdiction seeking to license a satellite controlled by Canadians in that jurisdiction would have to honour the relevant UN Principles before the minister responsible would agree to release the Canadian operators of their obligations under the act. In this way the provinces of Canada can be fully assured of access for data sensed over their own territory.

On the issue of data archiving, I want to flag an amendment to section 20 defining the regulation-making authority on this issue. Section 20(1)(g.1) now provides for regulations "respecting the archiving of raw data, including the public access to the archived data". This amendment was accepted as a point of clarification further to existing section 8(4)(c), codifying Canada's ability to fulfill its commitments under United Nations Principles concerning the Remote Sensing of the Earth from Outer Space, mentioned earlier in my remarks.

Similarly, the system disposal plan required under section 9 would delineate how the data would collected by the licensed system will eventually be disposed after a set shelf life. These two provisions of the act result in an implicit data archiving requirement on the licensee. The government further envisions regulations placing notification requirements on the licensee to notify the minister prior to disposing of any raw data. It also envisions requirements specifying an opportunity for the minister to acquire such data for archive and public access within a government operated data archive. The amendment accepted by the government helps to reinforce this sound practice.

I turn now to the issue of privacy protection and the rationale for the lack of additional elements on the issue in the bill. First, it must be understood that the bill does not stand alone in isolation from other laws in Canada enacted to protect the privacy interests of Canadians. Bill C-25 exists fully within and is governed by the existing strong framework of privacy laws in Canada. Foremost among these is Canada's Charter of Rights and Freedoms. Specifically section 8 of charter guarantees that "Everyone has the right to be secure against unreasonable search or seizure". In addition to the charter, existing legislation such as the Privacy Act and the Personal Information Protection and Electronic Documents Act provide excellent privacy protections from all sorts of technologies, including those involved in remote sensing satellites.

It must also be understood that major technical and cost impediments will limit just how sensitive remove sensing satellites licensed under Bill C-25 will be. No one will be reading newspapers over our shoulder from space. Indeed individuals do not even show up in images taken by the sort of remote sensing satellites expected to be licensed under this bill.

● (1530)

Should future satellite technology evolve sufficiently that performance capabilities generate privacy concerns regarding law enforcement or other uses, new practices and procedures would be developed as an outgrowth of existing legal jurisprudence. In fact, jurisprudence already is being formed in Canada with regard to the use of airborne remote sensing systems by law enforcement agencies, including requirements for prior judicial authorizations for uses in which a reasonable expectation of privacy would exist.

As a consequence, there is no need for additional privacy protections to be considered specifically for remote sensing satellites beyond those already put into practice under Canada's existing laws to limit the more intrusive airborne or terrestrial sensing systems.

Some hon. members also questioned the protection afforded under Bill C-25 against foreign acquisition of Canadian licensed remote sensing satellites. The approach adopted in Bill C-25 in this regard draws no distinction between domestic and foreign investment in Canadian remote sensing space systems. All potential licensees, from whatever country, must meet security standards established to protect Canada's national security against injury, whether from a Canadian or a non-Canadian investor.

Under the proposed bill, the licensing power of clause 8 and the proposed disposal plan required under clause 9 enable the minister to specify conditions under which the licensee would have to notify the minister when it experienced a change in operational control. This notification would enable the minister to ensure that the security aspects of the system and the disposal plan or other operational plans could be implemented to protect Canada's national security with regard to the proposed investment.

The bill also includes clause 16 which would prohibit a licensee or former licensee from transferring the control of a remote sensing space system without the approval of the minister. This adds to the protection afforded under clause 8(9) in which a licence is not transferrable without the minister's consent.

I now wish to raise the issue of ensuring that conditions in an operating licence under the act will permit protection for the export of sensitive items, comparable to those found in Canada's Export and Import Permits Act. In other speeches by my colleagues, it was explained why the bill was better than amending that act. I will not repeat what has already been said. Instead I will simply emphasize that Bill C-25 does for the control of data what the Export and Import Permits Act does for the export of military and dual use goods and technology.

Under present policy guidelines set out by cabinet in 1986, Canada closely controls the export of military goods and technology to: first, countries which pose a threat to Canada and its allies; second, countries involved in or under imminent threat of hostilities; third, countries under United Nations Security Council sanctions; and, fourth, countries whose governments have a persistent record of serious violations of the human rights of their citizens, unless it can be demonstrated there is no reasonable risk that the goods might be used against the civilian population.

These fundamental policy statements are implemented as guidelines but are not found as explicit language in any legislation. Existing powers afforded under EIPA are adequate to enable them to be implemented. The powers afforded under Bill C-25 can and will be used to do the same for remote sensing satellite capabilities. Let me again show members how.

In Bill C-25, clauses 8(6) and 8(7) would allow the minister to specify mandatory distribution rules for all types of remote sensing imagery, both data and products. High resolution or rapidly accessible products are the ones most likely to arouse security concerns. Products involving coarser resolution and slower delivery times are likely to be viewed as benign. In between these limits will fall dual use products.

The powers afforded under this act would allow the responsible minister to specify customer access profiles that would define what quality of data or product could be released to what class of customer and how quickly. These profiles would reflect the same sort of underlying policy goals elaborated by the government for the export of military of dual use goods under the Export and Import Permits Act. Indeed, the ability of the minister responsible to change these rules on his own motion foresaw the policy needs I elaborated before, since the internal or external security situation of a given country can change rapidly and rapid response to such changes is equally necessary.

Finally, I wish to speak to a final amendment that was accepted during the review of the bill by the Standing Committee on Foreign Affairs and International Trade.

● (1535)

The last amendment added the requirement for the minister to conduct an independent review of Bill C-25 five years from entering into force and every five years thereafter. The review would keep the bill forward looking in terms of Canada's conduct of international relations and in terms of the evolution of remote sensing technology. Such reviews could also provide Parliament an account of the administration of the act and could document, mindful of national security limitations, the circumstances surrounding the use of any of the extraordinary powers granted under the act.

On that basis, I continue to urge hon. members to pass the bill at third reading so the useful work that it mandates can begin.

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I am pleased to hear the hon. member's comments with respect to the bill. It is a very important bill for the development of new technologies, understanding the significance that RADARSAT-1 will eventually come to its technical use over the next few years.

That member in particular, notwithstanding the goatee, is very well known to most people who wake up in the morning and want to know how their drive will be. With respect to hurricane Rita, I was very surprised recently when I got more calls from my constituents after the 11 o'clock news on the weather channel than I did from other channels.

The hon. member has a significant amount of background and interest in weather and meteorology. He certainly understands the significance of the dynamic of electronic imagery from a satellite, and this is a new satellite. Could the hon. member comment a little on his knowledge and how important it is for Canadians to get it right?

Mr. Scott Simms: Mr. Speaker, minus the facial hair, I did have a past existence as somewhat of an expert on the matter of weather. I still do as weather is still an issue in my riding.

I had the honour of meeting RADARSAT during the genesis of it. I was astounded by the technology of it for many reasons. It provided us with far better images and clearer technology that allowed us to be in the weather game in a much better way. It allowed for early warning systems to advance our cause.

As weathermen will tell us, the greatest tool for them is not necessarily a finger in the air or a weather vane or a weather balloon. The greatest tool is a satellite. It is able to do more than just tell us the weather. It also can give us a gauge of our climate, which is of grave concern to not just all Canadians but everyone around the world.

RADARSAT-2 provides us with a far clearer image than what we had before and it allows us to assess situations as they become more imminent, such as the hurricane of which my hon. colleague spoke. With this new technology, the benefits of it far outweigh anything that someone may bring up for nefarious reasons. This is one for the environment. This is one to gauge our climate. It affects our children and everybody in the world.

This bill would help us get closer to the goal of being a contributor internationally. As Canadians, we have contributed scientifically and technologically. I urge the rest of my colleagues in the House to pass Bill C-25 bill to advance the cause not just for Canada but internationally as well.

● (1540)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I appreciate the opportunity to ask my colleague a question.

One of the issues we have raised is the privatization of the services. As we know, the American PATRIOT Act, section 215, has had interventions on Canadian privacy. A company that provides information or outsourcing to the United States has Canadian information tagged to it is vulnerable to the CIA, the FBI and other government agencies in the United States without having to acknowledge that intervention in Canada.

Has the hon. member had assurances that there is absolutely no way Canadian privacy can be affected by the PATRIOT Act and that the operations of the RADARSAT-2 and all outsourcing would done in the context of Canada alone? Once again, we have seen interventions on this side, for example, when Statistics Canada outsourced our data collection to Lougheed Martin. We became susceptible to the PATRIOT Act and it cost us millions of dollars to correct the situation. Also, we do not know the types of identity theft happening without the knowledge of Canadians

Has there been some specific recommendations related to the PATRIOT Act and what they are?

Mr. Scott Simms: Mr. Speaker, the Privacy Commissioner certainly has given his blessing to this one.

Just to add more information, the government met with the Office of the Privacy Commissioner prior to tabling this legislation and it had no recommendations for provisions dealing with privacy rights. Technology by itself is neutral in terms of privacy. However, the technology used may raise privacy concerns, that we understand. It is in this use that privacy safeguards must be applied, and these safeguards already exist in our own privacy laws.

In this case, the Charter of Rights and Freedoms, the Privacy Act and the Personal Information Protection and Electronic Documents Act continue to apply even when a licence is issued.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I would like to ask a question of the Liberal member who is defending this bill, as the parliamentary secretary did last Friday.

I would like him to explain something for me. The purpose of this bill is partly to ensure the security of remote sensing images. So how can his party be opposed to the idea I raised that there should be some positive measures to restrict the access to remote sensing data by countries that are a threat to peace, that are at war, or that have dubious reputations in regard to terrorist connections?

I proposed an amendment which recommended that the government draw up directives similar to those that currently control Canada's military exports. This amendment was shot down. The Liberals, followed by the Conservatives, voted against it.

It seems to me that there is a contradiction between rejecting this amendment and the purpose of this bill, which is intended among other things to ensure the security of remote sensing images.

● (1545)

[*English*]

Mr. Scott Simms: Mr. Speaker, this is certainly of grave concern to us all.

Let me just address one more time what I outlined earlier, and I will repeat this for the benefit of the hon. member. Under present policy guidelines which were set out in cabinet in 1986, Canada closely controls the export of military goods and technology. Once again, let me just run down the four that we have here.

First, countries which pose a threat to Canada and its allies included. Second, countries involved in or under imminent threat of hostilities. Third, countries under United Nations Security Council sanctions; or fourth, countries whose governments have a persistent record of serious violations of the human rights of their citizens, unless it can be demonstrated that there is no reasonable risk that the goods might be used against the civilian population.

I agree that these concerns have been addressed within this legislation.

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I want to commend the hon. member who was not on our committee but has quickly established his credibility by his work in the past. He answered these questions very forcefully, and I am rather amazed at the way he has been able to fend off some of the comments made by the opposition.

Despite the many amendments between the NDP and the Bloc, many of them were actually concurrent. In fact, they complemented each other. The committee took its time to choose ones that were redundant and made certain amendments.

The hon. member spoke earlier about his experience in the industry. I wonder if he sees in the days to come an application of this particular technology and its potential for his constituents, his government and the region of Newfoundland-and-Labrador, much of which is yet evolving and very much in a pristeen state. I wonder if he sees a role for RADARSAT in the future and its ability to help the provincial government and the people of his province.

Mr. Scott Simms: Mr. Speaker, indeed, there is a role. RADARSAT had proven itself in its original genesis, as I mentioned before, in many respects when it comes to image sensing. Imagine sensing can be used in many ways covering many industries, of course, such as sea temperature change and weather patterns.

I will give a specific example. Let us talk about the hurricane that my hon. colleague spoke of. A hurricane needs for its energy, of course, is very warm water. The sea temperatures are rising in parts of eastern Nova Scotia, as well as eastern Newfoundland, which explains the major hurricane suffered by Halifax many years ago. It was misdiagnosed perhaps, if I could borrow that phrase. One of the reasons was that the sea temperature was higher than anticipated and the hurricane maintained its strength as it slammed into the coast.

What this image sensing technology does is allow us to be far keener of the climatic situations that we have, such as the east coast of Nova Scotia or the east coast of Newfoundland. It also affects populations of fish, which is a major issue each and every day on the northeast coast of Newfoundland, and it will continue to be so. One of the ramifications of this is that recently there have been declining populations in many fish species. Does it have something to do with the rising temperature in the water? Some scientists would say yes, some would say no. Nonetheless, the debate is there.

Thanks to this image sensing technology, we now have a clearer picture of this debate. We can put this issue to rest and as a result take action. Is it overfishing or is it the temperature of the oceans? That debate will continue and opinions will be expressed, but certainly we will get a far clearer picture with this type of technology than we ever did. Again, I would urge all colleagues to support this bill and put us into the next decade.

● (1550)

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, this has gone through some amendment process and some of the amendments have satisfied the concerns of the opposition. I was somewhat surprised to hear the sentiment expressed by the parliamentary secretary in relation to the member for Bonavista—Gander—Grand Falls—Windsor who was doing an adequate job of responding to the questions. He suggested that he had done a good job fending off the attacks of the opposition on this issue.

I have heard colleagues from other parties rise and address certain issues and amendments to make the bill even better. It is unfortunate that it was seen as fending off an attack, when in fact, on issues such as this we are always offering suggestions on how to improve what has been begun.

In case people have forgotten why this whole bill was required, it began as an agreement back in June 2000 between Canada and the United States related to the operation of remote satellite systems. This has been a work in progress. Some of the progress has been good for something that is necessary to have in place in terms of legislation.

We did raise the issue of provincial interest. It is very important, as we have been discussing this lately in the House, that anything to do with legislation affecting provinces, certainly international treaties affecting provinces, must have a bona fide and conscientious pursuit by the federal government of provincial interests in all cases such as this. If the provinces are affected, that is an area of paramount concern to us and one that would continue.

In reflecting on third reading, I will also have questions in my remarks recognizing that we are reflecting on the principle of the bill. I am not going to parse it into individual phrases and clauses, other than to refer to a phrase or a clause. That would be a reflection on the broader principle and I still have some questions here.

We raise a question about retroactivity for systems that are either already in place or about to be developed. Would the member from Bonavista please reflect on retroactivity? As he knows, it is a general principle in law that if a business or something is being developed and legislation comes out, we want to ensure there is no retroactive effect that is going to bring costs on the developer of those systems.

Would the member from Bonavista also reflect on something we have raised, continuing in this process, and that is the cost of the regulatory process itself? We have been informed that to put the system in place, and recognizing the high degree of sophistication here, there are going to be costs involved. There was a figure at one point that this would be somewhere in the area of just over $1 million or $1.3 million.

Obviously, in this House we accept what a member says at face value until we have evidence to the contrary. We do have other regulatory regimes that have been established, and I am talking for instance about the gun registry where we were told in this House that at first the registry would be a revenue generating system for the government. Then, when it appeared that was not going to be the case, we were told it was going to be revenue neutral. Of course, the gun registry is far from revenue neutral. Then, we were told it was going to be about a million dollars a year to administer. Now, of course, costs are up around $2 billion.

What can the member from Bonavista tell us to assure us that there is going to be some kind of constraint on the cost, so that when we look at this through the next budgetary cycle we are going to see that in fact costs were fairly much in the range of what had been discussed?

Regulatory systems are necessary at times for the government to put in place. It should always be done with great fear and trepidation because government easily gets out of control in its desire to over regulate. This puts huge impositions in terms of costs on the private sector. The CRTC is another case where Canada in fact has been shown in a number of situations to have fallen behind technological development because of an oppressive regulatory regime.

Would the member comment and give us some assurance, and a little peace of mind that the regulatory aspect of this is not going to be a runaway and so heavy on the cost side that it will actually be a deterrent to systems like this being developed in Canada?

● (1555)

A question we had related to the powers of a minister and the fact that a minister can suspend or cancel a licence. We recognize the necessity to have that. There is a provision, which I appreciate seeing, that if there is to be a suspension or cancellation of a licence, there has to be an appropriate warning and the ability of the company or the individual to appeal. I am recognizing that as a good thing, the appeal process and the notice process.

However, I do have a question and it would save interrupting the member at another moment if this could be addressed. I am reflecting on the broader principles of the bill. This would be the regulatory power of the minister to delegate. Clause 15 says that the minister may require the operator, the owner of the system, to actually perform a certain service, maybe for national defence reasons. That could impose quite a financial burden upon an operator of a system. There is this requirement in clause 15 which says that a minister could intervene and say to somebody who has developed a multi-million dollar system, "We want your satellite system to do something for the government". That is a significant power to have.

If the member would look at the bill itself, in terms of regulatory power the minister can delegate some of that power. It lists areas where the minister cannot delegate, but then it goes on to list where the minister can delegate. As a matter of fact, it even says that the minister can delegate some of this power to the armed forces or a member of the armed forces. I would like to sense there is some kind of framework within that so that a member of the armed forces is not simply delegated the power to ask the operator of a system to perform a service for the government. Could we have a little bit of reflection on the intent there and is there some curbing of that particular power?

I was also pleased that a five year review has been put in. We are talking about sophisticated systems, some which have not been discovered yet but which will be discovered over the next couple of years. The five year review is absolutely necessary.

In principle, we have recognized from the beginning that this legislation is necessary. We have raised some cautions and I would hope that at the appropriate time the member for Bonavista—Gander—Grand Falls—Windsor could reflect on some of them.

The Acting Speaker (Mr. Marcel Proulx): The hon. member appeared to be asking questions of the hon. member for Bonavista—Gander—Grand Falls—Windsor, but in fact the hon. member for Okanagan—Coquihalla had the floor for 20 minutes. He was up on debate, so questions and comments will now be asked of him, agreed?

Mr. Stockwell Day: Mr. Speaker, I understand that. I was hoping the member would phrase his comments and questions in terms of giving me some kind of comfort that those areas have been addressed. He is allowed to do that in terms of questioning my presentation.

The Acting Speaker (Mr. Marcel Proulx): I agree with you that he is allowed to if he so wishes. Questions and comments, the hon. Parliamentary Secretary to the Minister of Foreign Affairs.

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I understand the member's way of approaching this by way of the dialectic, asking a number of questions and I hope to be able to provide a response to each one. As convoluted as it may be, I want again to thank the member from Gander for his comments.

The costs are $1.3 million a year. With respect to the member's questions as to the issue of delegation, clause 21 of the bill states that the minister may delegate only to his or her deputy minister the exercise of the minister's powers. It is not wide open. The member will see that in the bill at page 17 in the English version.

The hon. member pointed out his concern as it relates to the application of the act to RADARSAT 1. In this case and applicable to Her Majesty in right of Canada or a province, the government seeks a single law applying to both private and public sector satellites. The government will seek to treat federal and provincial systems equitably.

As the hon. member has quite rightly pointed out, an amendment by his party which I think satisfied most of us as it relates to provincial jurisdiction found its way into paragraph 4(3)(c) of the bill in which provincial interests would also be weighed.

I am pleased that the member's party is supporting the bill. I think it is important. This is going to be a trial effort by us all to try to make the public-private formula work, in particular in recognition of the great opportunities that exist beyond our borders, to continue to allow Canada to be a leader in terms of satellite technology, not just developing with our own initiatives through the government but also since 1999 working on the latest advancements in the private sector.

The hon. member himself has some opportunities to provide us with some of his ideas as to the kind of potentials that exist down the road with this new technology. I think I speak for all of us on this side in saying that we cannot delay much longer on this bill to get this thing launched in 2006.

● (1600)

Mr. Stockwell Day: Mr. Speaker, I appreciate the parliamentary secretary's questions and his good comments. He has reflected on some of the areas I raised. His last comment, however, does not satisfy the question I had in terms of delegation of powers.

I was talking about the powers under clause 12, which are the powers for a minister to actually order that a certain service be performed and are not the powers referred under clause 21. In answer to my question the parliamentary secretary was quite correct. He referenced clause 21 but he referenced paragraph 21(1)(a) which says that the minister "may not delegate the exercise of the Minister's powers under subsection 4(3) or 14(1)". It goes on to say he or she may delegate to his or her deputy minister. That is understood. The question I raised was on paragraph 21(1)(c) which says "may delegate to any officer or class of officers—or, with the consent of the Minister of National Defence, a member or class of members of the Canadian Forces—the exercise of any other powers of the Minister under this Act".

In fact, the way it reads, clause 12, which is the minister's power to tell a satellite operator what service he or she has to perform, that appears to be able to be delegated even to a member of the armed forces. That is the question I have in response to his very good question. I do not know if he is able to comment on that in my question about his question to my question.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I would like to ask two questions of the member, the Conservative Party critic for foreign affairs, who, to my surprise, supports this bill.

First, nothing in this bill provides for the licence to be revoked if the satellite operator ever becomes a foreigner. Does this not worry him a little, especially in view of the fact that MacDonald belonged to the Americans for a few months? Would it not have been better to state very clearly that RADARSAT-2 and any other satellites that the Canadian Space Agency might design must be operated by companies that are 100% Canadian-owned? That is my first question.

Second, in view of the fact that this is a private operator, should they not also have ensured that federal departments, provincial governments and departments as well as the scientific community have priority access to the remote sensing images? Since this is a private company, it will obviously try to sell the images to whoever offers the most. What was standard procedure with RADARSAT-1, namely a certain priority in the use of the remote sensing images for the federal government, the provinces and the scientific community, no longer applies. Nothing in the bill ensures this priority. I think there should have been a provision like this in it.

I want to ask the member what he thinks about these two concerns of the Bloc Québécois.

● (1605)

Mr. Stockwell Day: Mr. Speaker, I would like to thank the member for his questions. I do not want to defend the federal government's bills, but I can answer his questions all the same.

In the case of a company like this, or other companies, there are no regulations at the present time in Canada requiring the company to be fully owned in all cases. There is other legislation in Canada on the ownership question. Knowing who owns this company is therefore not a big problem. The company must comply in any case with the other laws in cases like this.

Insofar as the access question is concerned, I agree. The bill does mention it. I do not have the section directly related to this in front of me. Once again, I do not want to defend the government, but there are some regulations on the access question. Maybe this section is not clear enough or satisfying enough for the member. But it does exist. Maybe it does not satisfy the member. That is his opinion, of course, and I respect it.

[*English*]

Hon. Dan McTeague: Mr. Speaker, we keep doing things here that are very much along the lines of trying to glean information. I am certainly willing to work with the member for Okanagan—Coquihalla.

There appears to be some confusion about clauses 12, 15 and 21. Clause 21 is on the delegation of the minister, but it only deals with subclause 15(1). The delegation under subclause 15(1) would be instances of priority access, the Minister of National Defence, the Solicitor General, or the Royal Canadian Mounted Police, and it goes on to instances where there may be those who require the information where this might be a request by any one of those departments and would be made based on a priority.

With respect to the issue of cancellation of a licence, that would only be in the most serious of circumstances. It says very clearly in clause 12, not overridden by clause 21, that in the instance where national security, the defence of Canada, the safety of Canadian Forces or Canada's conduct of international relations might be affected, the minister shall be the first to give a licence. It says only the minister in this case as it relates to the cancellation of the licence.

I would ask the hon. member, is that clear enough for him?

Mr. Stockwell Day: Mr. Speaker, that is helpful. It delineates the differences between subclauses 4(3), 14(1) and 15(1). If the member could assure us, maybe with a nod of assent, that is his reading of it where it says 15(1) and then goes into "and" and subclause (c), I am willing to accept that subclause 15(1) does not apply to members of the Canadian armed forces.

● (1610)

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am honoured to have the opportunity to speak in this debate on Bill C-25, an act governing the operation of remote sensing space systems. This is an important piece of legislation before the House and one in which the NDP's foreign affairs critic, the member for Halifax, has taken a very keen interest. She participated in the various discussions in committee on this legislation.

The summary of the bill states:

> This enactment regulates remote sensing space systems to ensure that their operation is neither injurious to national security, to the defence of Canada, to the safety of Canadian Forces or to Canada's conduct of international relations nor inconsistent with Canada's international obligations.
>
> In order to accomplish this, the enactment establishes a licensing regime for remote sensing space systems and provides for restrictions on the distribution of data gathered by means of them. In addition, the enactment gives special powers to the Government of Canada concerning priority access to remote sensing services and the interruption of such services.

It is clear that this is important legislation and covers an important piece of technology that is very sensitive in our world these days.

There are some very important issues that must be raised in relation to this bill. At second reading the NDP did not take a clear position on the bill. We wanted to hear what the discussion was at committee. We wanted to hear from various organizations and individuals about what they saw was important in this legislation, although we did understand the basic underlying need for the legislation. We agreed with some aspects of the bill, but the vagueness of the language in this bill raises alarm bells about how the government intends to use the legislation.

The member for Halifax was impressed by the many arguments and witnesses who appeared before the committee. She believes that had the government truly listened to the many witnesses who raised serious concerns regarding things like transparency, accountability and the privacy of citizens, the NDP would not be voting against Bill C-25 at third reading.

One key aspect of that is the privacy of citizens. Everyone will notice that when I read out the summary of the bill it outlined many of the causes of concern that this bill was intended to address, but the privacy of individual Canadian citizens was not part of that list. We think that is a serious omission from the legislation.

I want to be clear that RADARSAT-2 is a commercially owned satellite. It is billed by its manufacturer, MacDonald, Dettwiler & Associates, as incorporating state of the art technology, featuring the most advanced commercially available radar imagery in the world. That is a pretty dramatic claim and technology that we understand is not over-embellished. This satellite will do what it is billed as capable of doing.

We also want to be clear that the Canadian taxpayers have funded approximately 75% of the development of the satellite. That is $450 million of Canadian tax dollars that were invested in the satellite that will be 100% commercially owned.

I know that raises other serious concerns. What is the involvement of the Canadian Space Agency or why is there not any involvement of the Canadian Space Agency in the control and development of this satellite? I know other opposition members have also raised that concern with regard to RADARSAT-2.

We agree with the government that Canadians need to be reassured that information collected by RADARSAT-2 would not be used against our national interest and that is why we agree with the overall necessity of this legislation. However, as I said, we are concerned with the way it has been presented.

We want to make sure that the purchasers of RADARSAT-2 imagery are subject to licensing requirements but within that we also believe some clarity was desperately needed. To that end, the NDP put forward 18 amendments that would have helped clarify the intention of this bill and the requirements of the use of this technology and the information that it provides.

In committee, the NDP proposed that we define vague and unaccountable terms like "international obligations" and "international relations" more clearly and definitively. The NDP supports the government in having priority access to RADARSAT-2 images, but the vagueness of the two terms "international obligations" and "international relations" leaves the door open so wide that apparently even RADARSAT International, which was consulted several years before parliamentarians had access to the bill, requested that these terms be better defined. When RADARSAT International believes that there is a vagueness in the legislation and a vagueness in the proposal it behooves us to be very clear and respond to that concern.

● (1615)

The NDP, as part of our work and our critic's work at the committee, suggested that this required cabinet decisions and not solely ministerial decisions on issues where international obligations and Canada's national interest collide. We wanted to make sure that these decisions around these important issues would be taken at the highest possible and not by individual ministers.

The NDP also proposed that the Minister of the Environment and the Minister of International Cooperation have the same privileges as the Minister of Foreign Affairs since the majority of RADARSAT-2 images would be used in cases of national disasters at home and around the world.

We wanted to make sure that the ministers who had direct responsibility in the situation of responding to a natural disaster had equal call on the information provided by this technology and that they did not have to work through another department an all that it implies.

The NDP also suggested that we subject the sale of RADARSAT-2 images to export control guidelines to ensure that images are not sold to nations that work against Canada's best interest. I think that is a clear and straightforward suggestion and for the life of me I do not understand why it would not have met with some success at committee.

The NDP also put forward an amendment at committee which did not go forward that a detailed annual report on corporations that violate controls on the use of RADARSAT-2 images and the government's effort on an annual basis to prosecute violators be required. In other words, we were pressing for better accountability and transparency on matters of national importance.

Given the sensitivity, the ability of this technology to zero in literally on the everyday activities of Canadians and indeed people around the world, I think accountability and transparency given the national importance and national interest in this was desperately required.

It is important to note that RADARSAT International has sold imagery from RADARSAT-1 to the U.S. military. This information may have been used by the United States in its war in Iraq. I think that is a concern that many Canadians have. This is a war that most Canadians do not support and we want to make sure that Canadian technology is not being used to support the illegal war in Iraq. If the legislation does not address these kinds of issues then it is severely flawed.

Canadians deserve to have an ironclad assurance that the government approved sale of RADARSAT-2 imagery will not be sold to the U.S. for war, for promoting war or for any other military purpose that Canadians do not support. I think this is the bottom line with many Canadians. We do not want to participate in any way in an illegal war like the one that is currently being fought in Iraq.

It is worrisome that the government also saw an obvious link that one can make to the use of RADARSAT-2 as part of the U.S. ballistic missile system. It raised this directly. It is no wonder that the first words out of the mouth of departmental officials were words assuring us that there was no connection between RADARSAT-2 and missile defence.

It is interesting that this concern was the first issue raised by departmental officials when they appeared before the committee to discuss the legislation. It goes to show why we need absolute clarity and detailed assurance within the legislation that this RADARSAT-2 technology would not be used as part of the U.S. ballistic missile system, as part of the star wars proposals that come out of the United States.

Canadians have also been extremely, utterly and absolutely clear that they do not want any part of the star wars program.

The NDP also urged the government that it must be clear in the House and in committee when it states in the priority access clause of Bill C-25 that such access is warranted if "the minister believes on reasonable grounds it is desirable for the conduct of international relations or in the performance of Canada's international obligations". Those were the terms that were not defined sufficiently to allow us the ability of supporting the legislation.

● (1620)

I mentioned earlier the privacy of citizens. Given the ability of this technology to zero in on individual activities and on individual locations within the space of about a metre and half, I think it is really important that Canadians be assured that their privacy is a high priority within the legislation but there is not a clear delineation of that in the legislation.

A little while ago a colleague from the Bloc Québécois raised the whole question of foreign ownership and whether technology like this should remain 100% under Canadian control. That is an important concern and one that should have been addressed as well in the legislation.

Unfortunately, in working this bill through the parliamentary process and through the committee process, the government chose not to work constructively with opposition members on the committee. In fact, apparently some government members even objected strongly to holding hearings on the bill, which I think is very troublesome. Given the absolute importance of the legislation, the strong implications for privacy and for participation in military actions, I cannot imagine why any government member would try to block holding hearings and hearing from people who know this technology, who know its capacity and who have opinions and testimony to offer about the legislation. Thankfully, that did not carry the day.

Unfortunately, however, a lot of that testimony was ignored by the government, especially when the member for Halifax put some of those concerns into amendments to this legislation. They were turned down and did not go forward, so a lot of that important testimony was ignored.

Some of that behaviour just goes to confirm our concerns about the bill. It goes to show that those concerns perhaps are justified and that there is more going on here than meets the eye. We want to make sure that there is transparency and the attempts to block transparency, even in the discussions on the bill, certainly do not make us rest any easier about the legislation.

The government's refusal to take into account the advice of experts before who repeatedly expressed concerns with the vagueness of the legislation, the lack of transparency and accountability, and the exclusion of the Ministers of the Environment and International Cooperation from having any priority access to images unless they ask the permission of the Minister of Foreign Affairs to act on their behalf, is a very serious concern. That is a bottom line for the NDP. We have many concerns but those things form our bottom line and lead us to not support the legislation at this reading. The NDP will be voting against the legislation.

It is important legislation. It is important technology and very sensitive technology, and the NDP, after the process that we have gone through in the House of Commons and in committee, remain concerned about the legislation. We see many questions unanswered and still much vagueness in the bill which is less than helpful in the long run for Canadians.

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, I commend the member for his speech, for his thoughtful approach to the issue and for his concern where Canadian sovereignty is concerned in handing over this very critical piece of technology that will have tremendous effect, in ways that we cannot even imagine now, on all of our lives perhaps.

What specifically could he point to that lends him to be fearful and anxious in front of this particular initiative?

Mr. Bill Siksay: Mr. Speaker, the thing that makes me fearful is just the process. We heard from many witnesses, individuals and organizations at the committee and their concerns were not addressed by the legislation or by the amendments to the legislation. They were not addressed in the original legislation and they were not addressed by the amendment process. Eighteen of the amendments proposed by the member for Halifax, the NDP representative on the committee, were not accepted.

All of that testimony went for naught. All of the concerns, even the concerns of RADARSAT International that were raised about the vagueness of the legislation in key areas did not get addressed through that part of the legislative process. That raises a serious question about the legislation and about the commitment of the government around the legislation. For me that is the most serious failing and that causes me great concern about Bill C-25.

● (1625)

The Acting Speaker (Mr. Marcel Proulx): Order, please. It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment are as follows: the hon. member for Windsor West, Canada-U.S. Border.

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, it is my great honour and pleasure to follow the member for Burnaby—Douglas. He laid before the House some of his concerns and the concerns of others which were raised in a very sincere and thorough fashion by the critic for our caucus in this area, the member for Halifax. She still is very concerned that the government has not listened to the concerns brought to the table by her. These are not her own concerns. These are the concerns of people who she spends a lot of time and energy to be in contact with as she does her job as critic in this place.

I do not think there is anybody in my experience so far who does such a comprehensive job of being in contact with and connecting with those individuals, organizations and groups that follow these kinds of initiatives by government in a very close and concerned fashion. They spoke to her very clearly about what they saw as good in this bill. Most important, they spoke to her about some of its shortcomings and failings.

Alas, at the end of the day the member for Halifax came to the conclusion that the government had not listen. Our experience in this place over the last 16 months is that the government does not listen very often. The Liberals were sent a message by the electorate in the election of June of last year that they wanted things to be different. They wanted this place to be run differently. They wanted more collaboration and cooperation. They wanted more inclusion and discussion with not only members, but with people in the larger society. They wanted a minority government to work differently. They wanted the government to move quickly away from a position of majority and having its way. They wanted the government to drive an agenda, no matter what. They wanted it to start listening, incorporating and taking seriously some of the very important perspectives, thoughts and ideas from all sides of the House, including people across the country. However, time and time again in this place and in committee often that this is not the case.

Although, there have been some instances where we have been able to get some things done with the government. When that happens, it is so irregular and rare that it becomes a very momentous occasion in the life of the country. I speak specifically of the better balanced budget that was passed last June before we rose. Out of some sense of desperation and its wont to hang on to power, the government listened to the NDP when it brought forward some of its concerns with the budget, in particular the corporate tax breaks which had not been raised during the election. We felt they were not in keeping with the real needs of Canadians. Therefore, we brought to the table some alternatives, options and ways to which the government might respond constructively, and it did in that instance.

We are disappointed that the government was not willing to do the same thing with Bill C-25. It was not willing to sit down with the member for Halifax and others who had some very sincere and genuine concerns about the bill. We might have found ourselves in a different position of being able to support the legislation.

We are here to get things done. We are here as a caucus not to be obstructionists, not to continually be adversarial and not to be critical all the time. We are here to find a way to hammer out legislation in committees, or informally at round tables or over dinners perhaps. We want to find ways to put in place bills, rules, regulations, new initiatives that would serve all who call themselves Canadian citizens and who have some concerns. They want to build a nation that is cognizant, proud and protective of its sovereignty, while at the same time work cooperatively with its partners and neighbours.

● (1630)

This is a very delicate, serious, difficult and painstaking exercise, something that we in the New Democratic caucus have had a lot of experience with over the years. We have tried to bring our perspective and intelligence to this place. We have honed an ability to find ways, places and means to have our thoughts and perspectives heard and considered. At the end of the day, in some instances, they are taken into account become part of bills.

However, in this instance that has not been the case. Therefore, we stand today in opposition to the bill, not because we want to but because we have been unable to find an openness in the government to accept some of our suggestions.

On one hand, we recognize the bill has ramifications in a number of different ways. One is the question of ownership. The government has made a significant investment in technology of which we should have more ownership. With that ownership, we should have more control and more say in how it will be used and how the information gathered will be used. Turning over the ownership of something we have invested in so generously to the private sector will not take us down that road. There are no guarantees in the private sector where something like this will ultimately end up.

At the beginning we may have confidence in the private sector enterprise that takes over this delicate piece of technology. Who knows in a week, or a month, or six months or a year where the ownership of that technology will end up. There are no guarantees, unless someone can tell me differently, that this important new development will not be sold to some foreign interest, an interest whose only interest is the bottom line. The valuable information that has been collected could be sold. We have some real concern about that.

Canada has seen that happen. We have had governments, which lean to the right, involve the private sector in the public affairs of our country. We know from experience that this does not work. Information has disappeared, or has been sold or has ended up in the wrong hands. At the end of the day we have paid a big price for that. Individuals have paid a big price. Our society has paid a big price in terms of our privacy and our concern about where our information goes. We have sincerely and seriously put that concern on the table over the last number of months.

The member for Halifax has worked so very hard on this. She has tried diligently to get the government to listen to the concerns she has brought to the table on behalf of the organizations with which she is in contact. However, we have been unable to get a positive response that would give us the confidence that the government understands those concerns or will do anything about it.

People need to understand that our government has invested a significant sum of money in a piece of technology which cutting edge, some of the best that is available. Why would we not own that? Why would we not continue to retain control over that, the functions it performs and the information it gathers and with whom that information will be shared? I am concerned about information going into foreign hands.

● (1635)

That leads us then to the question of protecting our own interests, our national security and our sovereignty. How will these play out? We are not convinced that the government has really thought this through. We have not been given satisfactory answers. We have not been made to feel confident that our interests, national security and sovereignty will be protected in this piece of work. This is more relevant now than it has ever been, particularly since 9/11.

The new focus now is on terrorism and security. People are concerned about who is coming in or going out of their country. People want to know what action their country will take in response to the fear that has been generated and that so often drives what we do these days, sometimes in inappropriate fashion.

Where we might decide to do something in a particular way in response to terrorism and in response to the whole question of security, another country like the United States of America might respond differently. We will be sharing this technology. Who will have access to the information generated by this technology? If a country enters into an activity in response to terrorism, or some security issue or some fear that has been raised, do we have any say or control over how information will be shared? Do we have any control over it being used inappropriately?

We only have to look at our difference of opinion with our neighbours to the south on the question of the Iraq war. The United States went into that war without the sanction of the United Nations. We felt that was not an appropriate thing to do. Canada chose a different path. In choosing that path, we kept to ourselves the information that we needed in order to defend that decision and to do what we felt was appropriate, given what was happening in the world.

If we set technology up now that will gather information that could be taken by another country like the United States and used in an inappropriate way as far as our government is concerned, how does that affect our sovereignty? How does that affect our ability to go our own way or to have our own view? How does that affect the kind of change we feel needs to happen if we are to see the world evolve in the manner that we as Canadians feel it should so we can maximize the impact that we can have as a country on international affairs?

How could we as a sovereign country interact with other sovereign countries? How could we as a sovereign country intervene in another sovereign country's affairs in order to protect human rights for example? How would this affect the organizations from which would take leadership or to which we belong? How would this affect the information we share with others?

Anybody who exercises any leadership in the world today knows that one of the most important elements of leadership is information. If we have information and some other country does not, then we go to the table as a sovereign nation from a position of strength. If we go to the table knowing that the other country has more information or information that we do not know about, then we go from a different position. We would not have the same potential for impact and change that we otherwise would.

● (1640)

Those are some of the things that we as a party are struggling with as we try to participate out there in the international realms of the world, with the new technology coming on stream. The private sector is not going to put up the initial seed money for this kind of technology to be developed. It is usually countries that do that kind of thing, countries that see their own interests served in the long haul by making this kind of investment.

In my view, it is certainly problematic to turn it over almost immediately to the private sector and, by doing so, to make the information it will gather and the effect it will have available to other countries that may not agree with our approach to what should be happening out there. This is something that we need to spend more time thinking about. It is something on which we need to do more work in seeing this through and finding out just exactly what the concerns are.

This is a huge leap of faith. We are being asked to take a huge leap of faith at a time when there are not many others doing so in the world we live in today. We are being asked to believe that the private sector will use the information gathered in the best interests of our country and our citizens and in the best interests of our international relationships at a time when we have seen over and over again, and recently, that the private sector is not always correct.

When it comes to ethics and how private sector companies operate, how they look after our investments, what they do with the money and the information they receive and the business they deliver, they are not always correct. In this country we all know about Nortel and some of the big scandals that have happened out there with regard to some of our huge multinational corporations.

It should give all of us reason to step back and take a sober second look. I served in the provincial legislature at Queen's Park and I remember when Mike Harris came to power. He talked about the discipline of the private sector. He said we needed to impose on government the discipline of the private sector. That was all fine until one day we woke up and read the paper and found out about Bre-X. Bre-X became a red flag for us in terms of the discipline of the private sector.

There are other examples. Martha Stewart got herself in a little difficulty because she walked the line and stepped over it ever so gently at one point in terms of whose interests she was serving.

That is the discipline of the private sector. Should we be taking this leap of faith and handing over this very valuable and important piece of technology to the private sector?

For example, should we be turning that information over to the American government? That is what will happen with this information. We in this country have had the experience of entering into agreements with the United States on all kinds of fronts, most particularly the free trade agreement and North American Free Trade Agreement. Time and time again we have been disappointed when the United States, in its own best interests, made decisions not in keeping with either the spirit or the law of those agreements, to the detriment of this country.

How could anyone suggest for a second that we should, with this new initiative we are working on putting in place, simply turn over that information without any strings attached? How can we simply turn this information over on a handshake or on goodwill or, as I said, in a leap of faith, when we have been disappointed so many times by the United States in terms of agreements we have signed with the Americans, agreements that they did not honour at the end of the day?

● (1645)

I look at my own community of Sault Ste. Marie and at northern Ontario and the people who labour up in those parts of the country. I look at the effect that the fight we are having right now with the United States of America on softwood lumber has had on them. The fact is that we bring that debate, that disagreement, to the courts time after time, and the courts decide in our favour, yet the United States continues to act as if it did not matter. It is as if American law trumps our law and trumps the North American Free Trade Agreement law. The United States gets its way.

We have a concern about that for this piece of technology. We have a concern about the information it will gather and the impact it will have in terms of what the United States will in fact do with it. So far we are not satisfied. Nothing in this agreement gives us the confidence or a sense of acceptance that the Americans will in fact live up to this.

In my own backyard, we have farmers who got into the cattle raising business over a period of years because they were told that through the signing of these free trade agreements they could move their beef into the United States. Slowly but surely we integrated our industry with the American industry and we ended up with less and less capacity to process beef here. With the BSE that showed itself a couple of years ago, we saw again the attitude of the United States to Canada, its trading partner, its neighbour, its best friend. When the chips were down, the Americans just shut the border down. They would not let us ship our beef.

I have talked to farmers in my own riding, in east Algoma, close to Sault Ste. Marie. Because of that decision by the United States, which we did not seem to be able to get overturned—the Americans themselves went to court to block our entry into their country—we saw the family farm, which is so fragile these days and so at risk—

The Acting Speaker (Mr. Marcel Proulx): On questions and comments, the hon. Parliamentary Secretary to the Minister of Foreign Affairs.

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I see that the hon. member from the Sault, for whom I have a great amount of respect, has learned a few things from his experience at Queen's Park, and once the light was out, he continued to make his point. I heard it and I hope he is able to make the point a little further on in regard to the questions I have.

The hon. member has raised a number of very critical points. I appreciate the fact that he has not been able to watch the proceedings of the committee. Certainly his party has been very active through the hon. member for Halifax, who continues to do a very good job on this particular file and others.

I want to point out to the hon. member that several amendments took place. Many of them of course were duplicated with the Bloc Québécois. In particular, for his ease of reference I want to look at subclause 36(2) on the recovery of penalties and amounts. It states, “No proceedings to recover such a debt may be commenced later than seven years after the debt became payable”. That is one amendment that the NDP proposed which the committee accepted in a very non-partisan way.

Another one proposed by the NDP had to deal with the archiving of raw data, including public access to the archived data.

It is clear that the committee also, in its own wisdom and in its own extensive and exhaustive consultations, which, we will recall, have been going on since November 2004, almost a year ago, talked at great length about ballistic missile defence. At the beginning, some actually thought this had something to do with ballistic missile defence. At the time, the member's party certainly felt that a remote sensing satellite somehow could be used as a function to help guide one of these missiles. That clearly, in terms of the understanding of technology, could not happen and I am pleased to see that the hon. member is not talking about that.

But the hon. member got it absolutely wrong with respect to how the treaty will work between Canada and the United States. Canada retains its sovereignty. It retains its discretion under the recently signed 2004 treaty to ensure that all information that is Canadian is controlled, regulated and protected in our national interests and will not be divulged.

The hon. member made a point at the end of his speech about his concern for farmers. The hon. member knows that many farmers are now using GPS technology, once owned by governments and then given to the private sector. It is a perfect example of where we see the blossoming of technology once controlled by government, for very military reasons, I suspect, now being used for peaceful reasons. I am sure the hon. member would agree with that.

Since he talked about farmers, he would also know that farmers in his area would understand quite well that the sooner we implement all of this technology, the sooner we can make something out of the $450 million he is so concerned about, quite apart from the defence or national interests of the country, or the concerns we have about the fish stocks or global warming or the decrease in the ice cap and all of these images. We can make value added contributions to help Canadians.

As for this hon. member and his party, when we really think about it, about where they were a year ago and where they are now, we have come a long way, not only in accommodating the concerns of the Bloc and the NDP but also in ensuring that we accommodate above all the interests of all Canadians.

Given all the accommodations that have taken place, given the work that has been done by members of Parliament, does the hon. member now want to stand in his place and support a darn good bill?

● (1650)

Mr. Tony Martin: Mr. Speaker, we have indeed come some way, but not far enough as far as we are concerned. Because of our recent experiences with the United States of America in terms of its decision to go to war in Iraq, its action where softwood lumber is concerned and its action where BSE is concerned, we know and we have been shown very clearly how the Americans will act. They will act in their own best interest. That interest is not always in our best interest. That is why we think there is more work to be done.

As I said, the member for Halifax worked really hard on this bill and has some very genuine and sincere concerns about it going forward the way it is right now. She agrees that there are some good things and that we have made some progress, but there has not been enough progress.

We put forward 18 solid amendments. They would have helped. They were not accepted. They would have gone a long way to reducing some of our anxiety about this. We are speaking on behalf of our citizens, our constituents. We are speaking on behalf of millions of people across this country who have some really genuine and sincere concerns as far as our relationship with the United States is concerned. They have genuine and sincere concerns about the use of this new technology and, more important, about what the private sector might do, particularly this early on, after being given so much control over this and the information it would gather.

Yes, we have taken technology, information and intelligence developed by government and turned that into all kinds of interesting, very valuable, exciting new products used by all kinds of people in the private sector, but it took us a while. It took us a while to sort out the bugs before we went down that road, before we began to share with and include the private sector in that way, before we entered into agreements with other sovereign countries in terms of the exchange and sharing of that kind of information. We have not done that here.

We are not confident nor are we convinced that we are going to be protected enough with this bill in terms of this new initiative and this technology. That is why I stand in my place today on behalf of my farmers, on behalf of people who work in the forest industry in northern Ontario, on behalf of people who get up every morning and go to work, carry a lunch pail and drive the resource based sector of this economy. Their experience with our neighbours to the south in almost every instance has been that the Americans will serve their own interests first, so we should be really careful where this initiative is concerned.

I would go so far as to say that right now there are a lot of relationships we have with the United States of America, both formal and informal, which we should be revisiting. Maybe we should be finding new ways to frame those relationships and, at the end of the day, actually protect our interests.

● (1655)

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I want to thank my colleague from Sault Ste. Marie for an excellent speech on this important subject matter. I was particularly interested in his concerns around the private sector and its involvement in this project. I am interested in how that combines with our concerns about the vagueness of this legislation and the fact that the NDP, through our critic from Halifax, was not able to get greater clarity about certain provisions of the legislation, certain key facts in the legislation, especially given the sensitivity of this kind of technology.

I think we only have to look back to the outcry from Canadians when this government moved to let Lockheed Martin take over the census. There we had a situation where another American corporation, one with a connection to the military industry, a private sector corporation, was going to be given access not only to an important task in Canadian society but also to important information and important data. There was a huge outcry from Canadians, including people from Burnaby—Douglas, who found this an absolutely outrageous proposition, yet it does not seem that the government has learned anything from that experience.

Here we are going down that road again, in perhaps a slightly different way, but we are having these discussions about a private corporation controlling very sensitive information and very sensitive technology and we are not being very clear about the requirements around that.

I wonder if the member for Sault Ste. Marie might just comment on the parallels he sees there or expand further on his concerns about the private sector and this kind of technology and information.

Mr. Tony Martin: Mr. Speaker, there are actually a significant number of examples of problems, mistakes and bad experiences where moving public sector activity into the private sector is concerned.

I spoke earlier about my experience at the provincial level, living for eight years under the reign of Mike Harris and ultimately Ernie Eves in Ontario, and the effort they made to turn the delivery of services to the most at risk, vulnerable and marginalized of our citizens over to the private sector. That had a devastating impact on the lives of thousands and thousands of families across this country. It was under Mike Harris and the shift from delivering social services to at risk, vulnerable and marginalized families and individuals that we saw the growth of homelessness and street people in the city of Toronto.

When I got to Toronto, we would see the odd homeless individual living on the street. Most of them were facing other challenges, a lot of them in the mental health area. However, it was only after Mike Harris took over in 1995 when he began to shift the delivery of government public services over to the private sector that we began to see the real increase. More and more people, whole families, were living on the street.

This whole idea that somehow the discipline of the private sector will resolve all of our problems and will take us down a road that will always be good for all of us needs to be challenged.

The Acting Speaker (Mr. Marcel Proulx): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Yea.

The Acting Speaker (Mr. Marcel Proulx): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Marcel Proulx): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. Marcel Proulx): Call in the members.

● (1700)

[*Translation*]

And the bells having rung:

The Acting Speaker (Mr. Marcel Proulx): The recorded division is deferred until tomorrow, at 5:29 p.m.

* * *

WAGE EARNER PROTECTION PROGRAM ACT

The House resumed from September 29 consideration of the motion that Bill C-55, An Act to establish the Wage Earner Protection Program Act, to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act and to make consequential amendments to other Acts, be now read the second time and referred to a committee.

Hon. Marlene Jennings (Parliamentary Secretary to the Prime Minister (Canada—U.S.), Lib.): Mr. Speaker, I am very pleased to have an opportunity to participate in the debate on this government bill.

[*English*]

I am pleased to speak in support of Bill C-55 which proposes a comprehensive reform to Canada's insolvency system. The bill itself, as was just mentioned, is called the wage earner protection program act.

Insolvency legislation is a critical market place framework law. It influences the assessment of credit risks. It impacts on entrepreneurship and competitiveness. Insolvency legislation also enables resources to remain productive or to be efficiently redeployed. It preserves assets and permits a fair distribution among creditors. Insolvency legislation provides a mechanism for the restructuring of debtors' financial affairs.

In past years, however, insolvency issues have been getting increased public attention. A number of high profile companies, such as Air Canada and Stelco, have used the insolvency system to restructure, attracting considerable media coverage. Stelco, for instance, is the principal owner of a company in my riding which has been affected obviously by the use of the insolvency system that we have in place.

Insolvency stakeholders, including practitioners, labour unions and even judges, have publicly talked about the impact of insolvency legislation on the Canadian economy and keep drawing attention to these issues.

I am a lawyer by training and I can remember one of the courses that I had to take in law school was bankruptcy law and insolvency. While l found it to be quite dry, it ended up being one of the courses where I got some of my best marks, so I remember a little bit of it. I will not claim to remember a lot of it. Precisely because there have been a number of high profile companies that have used the insolvency system that we have here in Canada and because we have had stakeholders who have talked publicly about the impact that this legislation or our existing framework has on the Canadian economy, I have tried to educate myself a little bit more about it and try to remember some of what I learned in law school.

Indeed, business insolvencies have a sizable economic impact. Approximately 12,000 businesses use the Bankruptcy and Insolvency Act annually. This includes bankruptcies and proposals. Another 50 cases proceed under the Companies' Creditors Arrangement Act, CCAA. While smaller in number, the cases under CCAA typically involve large, publicly traded companies. The impact of insolvency proceedings are always significant for those involved whether it be shareholders, business partners, suppliers, customers, lending institutions and of course, the workers, the employees of those very companies that embark on insolvency proceedings.

There have been reforms in 1992 and again in 1997, but despite these reforms there is a broad consensus that another round of reform is required. The government needs to ensure that our insolvency system responds to the needs of the work market place and provides the necessary protection to those who are adversely affected by bankruptcy, namely, the workers.

At the forefront of Bill C-55 is a clear recognition on the part of the government that the present insolvency system lacks an effective way to protect workers whose employers go bankrupt.

● (1705)

The wage earner protection program act established by Bill C-55 would remedy this problem. It would ensure that workers receive compensation for the wages owed and the vacation earned but not paid, up to a maximum of $3,000 per worker. This program would ensure that these amounts are paid in a timely manner and are not dependent on whether or not there are sufficient assets in the bankrupt estate.

Under the current system, Canadian workers have to wait, possibly as long as three years, until the insolvency proceeding is completed and those with secured assets or interests have been fully paid prior to the workers receiving the pay that they have earned and for the vacations that they have earned but had not yet taken, and even then in most cases they wind up being paid only a fraction of the wages owed to them.

In fact, under the current system, three-quarters of workers receive nothing when their employer goes bankrupt. On average, those who do receive something under the insolvency proceedings, once the secured interests have been paid, that is, the creditors who have secured interests under the current law, only 13¢ on the dollar is left to pay the workers. That is it. For every dollar the workers are owed, if they are lucky they receive 13¢, but three-quarters of them receive zip, zero, nada, niente. If there are any other languages that someone in the House knows to say "nothing", use it, because that is what the workers receive.

Often the most vulnerable workers are adversely affected. They are frequently in low wage jobs in small companies in sales, services and the construction industry. That is simply not fair. If there is one thing that Canadians pride themselves on, and if there is one thing that most if not all members of Parliament in this House pride themselves on, it is trying to be fair. We try to be fair when we review legislation to ensure that it is reasonable, justified, and that it actually does achieve most of the benefits that it is supposed to.

These workers never agreed to be creditors to their employers. They agreed to do a job for *x* number of hours for a specific amount of pay and to receive certain benefits, and if they maintained their side of the bargain, the employer had a condition and a bargain to pay them. Unfortunately, when companies go bankrupt, three-quarters of the workers receive nothing.

It is not part of the workers' contracts where they agree that if their company or employer goes bankrupt, they will be creditors for whatever wages or vacations they have earned and are owed. They did not sign a contract like that, so it is not fair that they should have to stand at the back of the line in order to get paid. Why should they run the risk of coming up empty-handed? They are not secured creditors. That is not part of the contract that they sign with their employer.

It is precisely for those reasons, among others, that the government has tabled Bill C-55, the establishment of the wage earner protection program act. It is about fairness and about helping Canada's most vulnerable workers. Bill C-55 will ensure that workers get their wages quickly when they most need them.

Under the proposed legislation, affected workers will be able to make their wage claim right away and should receive their money about six weeks later. That will be good news for these workers.

● (1710)

Another important step taken in Bill C-55 is to address the concerns over the lack of predictability and consistency in the application of the insolvency law, specifically the Companies' Creditors Arrangement Act. The CCAA has very few rules and has primarily evolved through judge made law.

I am sure that the Conservatives will be very happy to hear this, because they are always talking about judicial activism and that law making and rule making should be up to the elected officials and the House. I am sure they will be in agreement that there is a pressing need for increased legislative guidance so as to ensure that all players in the insolvency context are equipped to defend their interests.

The international insolvency context has also evolved in the last decade. An increasing number of Canadian companies have U.S. subsidiaries. They have significant assets in the U.S. and important U.S. creditors. More Canadian companies are filing currently under chapter 11 of the U.S. bankruptcy code as cross-border insolvencies are becoming more frequent.

However, there have been some companies that have filed primarily under chapter 11. This raises no policy issue if it is the result of a business decision by the company. The decision to file primarily under chapter 11 of the U.S. bankruptcy code should not be because there are gaps in the Canadian insolvency system. With Bill C-55 the government wishes to ensure that our insolvency system reflects the needs and reality of the Canadian marketplace. It seeks to ensure that our system is equipped to deal effectively with complex cases.

In conclusion, the reform of the Canadian insolvency legislation proposed in Bill C-55 is comprehensive and balanced. I believe it clearly serves Canadian interests. I would urge all members of the House to support Bill C-55 and to allow its reference to committee as quickly as possible.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Mr. Speaker, prior to the introduction of Bill C-55 there was going to be, if my memory serves me well, introduction of a private member's bill sponsored by the member for Winnipeg Centre. I think it was Bill C-281. I was prepared to support that bill, as I am prepared to support Bill C-55.

One question I have is on a point of clarification. Before I get to that let me say that I am prepared to support this bill even though there are some questions as to whether the passage of this legislation might tighten up the financing options of some small businesses. Lending institutions may feel that they are getting squeezed out of what might be a situation in which they had to recover money but are dropped in the order of preference. There may be some question as to whether lending institutions are going to be as willing to lend money to small and medium size businesses in the future.

I still think this is an important piece of legislation. It has certainly been my realization that when insolvency and bankruptcy occur, the people who, quite frankly, really get screwed are the workers. This is an important step to ensure that at least the working men and women who perhaps have worked for 25 or 30 years at a company that eventually goes bankrupt have some recompense.

My question is one of clarification and it deals with pensions. Let us assume hypothetically that someone had worked for 35 years for a company and was already receiving a pension. How will this bill deal with that? Let us assume for a moment that the individual who was in a contributory pension plan had over the course of his or her lifetime contributed close to $100,000 into a pension fund and had received, because he or she had retired a number of years earlier, $50,000 in benefits and then the company eventually went bankrupt. What steps, if any, does this legislation take to protect the pension of that individual? Exactly what rights would that person have under this legislation?

● (1715)

Hon. Marlene Jennings: Mr. Speaker, I knew somebody would ask me a specific question that I could not answer. I apologize to the member. I cannot answer that specific question.

I can talk in generalities in the sense that there are some pension plans offered by employers which are outside of insolvency. They have been secured elsewhere and people who are retired and are receiving their pensions have no problem.

There are other pension plans which are not secured, in the sense that they are not fully funded in order to ensure that everyone who is receiving a pension is secured going into the future if there is a company closure, a bankruptcy, or whatever.

I cannot answer that specific question, but I have to say it is an excellent question. I will certainly bring it to the minister so that either a member on this side of the House in the coming debate can include the answer in a speech, or if that is not possible, I hope it will be referred to committee and the answers will be given fully in committee. However, I thank the hon. member for the question; it is a good one.

[*Translation*]

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, I also want to point out to the hon. parliamentary secretary that we will be supporting this bill. This is a welcome initiative under the circumstances. I may get to address its substance at a later time.

I have a question for her, especially since she has legal training. My understanding is that there was an opportunity to evaluate how this bill could be harmonized with certain laws, including provincial laws. As far as Quebec is concerned, we have the Civil Code, and some cross-referencing would probably be appropriate and necessary.

Our suggestion would be to seek expert advice on the subject. At any rate, I would like the parliamentary secretary to tell us whether this research has been done.

The same goes for the United Nations Commission on International Trade Law, on the subject of reciprocity provisions when foreign law interferes with the bankruptcy issue.

I wonder if my question is clear enough.

Hon. Marlene Jennings: Mr. Speaker, I would like to thank the Bloc member for his question and statement that he intends to support this bill. I imagine that he is convinced of the rationale for the objectives of this bill.

Insofar as the harmonization of this bill with provincial legislation, such as the Civil Code of Quebec, is concerned, an effort would usually have been made to check whether there is any overlap in the federal and provincial jurisdictions. I do not think that there is any such overlap.

However, as the member said, this should normally have been done. This should be part of the process for developing any bills at the federal level in order to ensure that there is no encroachment on jurisdictions that are clearly provincial. In the case of shared jurisdictions, we must ensure that no province has already passed legislation in this particular jurisdiction.

In regard to consistency or reciprocity on the international level, the goal of this bill has to do with the development of the market and the private sector. Many Canadian companies have acquisitions or own subsidiaries in the United States because of deficiencies in our system. They have chosen to declare themselves American or to take advantage of the American legislation and legal framework. If they make this decision, we want it to be a business decision and not one based on deficiencies in the Canadian system.

● (1720)

[*English*]

Mr. Gurmant Grewal (Newton—North Delta, CPC): Mr. Speaker, I am pleased to rise on behalf of the constituents of Newton—North Delta to participate in the debate on Bill C-55. I will be splitting my time with the hon. member for Kootenay—Columbia.

The bill makes many changes to the law governing bankruptcy and insolvency. The changes include the creation of the wage earner protection program act to ensure employees of bankrupt companies receive their unpaid wages in a timely manner. There is the reduction from 10 years to 7 years in the period during which a student debt may not be discharged through bankruptcy. Locked in RRSPs would no longer be part of the assets which may be taken in a bankruptcy. There are changes to encourage the restructuring of viable but financially troubled companies. Also, income trusts will now be covered.

Most of the major proposed changes are ones recommended in the report of the Senate banking committee published in November 2003. Many of the committee's recommendations, however, especially regarding consumer debt, have been watered down or not included in the bill.

In Canada every week dozens of companies declare bankruptcy and close down. There is a threat of interest rate hikes in the near future. This is bad news for indebted Canadians. Excessive borrowing by many households over the past few years suggests that they have little freedom to absorb economic shocks with higher interest rates or skyrocketing home heating costs.

A 1% jump in consumer borrowing rates would cost non-mortgage-holding Canadians an average of $35 per month and mortgage holders an average of $130 per month. These seemingly small sums could be catastrophic for today's highly leveraged households. As legislators we must keep all of this in mind as we consider changes to the nation's bankruptcy laws.

The wage earner protection program is the centrepiece of Bill C-55. The program is intended to help protect workers by providing a guaranteed payment of wages owed up to $3,000 should their employer declare bankruptcy. Right now workers' claims for unpaid wages rank after secured creditors' claims. As a result, many employees have to wait from one to three years to get a small portion of the wages owed to them, generally 13¢ per dollar on average. Under the proposed program affected workers could make their wage claim immediately and should receive their money about six weeks later.

The government has made changes to the ranking of who gets paid first to put wages ahead of secured creditors. As a result, employees will get up to $2,000 in back wages before the banks are paid.

Just last week there was a constituent in my office who had lost wages owed to him when his employer went bankrupt. Over the last couple of years with lumber mills closing in British Columbia as a consequence of the softwood lumber dispute and which the government has failed to do anything about, there have been many others who have visited my office with similar complaints.

Workers of bankrupt businesses are often the most vulnerable. They work in low wage jobs and live from paycheque to paycheque to keep a roof over their heads and food on the table. The wage earner protection program is a good idea whose time should have come long ago.

Putting workers ahead of secured creditors, however, may reduce the amount of money banks are willing to lend to businesses. In the short term this could result in an increase in the number of small business bankruptcies. Lending institutions may have to adjust lines of credit or demand loans because they feel they are undersecured. Already it is difficult for small businesses to borrow money in Canada and we know that small businesses are the engine of our economy.

● (1725)

If it becomes more challenging, the small businessman will either falter or they may not get off the ground. This change to the bankruptcy law would also reduce what companies can spend to buy inventory and fill orders which, ultimately, could cost more jobs.

The government estimates that the cost of this WEPP program could reach $50 million per year. Given the government's track record on managing taxpayer dollars, such as the gun registry, the HRDC boondoggle or the sponsorship scandal, it is likely that the cost will be even higher.

In its report, the Senate banking committee recommended that student debt be eligible to be erased in a bankruptcy five years after the student has completed his or her studies. This is very important because many students in Canada depend on loans to further their education. In cases of hardship, the recommendation was that the court be allowed to discharge student loan debt in a period of time shorter than five years.

Bill C-55 does not go as far as recommended by the committee. Instead, the government proposes amending the law to allow student loans to be eligible to be written off in a bankruptcy if a student has terminated his studies seven or more years ago. In cases of undue hardship, a bankrupt may apply to court to obtain a discharge of the student loans after five years.

Most trustees in bankruptcy and insolvency lawyers believe that this proposed amendment should be changed to allow student debt to be erased in the same timeframe as the other dischargeable debt; that is, when the bankrupt is discharged.

The law as it stands and the proposed amendment are discriminatory. It is also in violation of one of the major tenets of Canadian bankruptcy that an honest but unfortunate debtor deserves a fresh financial start.

Half of the students in college and university are borrowing at record levels to finance their education hoping their investment will pay off. Loans are becoming essential for many students, as soaring tuition fees make it necessary and nearly impossible for youth to afford school through summer jobs or part-time work alone.

Last year the average tuition fee in British Columbia was nearly $5,000 but few students make more than $10 an hour. On average, students graduating with bachelor degrees owe more than $20,000 in government debt, not including private loans. This year the Liberals increased student loan limits from $165 to $210 per week. Higher student loan limits and higher tuition costs ensure that students will continue to graduate with higher debt loads.

I am disappointed to see that Bill C-55 neglects to offer protection to firms as well as to students to the extent that it should be needed.

The Conservative Party generally supports some of the amendments. We will be seeking further clarification on the impact these proposed changes will have on Bill C-55 when we review the bill in committee.

● (1730)

The Deputy Speaker: It being 5:30 p.m. the House will now proceed to the consideration of private members' business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

PROPERTY RIGHTS

The House resumed from April 21 consideration of the motion.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I have the pleasure of rising to speak to Motion No. 227. I will read it for the benefit of those listening. It reads:

> That, in the opinion of the House, the government should ensure that full, just and timely compensation be paid to all persons who are deprived of personal or private property or suffer a loss in value of that property as a result of any government initiative, policy, process, regulation or legislation.

I have the pleasure of presenting the views of our political party. For those who may not be aware, Quebec is governed by its Civil Code, and the Civil Code applies to everything within Quebec's jurisdiction.

A problem arises for Quebec because, in any area of federal jurisdiction or with respect to anything involving federal property, expropriation or repossession, the federal government is not required to abide by the Civil Code of Québec. The thought must have crossed the mind of the hon. member for Yorkton—Melville, who brought this motion forward, that we would be in favour of a more equitable and more expeditious settlement. But the problem lies in the fact that Quebec already has legislation which goes much further than the member's motion. Let me summarize what the Civil Code of Québec clearly stipulates:

> The owner of a property cannot be forced to relinquish his property unless by lawful expropriation for a cause that is in the public interest and with fair compensation in advance

It is therefore clear in the minds of Quebeckers that, when provincial, regional, or in some cases supraregional, governments expropriate or take away a person's property, these governments do have certain powers of expropriation. They do, however, have to pay citizens—not the value of their property—but fair and equitable compensation. This is why it is important to make a distinction between value and compensation.

The hon. member's motion calls for reimbursement of the value, an idea which we cannot obviously be opposed to. We do not want a dispossessed citizen reimbursed solely for the accounting, tax or municipal value of his property. Being dispossessed of his property is worth far more, and I am well placed to know that.

As the member for Argenteuil—Papineau—Mirabel, I am well aware of what the federal government did when it expropriated property for Mirabel Airport and of the endless challenges from the local people. The wounds from that have not yet healed. There are no longer any flights out of that airport. That is what the federal Liberal government did at Mirabel. The Conservatives, of course, did restore the lands to their owners, but they were also involved in this mess.

How so? Because the landowners were not reimbursed fairly. They were not compensated for all losses incurred. When I say losses, I do not mean just material losses or property values, I mean lost business. Often, when major expropriations are carried out, always, or nearly always, as if by magic, agricultural land is involved. They need vacant land, to be used for reserves, parks, airport infrastructures, so they use farm land, thereby uprooting entire families. The Mirabel expropriation in Quebec is the largest population displacement since the deportation of the Acadians. That is the reality surrounding Mirabel airport. Many people were expropriated and displaced. When they were told to move out, they had no choice. The government calls the shots.

I can understand my colleague's feeling that these people must be compensated fairly and promptly for the value of the losses incurred. The problem lies in the fact that we are not just dealing with a loss of value; we are talking about compensation for all the other damages that can arise out of a displacement. This we can understand.

● (1735)

In Quebec, decisions were made by the federal government, for instance to create protected areas, reserves or parks in farming areas. The immediate reaction of farmers was, “We will plow it all and there will be no more protected species. We will plant crops and we will take care of the land”. The aim of this reaction was to avoid expropriation.

In fact, farmers are well aware that they will not be compensated for any losses other than material ones. When people lose a business or their entire history, because they were raised on that land, they are losing all the value it holds to them. That is what happened at Mirabel; families were uprooted. It is not just about the material value of land or buildings, it is also about the value of being displaced. In Quebec, this has already been set out in the Civil Code. Fair payment and prior compensation for damages, and not just the loss in value, is required. That is why we oppose this motion.

Everywhere else in Canada, where common law applies, there is a kind of legal vagueness, obviously, because expropriation is recognized but the compensation criteria have not been defined. So I can understand the member who wants to obtain support for a motion.

Our recommendation, and I am speaking as a representative of the Bloc Québécois, would be to move a new motion ensuring compensation for all harm suffered. The Bloc Québécois would give its full support for such a motion. That way, when a government decides to expropriate or relocate landowners, it would ensure not only, as the member states in his motion, timely compensation for those who suffer a loss in value but also timely compensation for all harm or damages suffered.

Under those circumstances, we would agree. Obviously, I believe that the member will understand our position since Quebec has the Civil Code, which applies to all other expropriations. This is not the case at the federal level. So, Quebec already has legislation, a code drafted by the legislators in the National Assembly. There is already a procedure for compensating expropriated residents for all the harm suffered. It is hard for us to recognize that the federal government takes a different approach to compensation. We will continue to fight to ensure compensation for all harm suffered. A perfect example of this is the people of Mirabel, whose wounds have not yet healed.

A motion was passed in this House to return to the farmers in Mirabel the 11,000 acres of land that the federal government expropriated in excess of what was needed. The airport already had 6,000 acres, which is twice the surface area available to the largest airports in the world. The airport already has enough and we are calling on the government to give this land back. Again, even though a motion was passed in this House, the government is not reacting. It is difficult for Quebecers watching us today to see that a motion will be passed on the swift reimbursement of a loss in property value.

It is also difficult for those watching us, to adopt such a procedure. What we want and what Quebeckers want, quite simply, is that if ever anyone is affected by expropriation or relocation, that the federal government will apply the same legislation in effect in Quebec. We want people to be compensated as soon as possible, in a fair manner, for all the harm they may suffer, as recognized under the Civil Code of Quebec.

The Bloc Québécois will vote against this motion. It is calling on the hon. member to improve the motion and table a new one, or for one of his colleagues to do so. Then the Bloc will be prepared to support it, if the new motion uses the same terms found in the Civil Code of Quebec, namely compensation for all harm suffered by citizens during expropriation.

● (1740)

[*English*]

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, I am pleased to speak today to Motion No. 227 put forward by my colleague, the member for Yorkton—Melville.

Private ownership of property and the development of that property is the basis of our national economic growth and prosperity and yet the proclamation of the Charter of Rights and Freedoms in 1982 did not include property rights.

Property rights should include the right to buy, maintain, sell, bequeath or enjoy one's properties. As a Canadian citizen, one's right to own property is not guaranteed. It sounds outrageous but it is entirely true. The right to own property was intentionally left out of the Charter of Rights. Consequently, today Canadians can have their property expropriated by the government and receive nothing in return.

For a country that prides itself on being the champion of human and individual rights, we have displayed an appalling tolerance of governments that infringe on the property rights of landowners. Governments at all levels, federal, provincial and municipal, too often display a blatant scorn for landowners, especially rural landowners.

Expropriation is just one way that governments exploit landowners. In recent years, governments have increasingly been placing unreasonable restrictions and regulations on landowners that diminish property values and infringe on their ability to use their property as they see fit. Zoning laws, heritage regulations and conservation designations are just some of the ways in which governments impose restrictions on the rights of property owners.

Last year, in my own riding of Carleton—Mississippi Mills, the City of Ottawa hired a consultant who recommended that some 260 hectares of rural land in the former township of Goulbourn be designated wetland. When the Ontario Ministry of Natural Resources agreed with the consultant's findings, the City of Ottawa was forced to undertake the process of amending its official plan to recognize the new wetland areas.

The problem is that much of this property is in the hands of 60 private landowners who correctly fear that a wetland designation would prohibit development and, hence, lower its commercial value. The response of the landowners has been to take matters into their own hands and remove trees and brush from their rural properties to forestall a dreaded wetland designation that would render their lands unsuitable for development.

Mr. Hale, who stands to lose a third of his 40-hectare farm, says:

> The government's definition of wetland has to do with what trees and plants grow there and once it is classified, the value is lost and the city says it won't pay compensation.

He goes on further to say:

> If we lose 30 acres...it'll put us out of business, because we won't have enough land to continue the operation. Scraping the land seems to be the only way out....

Tony Walker, another landowner who has been notified that nearly 19 hectares of his 20-hectare plot is earmarked for redesignation, says that city and provincial governments have forced landowners into taking the unusual and harsh steps to protect their property. “For many, what is at stake is the fundamental issue of property rights”, he says. He goes on to say:

> We have a choice of destroying the land or have it devalued. Some people are bulldozing the trees and plants because once they are not there, the land is no longer wetland. That's the stupidity of it.

Mr. Walker is the president of the Goulbourn Landowners Group that formed recently to fight the wetland designation. Mr. Walker says that no one is against protecting the environment but that if the city wants to take private property and rezone it as wetland in the name of public good, then it must buy it.

However, because the city is not expropriating the property, officials have made it clear that they are not required to offer compensation and will not. However Mr. Walker says that a land evaluator hired by the landowners' group has determined that wetland designation devalues a property by 85% because it becomes virtually impossible to develop. He says that at current market prices his 20-hectare plot is worth about $125,000 but that with the wetland designation the price would plummet to less than $20,000.

● (1745)

Mr. Walker says that the issue is about the larger principle: the unfettered ability of individuals in a free society to enjoy the fruits of their hard labour without government interference. Many of the people affected see the new policy as yet another example of disdain for rural lifestyle that people have been complaining about for years.

I will not go into any details but recently the provincial Government of Ontario made a proposal declaring vast amounts of southern Ontario as green land. In its proposal, at least as it was originally stated, the provincial government did not seem to want to offer any compensation. This will probably affect a large number of landowners in southern Ontario.

My colleague from the Bloc mentioned the example of the Mirabel Airport which still has about 11,000 hectares not being used by the federal government but is still not being distributed back to the original owners.

We also have the Pickering Airport in the Durham—Pickering area where the federal government assembled 20,000 hectares and this land is also being held and not being sent back to the landowners.

This is not the first time my constituents in Carleton—Mississippi Mills have suffered the effects of intrusive legislation and bad public policy but landowners are beginning to fight back. In my riding, rural property owners have organized themselves into very vocal and active lobby groups, a trend that is spreading across the province. The rural landowners are spearheading a massive grassroots movement in defence of their property rights as property owners. Their key message is that they are fed up with undue government interference and want their property rights respected and protected.

These business owners, farmers and landowners have seen their property values and livelihoods diminished by expropriation without just compensation, enforcement of urban property standards for rural lands and farms, and the imposition of buffer zones.

Landowners believe that governments have confused the right of private property with the public's privilege. They say that governments have overstepped their mandate and crossed the line from good government and into the private lives of citizens.

When I recently polled my constituents asking them the question, “Do you think it is justifiable for the government to deny Canadian property rights?”, a resounding 92% of respondents said, “No”, and I agree.

I also agree with landowners who are beginning to demand that property rights be entrenched in Canada's Constitution. When I asked my constituents, “Should the Constitution be amended to include property rights?”, 88% of respondents told me, “Yes, it should be”. It is an abysmal situation that what should be a fundamental right, the right to own, enjoy and dispose of private property, was deliberately left out of our Charter of Rights and Freedoms. It is time to change this situation.

My colleague, the member for Yorkton—Melville, has long been a strong champion of property rights, as have all Conservatives. In fact, at our founding policy convention in March of this year, Conservatives agreed that the government should ensure that full, just and timely compensation be paid to all persons who are deprived of personal or private property or suffer a loss in value of that property as a result of any government initiative, policy, process, regulation or legislation. I applaud the member for Yorkton—Melville for this initiative and I am pleased to support it.

During the past election campaign the entrenchment of property rights in the Constitution was included as part of my platform. I believe strongly that landowners should be protected against arbitrary and unjustified intrusions by governments. If a government restriction or regulation is shown to be for the public good, then the landowners should be fairly and appropriately compensated for their loss. It is time for this Parliament to take steps to enshrine property rights.

● (1750)

Hon. Diane Marleau (Parliamentary Secretary to the President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I am pleased to have the opportunity to speak to Motion No. 227 introduced by the hon. member for Yorkton—Melville. The member has been making his points on property rights for at least 10 years now, first with Bill C-284, then Bill C-304, Bill C-313 and currently with Bill C-235. He also tabled motions, including the current one, which was debated on April 21.

During the first hour of debate he stated that his motion was based on a general principle, a principle that he would like Parliament to approve so that eventually property rights would be entrenched in a bill of rights and ultimately that the Charter of Rights and Freedoms be amended accordingly.

[*Translation*]

During the first hour of debate on this motion, on April 21, my colleague, the hon. member for Scarborough—Rouge River, explained our government's position very well on the motion being debated today.

In our opinion, the scope of the motion is far too broad; it is unreasonable. And if its principle were incorporated in Canadian law, its application would be impossible under modern governance. Should it be passed and implemented, it could cause major repercussions.

I agree with my colleague.

[*English*]

Speaking on behalf of the government, the member for Scarborough—Rouge River explained that the scope of the motion was far too vague. He added that if it were adopted and put into practice through adoption in Canadian laws, the repercussions based on the current wording would be staggering and that if it were taken to its logical conclusion, it would make much of our current governance unworkable.

I will not repeat the sound arguments made by my colleague. He certainly made a very strong case on the reasons why we oppose the motion. I will instead spend time on what could be the ultimate goal of the member for Yorkton—Melville, that is, amending the Canadian Bill of Rights to increase the protection of property rights in Canada.

The Canadian Bill of Rights is part of Canada's longstanding transition to human rights. The Bill of Rights has included provisions protecting property rights since it has been in force. Section 1 of the Bill of Rights recognizes the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law.

Property rights are also protected at the federal level by statute in common law. Federal statutes that regulate the disposition of property have been designed to ensure that people are treated fairly; that is, these laws provide for fair procedures and for fair compensation where property rights are affected.

Property rights are also protected at the provincial level. For example, the Alberta individual rights protection act protects the ownership of property by a due process clause. The Quebec charter of human rights and freedoms provides some protection to the peaceful enjoyment and free disposition of one's property.

The common law also protects property rights. For example, judges frequently apply the presumption that compensation is required where someone is deprived of their property.

[*Translation*]

It is also important to note that under the Canadian Constitution, property law is primarily the responsibility of the provincial governments. In fact, section 92(13) of the Constitution Act states that the provincial governments have exclusive jurisdiction over civil law and property law, notwithstanding matters under federal jurisdiction according to section 91.

This provision does not mean that the federal government is unable to legislate property law. However, its jurisdiction in this area is clearly limited. Should it reach beyond its jurisdiction, this could raise constitutional issues.

Proposals to include greater protection for private property in the Charter have been rejected many times by provincial governments, since, in their eyes, it would be an intrusion upon their constitutional powers.

● (1755)

[*English*]

Canada already protects property rights in a number of ways. On the whole, the average Canadian enjoys a very high level of protection for property rights under statutes and the common law, including the Canadian Bill of Rights. This is generally true at the provincial level as well. This protection reflects the value that we as Canadians place on property rights.

The right to own things, a home, a car or other possessions, is basic to our way of life. The right to use or dispose of property is also very fundamental to our way of life, but we recognize that these are not unlimited rights. These rights we value very highly in our country. These property rights are ingrained in our legal system. They are ingrained in statutes at the federal level. They are ingrained in statutes at the provincial level. They are ingrained in human rights legislation at the federal level and within the common law.

In fact, a basic premise of our legal system is the right to own and dispose of property. Our laws, whether legislated or judge made, are full of examples of rules concerning the ownership and use of property.

For example, the laws concerning real property, consumer protection or security interests contain many rules protecting both purchasers and vendors. Thus, when I consider the broad range of legislation and judicial precedents that protect property rights, it is not clear to me that the solution offered by the hon. member provides any further protection.

Taking that into account, it is important to reflect on what the proposed motion would actually do if its principle were incorporated into law. It singles out property rights from all the other rights in the Canadian Bill of Rights for very special protection. Again section 1 of the Canadian Bill of Rights recognizes the rights of the individual to life, liberty, security of the person and enjoyment of property.

Out of all those very fundamental rights to Canadians, the hon. member tries to raise property rights up for special protection. It seems that all of those rights are very important. When one considers the right to life and liberty, certainly one would not raise the value of property higher than those very special and important rights.

[*Translation*]

I do not see why, under the circumstances, we should support the motion of the hon. member for Yorkton—Melville. If it were carried through, it would establish a hierarchy within the rights that are protected under the Canadian Charter of Rights and Freedoms, which would not be desirable. Every one of these rights should have equal importance. They are all very important, and I believe it would be inappropriate to try to favour one above the rest.

[*English*]

As I mentioned earlier, the right to own and dispose of property is not an unlimited right. It is limited by laws that regulate the use of property in the public interest. For example, land use, planning and zoning laws may limit the type of building that can be placed on residential lots. They may limit the type of construction in certain types of business districts. Environmental laws regulate everything from the disposal of hazardous waste to the removal of trees. There are laws that regulate the ownership of transactions and shares in limited companies. Other laws regulate bankruptcy and the ownership of corporate interests by non-Canadians, and so on. All of these laws impose real limits on the ownership and use of property.

No one disputes that these are necessary limits in a free and democratic society. When that is realized, it is incumbent upon us to think carefully about the implications of amending the property rights protection in a general human rights document. I am concerned about that effect in general.

The United States has had considerable experience in property rights and we should learn from its experience. On the other hand, Canadian courts have demonstrated that they will go their own way in interpreting the provisions of human rights laws. The proposed motion, if it became a legal principle, would leave us with uncertainty about the meaning of property rights and the effect of the motion on a wide variety of laws that touch on property in one way or another.

● (1800)

The Deputy Speaker: I am sorry but the member is out of time. The hon. member for Durham.

Ms. Bev Oda (Durham, CPC): Mr. Speaker, I want to thank the member for Yorkton—Melville for being persistent in trying to ensure that Canadians have their property rights. I want to make sure that we have a law in Canada that will be consistently applied to all Canadians and is not variable depending on what province or territory one might live in.

I rise this evening to speak to Motion No. 227 regarding primarily compensation and not the fundamental issue of property rights. I know that we will have another opportunity to debate that question.

I want to thank my fellow caucus members for the debate on this issue. In particular, I thank Mr. Garth Turner for his paper which provided me with many insightful and informed thoughts.

In my riding of Durham most of the residents are property and home owners. Many have lived on their properties for over 50 years, on farms that have been inherited generation after generation and which continue to be their daily lifeblood.

Others have come to Durham to enjoy the less urban lifestyle of a rural community. Even those who have moved into new homes built in new developments throughout the riding are brought to Durham because of the quality of life that my riding offers. Durham is growing and most have come to the area not only to enjoy the strong sense of community, but to live among the outdoor pleasures of rolling hills and wooded lands, and creeks, ponds and lakes.

Yet few of these property owners actually understand that in Canada they do not have the legal right to own the very assets that they treasure, work to maintain and improve with pride. These properties are their largest investments.

As Canadians, never before has such a massive share of our personal net worth been in property ownership, or the financial and retirement plans of so many been inextricably linked with the value of their homes and property.

Canadians today face an array of legislation that infringes on the right to own or use their properties. Landowners many times are restricted by the location of their property. Zoning laws dictate land use. Environmental protection laws can render land worthless overnight. Conservation authorities can prevent the construction of virtually anything on private property without any obligation to take over ownership of that land. Government can take land outright without any requirement to fairly compensate an owner.

Most of these limitations and restrictions are supported by most Canadians since they maintain aspects of the social good.

Governments pass laws which affect land use for environmental reasons, social benefit or to contain urban sprawl. However, many landowners are unaware of the impact new legislation has on their properties.

An ideal example is Ontario's move to freeze development in 1.8 million acres of rural land around the golden horseshoe in southern Ontario. In Durham we have seen how the actions to protect the Oak Ridges Moraine and greenbelt legislation have affected the rights and property usage of so many.

Residents in my riding support protecting the rural areas of Ontario. We are not reckless when it comes to the environment. In fact, I would maintain that they are the very residents for whom the environment and their rural community lifestyle is an essential part of why they have chosen to move to Durham and to remain there.

We recognize that we live in communities. Each of us is part of a larger society and we are willing to give to make our communities better for all. Because of this, we give governments the power to legislate for the good of all Canadians. However, we should recognize that the lives of some will be impacted and recognize that reasonable action must be taken when that impact significantly imperils the foundation of property ownership and personal land use.

In Ontario when the provincial greenbelt legislation was adopted, future land use was frozen, with only the barest of public consultation and in a process that lasted just 45 days. Without either consultation or compensation, my property owners saw their land devalued and reduced in commercial value. Farmers saw their property investments reduced by up to 90%.

● (1805)

I have heard from farmers in my area of Durham on this matter. As I have said, these are farmers who have been farming some of the best agricultural land in southeastern Ontario. They are farm families whose forefathers came to Durham in the latter part of the 1800s and who have worked the land from one generation to the next, despite the hardships and challenges faced by the agricultural sector, a sector which, due to the nature inherent in farming, provides few guarantees of prosperity and ongoing security. I have seen these families use much of their rewards to reinvest in the land and in their operations.

With one piece of provincial legislation, these families have seen their property values plunge. They have seen limitations on what they can do with their property. Consequently, the potential of the land, their future and that of their children are at risk.

Currently these families have no recourse. They have no security in knowing what the future or any future legislation may bring to further impact on their property values. Some have had their future put into jeopardy. They have seen the future financial security for themselves and that of the next generation cut drastically or destroyed.

Legislation such as the greenbelt legislation may, after due process and public consultation, be enacted in the public interest, but we must recognize the impact on families, their property and their future. We can ensure that governments move forward responsibly and move ahead for the greater good of all Canadians, but we must also recognize how governments' acts affect not only farmers, but the lives of all Canadians whose properties are affected. In these instances we should provide compensation for those Canadians and their families.

In conclusion, my colleagues have spoken of other properties and other categories of holdings and rights. I have focused on the property of land ownership and how particular types of legislation affect the future of those in the farming community in my riding.

I speak on behalf of all property owners in my riding and in Canada. Fair compensation is one way in which property ownership in Canada can work with the greater societal good. Fair compensation would recognize how Canadians take pride in their land and pride of ownership. It would recognize how property ownership for many is the major way in which Canadians look after their own future and retirement. This would find the balance needed to ensure that property ownership is respected and would allow for governments at all levels to act in the public interest.

This would enhance our sensibilities as a country working for the benefit of all without victimizing any one group, in this case Canadian property owners. I do recognize that in my area many have now joined a group and have become very vocal on respecting their property and their property values.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, I am delighted to hear every speaker getting my riding name right since we returned. They must have spent the summer practising.

I suspect that in her remarks earlier the parliamentary secretary was making a speech that must have been written with the intention of being used on my private member's Bill C-279 rather than on this motion because she made references to the Canadian Bill of Rights. I proposed a lot of that effect and unfortunately she only seemed to have a passing familiarity with the motion before the House today.

I want to talk a little about the overarching theme of property rights that is contained in both the motion before the House today and in the bill that I proposed.

Let me start by going back in history to December 7, 1941, which is the day on which the imperial Japanese navy launched a simultaneous attack on British and American forces in the Pacific. As a result of this, both Canadians and Americans found themselves at war with Japan and both countries at that time contained large populations of naturalized and second generation citizens of Japanese origin, most living on the Pacific coast and working largely as fishermen.

Given the fear of coastal attacks, the white majority in both countries responded with what one author has described as "near-identical racism to the perceived security threat posed by the Japanese minorities".

As a result of this, in February 1942 these mostly patriotic Canadian and American citizens were rounded up and shipped to internment camps in the interior. In their absence, their properties, including their fishing vessels, were in many cases seized without their consent. Naturally, some of the internees sought legal remedies to the outrageous manner in which their rights had been violated. In Canada, which had no bill of rights at that time, their appeals were rejected by the courts and the policy banning these citizens from returning to the west coast remained in effect until 1949.

In the United States, the cases eventually made their way to the supreme court which ruled in 1944 that the wartime internment of American citizens without proof of anti-government activity or treasonable sentiment was a justifiable use of the state power. This ruling has made some people comment that in times of crisis the bill of rights cannot be relied upon to protect minorities from the tyranny of the majority.

However what is forgotten and what is relevant to today's debate is that this same court also ruled, at a time when war was still raging with the Japanese empire and when that empire seemed years from defeat, that it was not permissible for the American government to take away their property and sell it compulsorily. In Canada, by contrast, seized property was sold for a fraction of its value without regard to the protests of former owners. To add insult to injury, deductions were made for sales costs and taxes.

In a comparison of the treatment of the Japanese on the other side of the border, historian Roger Daniels concluded that it was "the American constitution, with its tradition of judicial review, which was largely responsible" for the less uncivilized behaviour of the American authorities.

I have related this story because I believe there are a number of vital services that can be provided by a well written, well interpreted bill of rights or charter of rights and, in particular of course, in protecting people and their property rights. Here is a clear demonstration of how this works and how it could have worked in Canada. This is the kind of benefit we could see if property rights were protected in a bill of rights.

Of course there are other ways of going about dealing with protecting property rights. We could do it through the Charter of Rights and other levels of government could pass ordinary legislation.

This has been a critical part of my own political career. I wrote the property rights policy that was adopted by the old Reform Party in the 1990s. I was active in causing the new Conservative Party to adopt a version of this policy at its most recent policy convention in March. I was happy to assist the hon. member for Yorkton—Melville when he was drafting his motion several months ago. Actually, I withdrew an item of my own from the Order Paper back in April so that he could start the process of bringing this very important issue before the House, and thank goodness he has done so.

Finally, of course, I introduced a private member's bill of my own, Bill C-279, which seeks to entrench property rights in a meaningful form in Canadian law. I will just talk for a minute about Bill C-279 before returning to the motion at hand.

Bill C-279 seeks to add teeth to the property protection provisions of John Diefenbaker's legislated Canadian Bill of Rights which was enacted in 1960. The Canadian Bill of Rights is not a constitutional document, unlike the Charter of Rights and Freedoms, and it only affects federal legislation, which means that it would not affect a number of the areas that were dealt with by my hon. colleague from Durham moments ago. However it does set up a pattern for the kind of behaviour we would like to see and it also deals with federal regulations that intrude on the lives of ordinary Canadians.

● (1810)

The Bill of Rights contains a property provision right now, but it does not prohibit any limitations on how governments may abridge property rights. Bill C-279 seeks to correct this by altering the word of the relevant section of the Bill of Rights to read as follows:

> (a) the right of the individual to life, liberty, security of the person and enjoyment and use of property, and the right not to be deprived thereof except by due process of law, and, in the case of property, without full, just and timely compensation;

This is the whole point of the exercise. Neither I, nor the member for Yorkton—Melville, nor anybody else in the House who is speaking in favour of property rights, is trying to take away any power from the government. We are not attempting to say that governments cannot pass laws in favour of public safety, protection of the environment, zoning or taking over pieces of property for military use. We are not trying to invade on the government's right to create new bankruptcy laws which was the particularly unusual example cited by the parliamentary secretary.

We are trying to ensure that when these actions occur, for example, when the use of land is restricted because of the need to protect an endangered species because of unusual environmental situations, that the cost to the landowner of the change in use of that land is compensated in some way. There is no reason why the government cannot do this, except of course that there might be an additional cause.

This is the usual argument that tends to come up and the parliamentary secretary raised this objection earlier. Essentially, if we stop downloading the costs of new laws, and I will take environmental laws as an example, onto a specific group such as farmers, it will raise the cost of these worthwhile regulations and laws, and therefore we will have fewer of these laws and fewer of the benefits that go along with them.

There is a technical way in which perhaps that is partly correct, but the obvious thing that I want to point out is that the marginal cost in lost environmental protection would be very slight. This is true for the following three reasons. First, many environmental regulations passed right now are of limited benefit in protecting the environment. These would be the ones most readily set aside if the government could not afford the cost.

For example, there is a regulation in Ontario forbidding the production of sawdust and wood chips at sawmills, even though these chips are used to spread as ground cover by the National Capital Commission and elsewhere. Bureaucrat A who wants the regulation, if there were property rights protections and compensation for the taking of property, would have to justify the cost of that compensation to the Environment Department to bureaucrat B, who would then try to focus perhaps on using the available funds more wisely and not on measures that have no discernible benefit to the environment. This of course applies to every other area.

Second, the government would start to focus on lower cost solutions to the environmental problems that it is called upon to regulate. For example, if the government had to cover the cost of complying with its own regulations, I do not think it would approach the problem of keeping drinking water safe by creating the requirement for concrete retaining tanks for liquid manure which has been done here in Ontario under the nutrient management act. This is perhaps the highest cost possible way of dealing with the legitimate concern about keeping the water table clean and municipal water safe in the wake of the Walkerton tragedy. Because of the cost to download it, there is no need for the bureaucrats to worry about this sort of thing.

Finally, taking actions that impose costs without compensation is actually bad policy in achieving its goal. To take the example of environmental policy, there is what is known as the shoot, shovel and shut up phenomenon where someone recognizes that he or she has an endangered species on his or her property and seeks to shoot it, then shovel and hide the evidence in order to protect the property from having its usage restricted by laws.

This is what we see going on in Goulbourn where right now people are clearing their land in order to ensure they do not get wetland designation. Several years ago I saw my father's next door neighbour out in the country in rural Osgoode, south of Ottawa, do the very same thing to avoid having a wetland designation that might prevent him from severing his property.

There is in fact very little real cost to ensuring compensation. There is a great deal of additional benefit and justice, and as in the example I gave earlier of the Japanese Canadians in the 1940s, it is frequently those who are most disenfranchised and least able to speak for themselves who are the victims of a lack of property rights in the country. Therefore, I urge everybody to vote in favour of the motion before the House today.

● (1815)

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, I would like to thank everyone who has been participating in this debate, especially those who have agreed with the intent and principle behind my property rights motion.

I thought my opening remarks and the speeches made by the hon. members for Edmonton—Leduc, Nepean—Carleton, Lanark—Frontenac—Lennox and Addington, and Durham clearly pointed out the need of persons to have the right to full and fair compensation when the federal government deprives them of their property.

While I appreciate the remarks made by my Liberal colleagues, especially the member for Scarborough—Rouge River, I wish to remind them that this is a motion, not a bill. It was meant to give direction to the House, not set words in stone.

If the Liberals want to see what words I do want to set in stone, I refer them to my private member's bill, Bill C-235, an act to amend an act for the recognition of protection of human rights and fundamental freedoms and to amend the Constitution Act, 1867. I introduced that on October 20 last year.

The hon. member for Ancaster—Dundas—Flamborough—Westdale said my property rights motion was "substantially over-broad" and "poorly conceived". Well, it was not conceived by me. It was conceived through a most democratic process at the Conservative Party's policy convention held in Montreal this past March.

If the grassroots of our party proposes a policy, then far be it from me to substantially change their wording unilaterally. I did not introduce this motion for me. I did it for the members of our party and for all those Canadians who have had their property taken by this Liberal government without being fairly compensated. I emphasize that because that is what this is all about.

Surely the members opposite must be concerned about the trampling of fundamental property rights by their own government. I appeal to them to take a look at this motion. Let us send it to committee and get the legislation right.

I know for a fact that the hon. member for Scarborough—Rouge River is concerned for the future of one of the successful businesses in his riding. The only manufacturer of handguns in Canada is about to have its business threatened because of the government's new firearms marking regulations, which will add significant costs to the manufacturing process.

I would like to quote the *Ottawa Citizen* and tell members what its editorial board explained:

> The legislation in question would require imported firearms to be marked with the date and country of importation—an exceedingly expensive proposition, since the marks would have to be laser-engraved on the gun frames, post-manufacture.
>
> Meanwhile, there appears to be a significant disconnect between the intent of the legislation, preventing small arms from being illegally re-exported to war-torn regions, and the effect, pricing legitimate sport hunting out of reach of many Canadians....
>
> By all means, then, apply the new marking system to military weaponry, which Canadian civilians are already prohibited from owning.
>
> Why, though, should duck and rabbit hunters be forced to foot the bill for a marking system that is entirely superfluous: their weapons of choice are used neither for combat nor crime, their movements readily traceable via existing serial numbers, their ownership logged under one of the world's most stringent—if dysfunctional—gun registry systems?

This is just one of the most recent examples of the warped United Nations policy finding its way into Canadian law, pushed by bureaucrats using high questionable regulations under the authority delegated to the minister and therefore completely avoiding a real debate in this House or any other place.

Just last Thursday, the minister of public safety sent a letter to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, refusing to implement a Firearms Act amendment, passed by this Parliament in Bill C-10A, that would grandfather the law-abiding owners of their legally registered handguns. Now their only option is to dispose of their lawfully acquired and registered property.

This Liberal government mucked up and takes no responsibility for what it has done. I could go on and on, but I will not. During these two hours of debate the speakers have provided a long list of examples of where this government has violated the fundamental property rights of Canadians.

It is time to put a stop to this injustice. Voting in favour of this motion will send a message to this Liberal government that people are fed up and we are not going to take it anymore. If a Liberal government will not change and respect property rights, then it is time to elect a government that will.

I have heard all the arguments. The Bloc feels it is not inclusive enough. The Liberals say it is too broad and includes too much. I think we have struck a balance with this motion. We should send it to committee and decide how to implement it.

● (1820)

The Liberals argue that it would affect their governance. To that I say, yes, it would affect their governance and it should. They should have respect for property rights. Property rights are essential in a free and democratic society and a strong economy. Please support the motion, take a look at what it says and let us move forward with property rights.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

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

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

● (1825)

[*English*]

CANADA-U.S. BORDER

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, it is a pleasure to rise again today to talk about a very important issue for my constituency and that of the nation. It is the Windsor-Detroit gateway crossing. About 40% of all international trade going to the United States comes through my riding. It is very important in terms of national security as well as trade and economic development. It also has several consequences on environment, safety as well as other city functions that take place with international traffic crawling through the city streets of Windsor.

One of the questions I asked was related to the ferry system, an operation that is very important. It has been identified as important by the city, by myself, by a number of different experts in the area and even, at least in words, by the government as providing some redundancy, some extra capacity, a place where we could have expanded transportation to get international trucks moving through the corridor at the Windsor-Detroit gateway.

One of the injustices the government has performed on this company is it has to pay for customs and border officials. Other operations do not have to do that. I would point out that the Ambassador Bridge Company received $13 million this past year for customs officers. That went to a private American citizen who owns the Ambassador Bridge. If people out there are stunned by this, they need to understand that the Canadian economy is dependent upon a private American citizen who operates a 75-year-old bridge. The ferry operation has to pay for customs operations for which other operators in the region do not have pay. It is not acceptable.

We have been trying to impress a sense of fairness so there would be some competition. We know the ferry operation has received from the Department of Homeland Security in the United States over $700,000 in funding because it does pre-clearance, has a great record and provides immediate redundancy in case of a national emergency or security. It also ensures that trucks which carry hazardous materials, waste materials and things such as chemicals are safely transported across the Detroit River so they do not pollute the river or lake system.

Our government has treated the service at a second standard level. Affecting the operation is simply not acceptable. Government

members have paid a great deal of lip service to this. On April 21 they came to the municipality to give another announcement, of course with no money to follow. They talked about studying the ferry service and the problems associated with it. We know what the problem is. The service is treated differently than its competitors. We need redundancy in the system right away and the ferry system can provide that.

I cannot understand how an operation that is well accepted on the U.S. side by the Department of Homeland Security is completely ignored as well as subjugated to different rules on the Canadian side. I would expect the to take government some action on this file before we have a disaster and no contingency plan to ensure the vibrancy and economic wealth of our country.

[*Translation*]

Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, I would like to thank the hon. member from Windsor West for this occasion to rise in the House today and respond to his question.

● (1830)

[*English*]

As the Deputy Prime Minister has indicated, the matter concerning the Windsor ferry, which the member addressed in his original question and again this evening in the House, is before the courts. Therefore, I am unable to comment on the specifics of the case. However, I would like to reassure my colleague that I am following the matter very closely.

The government recognizes that in this global economy, transportation systems are multi-modal and the prosperity of Canada depends on having a seamless transportation infrastructure at the border. I am certain that my colleague and I are hopeful that a decision on the Windsor ferry issue will be rendered in due course. As he pointed out, it turns on what customs services would be provided and at what price.

In the meantime, this government has taken, and will continue to take, several key steps to improve border security in the Windsor-Detroit gateway, given how vital this trade link is to Canada's economy.

As all hon. members know, Canada and the United States share the world's largest trading relationship with about $1.7 billion in trade crossing the border daily. Since 2001 the Government of Canada has invested over $8.5 billion in border security, including significant investments in border infrastructure across the country.

Though the events of 9/11 stressed our need for a safe and secure border, they also focused our attention on a range of issues that had emerged long before and will continue to evolve.

With the creation of the public safety and emergency preparedness portfolio in 2003, the government has brought together key national agencies committed to public safety, including the Canada Border Services Agency. The Canada Border Services Agency in turn is dedicated to facilitating the legitimate flow of traffic and trade across a secure and open border.

The Canada Border Services Agency has built on the progress made with the United States on the joint 2001 smart border declaration, including a number of initiatives aimed at allowing low risk travellers and cargo to be processed quickly while taking the time necessary to look more closely at high risk travellers and trade.

The new security and prosperity partnership is a component of a broad government strategy for stronger links between Canada, the United States and Mexico. This agenda would both deepen and broaden the existing action plan and include new areas, such as food safety, cyber security, public health, and marine and transport security.

Some of the major initiatives we expect to move on with the United States include supply chain container security, strengthening document integrity, land preclearance, visa security and reducing transit times at the Windsor-Detroit gateway.

This is an important issue for the Canadian government and for all Canadians.

[*Translation*]

The government is aware of the unique situation that exists in WIndsor. We recognize the strategic importance of Windsor as Canada's busiest border crossing.

[*English*]

Maintaining the security and integrity of our borders is the CBSA's number one priority. This applies to Windsor-Detroit as well as to border crossings all across Canada.

Mr. Brian Masse: Mr. Speaker, I thank the parliamentary secretary for reading the website information that we already have.

The reality of the situation is that the government could pull back on that court case right now and correct the situation. It is as simple as that.

What is ironic and what people need to understand is that the parliamentary secretary is saying the situation is in the courts right now, but the Department of Transport is willing to partner with the ferry service to study the problems. It is unbelievable. It is something that the government could fix immediately. It is something that would show cooperation to our friends on the American side where they want to have improvements. More important, it would correct a long-standing problem for the community that I represent by getting trucks off the street and pollution out of the air and making sure for the sake of national security that we have free flowing goods and services redundancy capacity available to us immediately.

It is politics. The government has been friends with the Ambassador Bridge company for far too long. It about is about time the government started acting on behalf of Canadians.

Hon. Roy Cullen: Mr. Speaker, as the member knows, I am not at liberty to speak about any case before the courts. As in any case that is before the courts, the member would know there are always discussions between parties and I am confident that a solution can be reached.

Just to continue what I was saying earlier, over 70 million people were processed by the Canada Border Services Agency at land border ports of entry. At the same time, new security requirements and increasing demands have placed additional pressures on the CBSA's operations at key border locations.

As the hon. member knows, the government has made considerable progress in its smart border action plan, having successfully launched a marine inspection pilot project in Windsor-Detroit this year.

Given the importance of national and economic security to both Canada and the United States, we recognize there is an immediate need to ensure that capacity exists to accommodate the expanding trade at vital crossings such as Windsor-Detroit.

● (1835)

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted.

Accordingly, the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:35 p.m.)

CONTENTS

Tuesday, October 4, 2005

ROUTINE PROCEEDINGS

Petitions

Kidney Disease

Mr. Adams ... 8361

LNG Terminals

Mr. Thompson (New Brunswick Southwest) ... 8361

Canadian Broadcasting Corporation

Mr. Layton ... 8361

Questions on the Order Paper

Mr. LeBlanc ... 8361

GOVERNMENT ORDERS

Public Servants Disclosure Protection Act

Bill C-11. Report Stage ... 8361

Mr. Grewal (Newton—North Delta) ... 8361

Mr. Adams ... 8363

Mr. Watson ... 8363

Mr. Martin (Esquimalt—Juan de Fuca) ... 8365

Mr. Szabo ... 8365

(Motions Nos. 1 to 47 inclusive agreed to) ... 8366

Ms. Stronach (for the President of the Treasury Board and Minister responsible for the Canadian Wheat Board) ... 8366

Motion for concurrence and second reading ... 8366

(Motion agreed to) ... 8366

Mr. LeBlanc ... 8366

Ms. Stronach (for the President of the Treasury Board and Minister Responsible for the Canadian Wheat Board) ... 8366

Bill C-11. Third reading ... 8366

Mr. Szabo ... 8366

Ms. Thibault (Rimouski-Neigette—Témiscouata—Les Basques) ... 8368

Mr. Preston ... 8369

Mr. Martin (Winnipeg Centre) ... 8369

Mr. Lukiwski ... 8370

Mr. Martin (Esquimalt—Juan de Fuca) ... 8372

Mr. Cleary ... 8373

Mr. Sauvageau ... 8373

Mr. Martin (Esquimalt—Juan de Fuca) ... 8376

Ms. Bourgeois ... 8376

Mr. Sauvageau ... 8377

Mr. Martin (Winnipeg Centre) ... 8377

Mr. Grewal (Newton—North Delta) ... 8379

Mr. Szabo ... 8380

Mr. Lukiwski ... 8380

Mrs. Grewal (Fleetwood—Port Kells) ... 8381

Mr. Grewal (Newton—North Delta) ... 8382

Mr. Cullen (Skeena—Bulkley Valley) ... 8384

Mr. Lauzon ... 8385

Mr. Siksay ... 8385

Mr. Szabo ... 8386

Mr. Martin (Winnipeg Centre) ... 8387

Mr. Cullen (Skeena—Bulkley Valley) ... 8387

Mr. Szabo ... 8389

Mr. Epp ... 8389

STATEMENTS BY MEMBERS

Parkinson Society Canada

Mr. Carr ... 8391

Public Safety

Mr. Abbott ... 8391

EinsteinFest

Mr. Telegdi ... 8391

Centre d'entraide aux rayons du soleil

Mr. Gagnon (Saint-Maurice—Champlain) ... 8392

Toronto French Book Fair

Mr. Silva ... 8392

Ramadan

Mr. Jaffer ... 8392

Ramadan

Mr. Khan ... 8392

Housing

Mr. Simard (Beauport—Limoilou) ... 8392

Jaswant Singh Randhawa

Mr. Bains ... 8393

Liberal Government

Mr. Poilievre ... 8393

Equalization Payments

Ms. Karetak-Lindell ... 8393

Ramadan

Mr. Christopherson ... 8393

Justice

Mr. Kramp ... 8393

National Women's Centres Day

Ms. Demers ... 8394

Terrorism

Mr. Obhrai ... 8394

Canadian Armenian Community

Mr. Karygiannis ... 8394

ORAL QUESTIONS

Technology Partnerships Canada

Mr. Harper ... 8394

Mr. Emerson ... 8394

Mr. Harper ... 8394

Mr. Emerson ... 8394

David Dingwall

Mr. Harper ... 8394

Mr. McCallum (Markham—Unionville) ... 8395

Mr. Harper ... 8395
Mr. McCallum (Markham—Unionville) ... 8395
Mr. Harper ... 8395
Mr. McCallum (Markham—Unionville) ... 8395

Public Funds
Mr. Duceppe ... 8395
Mr. Martin (LaSalle—Émard) ... 8395
Mr. Duceppe ... 8395
Mr. Graham (Toronto Centre) ... 8395
Mr. Sauvageau ... 8395
Mr. Graham (Toronto Centre) ... 8396
Mr. Sauvageau ... 8396
Mr. Graham (Toronto Centre) ... 8396

Health
Mr. Layton ... 8396
Mr. Martin (LaSalle—Émard) ... 8396
Mr. Layton ... 8396
Mr. Martin (LaSalle—Émard) ... 8396

David Dingwall
Mr. Pallister ... 8396
Mr. McCallum (Markham—Unionville) ... 8397
Mr. Pallister ... 8397
Mr. McCallum (Markham—Unionville) ... 8397

Technology Partnerships Canada
Mr. Rajotte ... 8397
Mr. Emerson ... 8397
Mr. Rajotte ... 8397
Mr. Emerson ... 8397
Mr. Crête ... 8397
Mr. Emerson ... 8397
Mr. Crête ... 8397
Mr. Emerson ... 8397

Kyoto Protocol
Mr. Bigras ... 8398
Mr. Dion ... 8398
Mr. Bigras ... 8398
Mr. Dion ... 8398

Liberal Government
Mr. Kenney ... 8398
Mr. Graham (Toronto Centre) ... 8398
Mr. Kenney ... 8398
Mr. Graham (Toronto Centre) ... 8398

Justice
Ms. Guergis ... 8398
Mr. Macklin ... 8398
Ms. Guergis ... 8399
Mr. Macklin ... 8399

Health
Ms. Sgro ... 8399
Ms. Bennett ... 8399

Technology Partnerships Canada
Mr. Broadbent ... 8399
Mr. Martin (LaSalle—Émard) ... 8399
Mr. Broadbent ... 8399
Mr. Emerson ... 8399

National Defence
Mr. O'Connor ... 8399
Mr. Graham (Toronto Centre) ... 8399
Mr. O'Connor ... 8400
Mr. Graham (Toronto Centre) ... 8400

Citizenship and Immigration
Mr. Jaffer ... 8400
Mr. Volpe ... 8400
Mr. Jaffer ... 8400
Mr. Volpe ... 8400

Canada Post
Ms. Gagnon (Québec) ... 8400
Mr. McCallum (Markham—Unionville) ... 8400
Ms. Gagnon (Québec) ... 8400
Mr. McCallum (Markham—Unionville) ... 8401

Justice
Mr. Casson ... 8401
Mr. Macklin ... 8401
Mrs. Grewal (Fleetwood—Port Kells) ... 8401
Mr. Macklin ... 8401

Transport
Mr. D'Amours ... 8401
Mr. Lapierre (Outremont) ... 8401

Sponsorship Program
Mr. Lunn ... 8401
Mr. Brison ... 8401

Canada Border Services Agency
Mr. Nicholson ... 8402
Ms. McLellan ... 8402

Presence in Gallery
The Speaker ... 8402

ROUTINE PROCEEDINGS

Committees of the House
Canadian Heritage
Mr. LeBlanc ... 8402
Motion for concurrence ... 8402
(Motion agreed to) ... 8402

GOVERNMENT ORDERS

Public Servants Disclosure Protection Act
Bill C-11. Third reading ... 8402
Mr. Epp ... 8402
Mr. Poilievre ... 8403
Mr. Szabo ... 8404
(Motion agreed to, bill read the third time and passed) ... 8404

Remote Sensing Space Systems Act
Bill C-25. Third reading ... 8404
Mr. Simms ... 8404

Points of Order
Oral Question Period
Mr. Thompson (New Brunswick Southwest) ... 8405

Remote Sensing Space Systems Act
Bill C-25. Third reading ... 8405
Mr. Simms ... 8405
Mr. McTeague ... 8407
Mr. Masse ... 8407
Mr. Paquette ... 8408
Mr. McTeague ... 8408
Mr. Day ... 8408
Mr. McTeague ... 8409
Mr. Paquette ... 8410
Mr. Siksay ... 8411
Mr. Martin (Sault Ste. Marie) ... 8413
Mr. McTeague ... 8415
Mr. Siksay ... 8416
Division on motion deferred ... 8417

Wage Earner Protection Program Act
Bill C-55. Second reading ... 8417
Mrs. Jennings ... 8417
Mr. Lukiwski ... 8419
Mr. Lessard ... 8419
Mr. Grewal (Newton—North Delta) ... 8420

PRIVATE MEMBERS' BUSINESS

Property Rights
Motion ... 8421
Mr. Laframboise ... 8421
Mr. O'Connor ... 8422
Ms. Marleau ... 8423
Ms. Oda ... 8425
Mr. Reid ... 8426
Mr. Breitkreuz ... 8428
Division on motion deferred ... 8429

ADJOURNMENT PROCEEDINGS

Canada-U.S. Border
Mr. Masse ... 8429
Mr. Cullen (Etobicoke North) ... 8429

MAIL POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid | Port payé

Lettermail | **Poste–lettre**

1782711
Ottawa

If undelivered, return COVER ONLY to:
Publishing and Depository Services
PWGSC, Ottawa, ON K1A 0S5
Internet: http://publications.gc.ca
1-800-635-7943 or Local 613-941-5995

En cas de non-livraison,
retourner cette COUVERTURE SEULEMENT à :
Les Éditions et Services de dépôt
TPSGC, Ottawa (Ontario) K1A 0S5
Internet: http://publications.gc.ca
1-800-635-7943 ou appel local (613) 941-5995

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
http://www.parl.gc.ca
