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OFFICIAL REPORT
(HANSARD)

Thursday, April 29, 2010

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Thursday, April 29, 2010

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1000)

[*English*]

CONFLICT OF INTEREST AND ETHICS COMMISSIONER

The Speaker: Pursuant to section 28 of the Conflict of Interest Code for Members of the House of Commons, it is my duty to present to the House the report of the Conflict of Interest and Ethics Commissioner, entitled "The Cheques Report: The use of partisan or personal identifiers on ceremonial cheques or other props for federal funding announcements".

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GOVERNMENT RESPONSE TO PETITIONS

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

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INTERPARLIAMENTARY DELEGATIONS

Mr. Peter Goldring (Edmonton East, CPC): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present to the House, in both official languages, three reports of the Canadian delegation to the Organization for Security and Co-operation in Europe Parliamentary Assembly, OSCEPA, regarding its participation at the fall meetings held in Athens, Greece, from October 9 to October 12, 2009; the observation mission of the presidential election in Ukraine, first round, from January 15 to January 18, 2010; as well as the observation mission of the presidential election in Ukraine, second round, from February 5 to February 8, 2010.

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[*Translation*]

COMMITTEES OF THE HOUSE

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

Mr. Bruce Stanton (Simcoe North, CPC): Mr. Speaker, I have the honour to table, in both official languages, the first report of the Standing Committee on Aboriginal Affairs and Northern Development.

[*English*]

The report is in relation to Bill C-3, An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in McIvor v. Canada (Registrar of Indian and Northern Affairs).

The committee has studied the bill and has decided to report the bill back to the House, with amendments.

ACCESS TO INFORMATION, PRIVACY AND ETHICS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the seventh report of the Standing Committee on Access to Information, Privacy and Ethics.

In accordance with its order of reference of Wednesday, March 3, 2010, the committee has considered vote 45 under Justice in the main estimates for the fiscal year ended March 31, 2011, and reports the same, less amounts voted in interim supply.

* * *

● (1005)

PETITIONS

SEEDS REGULATIONS

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I rise to present a petition signed by students from Windermere Secondary School in my riding of Vancouver Kingsway.

The petitioners are calling on the government to support Bill C-474. This bill would require that an analysis of the potential harm to the economic interests of farmers be conducted prior to the approval of genetically engineered seeds.

The petition is signed by well over 100 students and was organized by Chanel Ly, Cassandra Ly, Emily Chan and Brendan Chan. These students showed leadership by taking the initiative to educate their classmates about this important issue raised in Bill C-474, and I am proud to present their views in Parliament on their behalf. These students want to protect the environment, ensure the health of Canadians and support community food producers. I join with them in calling for the swift passage of this bill into law.

AIR PASSENGERS' BILL OF RIGHTS

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I have two petitions to present this morning.

Speaker's Ruling

The first is signed by thousands of Canadians and calls on the Parliament of Canada to adopt Canada's first air passengers' bill of rights.

If passed, Bill C-310 would compensate air passengers with all carriers, including charters, anywhere they fly in the world. The bill would provide compensation for overbooked flights, cancelled flights and long tarmac delays. It would address issues such as late and misplaced baggage. It would require the airlines to provide all-inclusive pricing in their advertising.

The legislation has been in effect since 1991 in Europe but was revised five years ago. The question is why Air Canada and Air Transat passengers should receive better treatment in Europe than they do here in Canada.

Airlines would have to inform passengers of flight changes, either delays or cancellations. The new rules would have to be posted at airports. Airlines would have to inform passengers of their rights and the process to file for compensation. If the airlines followed the rules, it would cost them nothing.

The petitioners call on the government to support Bill C-310, which would introduce Canada's first air passengers' bill of rights.

PRISON FARMS

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, the second petition is a call to stop the closure of the six Canadian prison farms in Canada. Dozens of Canadians have signed the petition demanding that the government reconsider this ill thought out decision.

All six prison farms, including Rockwood Institution in Manitoba, have been functioning farms for many decades providing food for the prisons and the community. Prison farm operations provide rehabilitation and training for prisoners through working with and caring for plants and animals. The work ethic and rehabilitation principle of waking up at 6 a.m. and working outdoors is a discipline that Canadians can appreciate. Closing these farms will mean the loss of that infrastructure which would make it too expensive to replace them in the future.

The petitioners call on the Government of Canada to stop the closure of the six Canadian prison farm operations across Canada and to produce a report on the work and rehabilitative benefit to prisoners of the farm operations and on how the program could be adapted to meet the agriculture needs of the 21st century.

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QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, if Questions Nos. 141, 150 and 153 could be made orders for returns, these returns would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 141—**Mr. Mario Silva**:

With regard to government funding for museums, for each of the last four fiscal years, broken down by province and territory: (*a*) how much has been spent by the Canada Cultural Spaces Fund; (*b*) what was the funding for (i) exhibits for museums, (ii) for arts, (iii) for other forms of exhibits, displays, etc.; and (*c*) how much has been spent by the Museums Assistance Program?

(Return tabled)

Question No. 150—**Hon. Ralph Goodale**:

With regard to government magazine advertising: (*a*) how much has the government spent on promoting Canada's Economic Action Plan through advertising in Saskatchewan; and (*b*) when was each advertisement published, and in which magazine?

(Return tabled)

Question No. 153—**Hon. Ralph Goodale**:

With respect to debt owed to the Government of Canada and its agencies and entities by governments of the following seven countries, (i) Colombia, (ii) Peru, (iii) Pakistan, (iv) Bangladesh, (v) Indonesia, (vi) Vietnam, (vii) Ukraine: (*a*) what is the total amount of concessional debt owed by each country and to which agencies or entities, and in what amounts in each case; and (*b*) what is the total amount of non-concessional debt owed by each country and to which agencies or entities, and in what amounts in each case?

(Return tabled)

[*English*]

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

[*Translation*]

POINTS OF ORDER

BILL C-304—SECURE, ADEQUATE, ACCESSIBLE AND AFFORDABLE HOUSING ACT—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the point of order raised on April 1, 2010, by the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons regarding the admissibility of an amendment adopted by the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities in its consideration of Bill C-304, An Act to ensure secure, adequate, accessible and affordable housing for Canadians. The bill containing the amendment in question was reported to the House on March 24.

I wish to thank the Parliamentary Secretary for having raised this issue as well as the hon. members for Joliette and Vancouver East for presenting their views on the matter.

[*English*]

The parliamentary secretary explained to the House that during the consideration of Bill C-304, the members of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities overturned a decision of the chair concerning an amendment to Bill C-304 that had been ruled inadmissible. The committee then proceeded to adopt the amendment.

He pointed out that the purpose of Bill C-304 is to create a national housing strategy and, more specifically, that clause 3 of the bill provides for the minister to consult with the provincial and territorial ministers in order to establish that strategy. The parliamentary secretary stated that the amendment, which allows the province of Quebec to opt out with full compensation, is inconsistent with the purpose of the bill. He also argued that since there was no mention of a potential provincial exemption in the bill as adopted by the House at second reading, the amendment alters the purpose and goes beyond the scope and principle of the bill.

The parliamentary secretary made reference to a committee chairman's ruling on the admissibility of a similar amendment during clause-by-clause consideration of Bill S-3, an act to amend the Official Languages Act (promotion of English and French), by the Standing Committee on Official Languages on October 20, 2005. An amendment to exclude one province from the application of that bill was moved and ruled inadmissible by the committee chair since it was contrary to the principle of the bill.

● (1010)

[*Translation*]

In his intervention, the member for Joliette stated that, in his view, the amendment in question is admissible since the right of Quebec to be exempted is consistent with the principle of the bill. He also provided many examples of Canada-wide programs or strategies from which the province of Quebec is exempted.

[*English*]

In her intervention, the member for Vancouver East made reference to a Speaker's ruling of January 29, 2008 defining the principle and the scope of the bill. She explained that the principle of Bill C-304 is to develop a housing strategy and that the scope, which encompasses the mechanisms by which the principle is attained, includes the consultations leading to the establishment of the strategy. Furthermore, she claimed that the amendment in question is permissive, not mandatory, and that it merely seeks to clarify the scope of the bill.

[*Translation*]

As the House knows, the Speaker does not ordinarily intervene on committee matters unless a report has been presented in the House. With respect to legislation, the Speaker has been called upon to deal with such matters after the bill in question has been reported to the House.

The Chair believes that it would be useful to have a look at the amendment in question. It is a new clause added after clause 3 and reads as follows:

Speaker's Ruling

> The Government of Quebec may choose to be exempted from the application of this Act and may, if it chooses to do so, receive an unconditional payment equal to the total of the amounts that would otherwise be paid within its territory under this Act.

[*English*]

In the Chair's view, there are two elements to this new clause. The first is the Government of Quebec's right to opt out of the strategy, and the second relates to the right to receive financial compensation if it chooses to do so.

With regard to the first element of the amendment, the members for Joliette and Vancouver East both have given examples of Canada-wide programs and policies of which the province of Quebec is exempted. The Chair is in no way questioning that such arrangements exist in current programs or could exist in future programs within specific legislative frameworks. However, the Chair has to determine if such an arrangement as defined by the amendment in question goes against the principle or broadens the scope of this bill as adopted by the House at second reading.

The Chair refers members to clause 3 of the bill which provides elements that should be part of a housing strategy, elements that are, in fact, defining the scope of the bill. The Chair views the nature of those elements as being very different from that proposed by the amendment in question and finds that an opting out provision is a new concept which exceeds the scope as defined in clause 3.

[*Translation*]

As for the second element, that of payments to provinces, the Chair has studied the bill very closely and finds no reference to payments that could be made to a province under this Act. Payments to provincial governments are not provided for in Bill C-304, and, therefore, it is clear that this element of the amendment goes beyond the scope of the bill.

[*English*]

The Chair also considered a number of precedents. In addition to the example of Bill S-3 cited by the parliamentary secretary, the Chair has found an example of similar amendments submitted at report stage. In fact, when Bill C-20, an Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference, was considered at report stage, amendments seeking the exemption of the province of Quebec were submitted and were found to be inadmissible.

The Speaker then explained in his ruling of March 13, 2000 at *Debates* page 4375 that:

[*Translation*]

"...from a strictly procedural perspective…I remain convinced that those amendments the hon. member referred to do in fact go beyond the scope and alter the principle of the bill as already agreed to by the House."

While the Chair appreciates the efforts to improve proposed legislation made by committees in the course of clause-by-clause consideration, the fact remains that a committee must carry out its mandate without exceeding its powers. In my view, by adopting an amendment that goes against the principle of the bill and that introduces a notion broadening its scope, a committee ventures beyond the role that the House has assigned to it.

● (1015)

[*English*]

Consequently, I must order that the amendment creating clause 3.1 adopted by the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities be declared null and void and no longer form part of the bill as reported to the House.

In addition, I am ordering that a reprint of Bill C-304 be published with all possible haste for use by the House at report stage to replace the reprint ordered by the committee.

I thank the House for its attention.

GOVERNMENT ORDERS

[*English*]

BALANCED REFUGEE REFORM ACT

The House resumed from April 27 consideration of the motion that Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act, be read the second time and referred to a committee.

The Speaker: When the bill was last before the House the hon. member for Skeena—Bulkley Valley had the floor. There are eight minutes remaining in the time allotted for his remarks. I therefore call upon the hon. member for Skeena—Bulkley Valley.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, eight minutes of course will not be enough to deal with the issue of immigration reform in Canada, which is long overdue, but I will do my best. I thank you for another wise ruling from the chairs the previous night.

Bill C-11 speaks, very importantly, to the nature and essence of reform of the immigration and refugee laws in Canada, particularly around refugee claimants.

The New Democrats have a number of concerns with the fundamentals that have been placed before us. We sought to move the bill to the committee before it had received the recommendation of the House in principle so that we could more fundamentally get at some of those problems. We recognize where the House is at right now and we will be seeking to improve the bill once it gets to committee. I want to focus in on couple of items today that are most critical to the plight of refugees and the treatment they receive when they come to Canada.

When dealing with the issue of immigration or dealing with refugees, it brings out both the best and worst in a country and in the politics that exist, and the attempt by any government to weave politics into a refugee system is one that must be resisted and avoided at all times. The temptation is there because we have well established communities within Canada that have various views on immigration policy and they will attempt to push certain angles and representations of those views on to any sitting government of the day.

What must be resisted is that these reforms do not last just through the next election cycle or the one beyond that, but can last for many years. There has been an unfortunate series of events over the last 100 to 150 years in this country where immigration and refugee claimant rules have been used to, in a sense, abuse certain groups coming from certain regions of the world that we just did not like at the time for political reasons.

The list has been well enunciated. The government is well aware of past claims and misdeeds by previous governments. Apologies have been issued. A bill was passed in the House just last night dealing with the treatment of Italian Canadians during the second world war. We have seen the error of our ways in the past and we must not be doomed to repeat them again.

Of particular concern in the bill right now is the list of safe countries. For those following the bill, they will be aware that the government has proposed this idea that there will be an ongoing list of countries that will be deemed to have one status and another list of countries that will be deemed to be less favourable for whatever domestic issues are going on in those countries at the time.This is unfortunate in a way because it applies methodology that may, in some circumstances, not work because all countries within themselves do not have uniform circumstances. A refugee claimant coming from one part of the Sudan will have a very different claim than one coming from another region. Someone coming from one part of Chile at a certain time will look very different from someone coming from another part, and the list goes on.

The concern we have, in looking through Bill C-11, is that not only is the list not provided of what countries the government will sanction and those that it will punish, but we are still looking for the criteria that will be used by the government to establish those lists. This is fundamental. It is very difficult for any member in this place to vote on legislation that will designate countries one way or another if we do not have the criteria and the rules before us. This is more than unfortunate. This is a trust me attitude from the government that is not acceptable. We need to clarify this. We need to nail it down.

I had brief conversations with the minister about the number of refugee claimants that will be permitted. We are looking forward to understanding that Canada will remain and enhance its accessibility to refugee claimants who come from abroad. We have a story about ourselves in Canada, that we are an open and forgiving place that will allow folks to come from all sorts of different situations, some of them very difficult, such as when a country is in crisis or when a particular group of citizens in a country is being targeted. Whether for their political beliefs, their gender, their sexual orientation or whatnot, we believe ourselves to be a welcoming place, a place that does not pass such judgments as is seen in other countries, particularly when there is great political upheaval, which we are seeing on the evening news almost every night.

However, we need an understanding of how we will judge a country and whether we will have the ability to specify regions within a country in which particular political persecution is going on.

I worked in Africa for a time and we would see at the state level of a certain government that a governor of that state would pass some atrocious decree thereby subjecting a whole group of its citizens to unfair treatment, persecution and sometimes death. This, unfortunately, was too common. We do not know if Bill C-11, this refugee reform, will have the dexterity to deal with situations like that.

● (1020)

We have also seen just recently, through our neighbours to the south, draconian laws being passed in Arizona where it legislated racial profiling for people coming from Mexico or looking like they may have come from Mexico. It is politics at its worst when we see a state deciding to racially profile a whole group of people and subject them to laws that no one else in society is subjected to simply because of the colour of their skin. One would hope that we had moved or devolved beyond this in the western world, but politics being what it is at times, folks playing for a few more votes will introduce bills like this. Properly, however, the President of the United States has condemned what the government at that state level is doing.

I only raise that example, not to cast aspersions on the government here in Canada, but to say that on this issue, if not more than any other, the temptation to play into some momentary passing political interest that is appealing to one interest or another, be it pro-immigration or anti-immigration, we have seen for far too long. I am the son of an immigrant family and there was wave after wave of immigrants coming into this country. One would assume that the wave that had just preceded the new wave of immigrants would be more sympathetic to the ones just coming but, unfortunately, there is some element of human nature that does not lend itself always that way. My family coming from Ireland may have had better treatment than others but not necessarily. The racial stereotypes and the mistreatment, not just of folks who are coming but their descendants, is consistent. I grew up in a city that was a multicultural as any in the world and yet still had this underlying tone.

That is something that the government, while it cannot appease entirely, must work through bills, like Bill C-11, to alleviate to their maximum possibility. If we are to be a welcoming and generous country and a country that continues to have a history of being proud of our immigrant population and encourage more to come, we must make the best reforms possible for refugee and immigration claimants. We must remove the politics as much as possible and allow the country to be as free, open and accessible as possible.

We are for a faster immigration system but we will not sacrifice the fairness aspect. We will not simply say that folks have eight days, cannot seek legal representation and that is it, and they are back out again, because that makes them potentially victims of these so-called immigration consultants that seem to pop up.

I hope we can get this right because it is critical that we do.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Madam Speaker, I thank the member for Skeena—Bulkley Valley for his thoughtful and heartfelt remarks about the importance of openness to immigration, which is part of our Canadian story, and I share his sentiments. I celebrate the fact that in Canada there is a broad political consensus that is perhaps unique in the democratic world that is favourable toward both immigration and the protection of refugees. I believe that consensus is reflected in the bill.

The question the member has raised rhetorically, as well as his colleague, the member for Sault Ste. Marie, both of whom, like myself, are descendants of Irish immigrants to this country. Consequently, we are all very sensitive to these issues. He and the member for Sault Ste. Marie want to ensure that we do not close Canada to those in need of our protection.

In point of fact, the balanced refugee reforms that we are discussing include, as part of the overall reform package, a historic increase in the number of targeted refugees for resettlement to Canada. We propose in this package to increase from 11,500 to 14,000 the number of refugees living abroad, often in UN camps in deplorable circumstances, victims of conflict, of ethnic cleansing, of persecution, that we will welcome to Canada. We propose a 20% increase in the number of resettled refugees and, more than that, a 20% increase in the refugee assistance program to give them assistance in getting settled in Canada.

That is not an easy decision to make. All members get this ridiculous email that goes around saying that refugees get more financial support than pensioners. Frankly, it is counterintuitive, from a political point of view, for the government to increase by 20% the assistance we are giving refugees for their settlement, but that has been frozen for 10 years and we think it is the right thing to do.

I want to emphasize two points for the member. First, with respect to the asylum reforms, there is nothing that would actually reduce access to the asylum system for refugee claimants. It simply renders the system more efficient while maintaining and enhancing its fairness. We are actually increasing by 20% the targeted number of resettled refugees, such as the 12,000 refugees from Iraq who I have announced we will be welcoming over the course of three years.

● (1025)

Mr. Nathan Cullen: Madam Speaker, I wondered why I liked the minister and now I know. We share some ancestry.

The minister raised a point about the numbers. Will there be more or will there be less? This was a concern for New Democrats because we did not want to see a tightening of them. The world is becoming a smaller place but, unfortunately, it has as much turmoil in it now as it has ever had and one cannot predict it getting any better. Therefore, Canada must remain open.

The question is not necessarily so much about the numbers at this point, although we will be watching that, but it is more about who will be included in those numbers. Which countries will be on this magical list? If a country is on the list, it will get to appeal but if it is not, it will not be able to.

I understand what the government has gone after in terms of refugee claimants coming from countries that most Canadians would say seem to be safe places and would ask why they are claiming refugee status. What we anecdotally know to be a refugee is somebody who is fleeing from some sort of persecution where his or her life or the lives of family members may be at risk or in such detriment that they cannot live there.

It is an incredibly important power that the government is giving the minister, not just the present minister but future ones. It is important for us to get this right. It is important for us to understand what criteria the government is seeking to use to designate a country on or off the list.

My point about within country status is critical. We know that within countries there are vastly different contexts under which people live. We must be sensitive to that. If that is going to be a part of this reform package then let us have it part of the debate.

We will seek to amend this legislation to make it better and clarify it for Canadians and for our partner countries. It is important that Canada sends a clear and concise message that we are a country that is open and we are a country that seeks to have a safe harbour for those who are persecuted abroad.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, it is clear that a number of stakeholders have expressed similar views about the definition of a country of safe origin.

In previous debate and discussion responses from the government, there appears to be some openness. I presume that the list of countries would be handled by regulation. The government also seems to have indicated that it would be prepared to refer the draft regulations to the committee prior to gazetting and promulgating any regulations. That would give the committee an opportunity to comment on them. There is precedent for this in the Reproductive Technologies Act where all regulations had to go before the health committee for comment prior to the government moving forward. I would think that would be something that the committee may want to suggest.

I wonder if the member would find that having committee input prior to the publication of a regulation would be an acceptable approach.

● (1030)

Mr. Nathan Cullen: Madam Speaker, my hon. colleague has raised an interesting point. The government has suggested that the committee would see these regulations before they come into effect.

We are looking for criteria here. We want to know what filter the government plans to use when deciding which countries will fit themselves in to being a safe or unsafe country.

The concern is this. The ability of a country to have its citizens apply for refugee status or immigration into another country oftentimes becomes a political football when two countries are not getting along. This could be used as a carrot and stick approach to countries. We saw this with the special designation from China in terms of allowing its citizens easier access to come to Canada as tourists. The impact on Canada's economy would be significant. China knows this. It is part of most deliberations around trade and sanctions and what happens in other areas.

We want to know that Canada's ability to accept refugees is not based on any of these other conversations but simply based on the merits of those refugees coming into Canada and applying for safe harbour. That is what it should be based on.

The regulations need to be sound on this. They cannot be of a give and take nature. We know about the recent dispute with Mexico. Mexico seems to be having a dispute with a few countries now about where its citizens can or cannot go.

This crosses over into a government's larger agenda about trade, about international relations and about what happens at one international table versus another. The list of safe countries is an interesting idea but it could become problematic if not done properly. It would give so much latitude to the government.

If the government seeks to pass all these regulations through committee before they go out the door, New Democrats will clearly be looking at that. This needs to be absolutely watertight, otherwise we could face further problems down the road and probably get accused of using the refugee and immigration system for other political advantages, which is, frankly, inappropriate.

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Madam Speaker, one of the things that my colleague is clearly looking for and that we are clearly looking for is equality and fairness. He has made that abundantly clear in his comments, and for that to happen, resources must be set aside for immigration.

As members know, since 2006, the backlog has continued to increase, mostly because many of the Liberal pals were fired or not rehired, and not replaced. So in essence, the government has actually created its own problem in terms of this backlog and now the urgency is there to make some changes.

I wonder if the member would like to comment about the resources that need to be put into the system.

Mr. Nathan Cullen: Madam Speaker, the problem with political appointments is that when the government switches, it tends not to want to reappoint those from its so-called enemies. In this case, when the Liberals were tossed from power, with the Gomery inquiry and all the rest that we all remember so fondly and that was brought up, surprisingly enough, by the government yesterday, the government that came in did not reappoint them, nor did it appoint its own cronies.

This is the problem with the government having a system, whereby it has an appointments process that is politically directed, where friends get to be put on boards, sometimes with great compensation for little work. There are hundreds of these and some of them actually matter, such as the IRB. So when the government did not replace these folks, the backlog came back again and now we have to have measures to deal with that.

Some have now since been replaced, but the fundamental thing is balancing the needs of speed, of getting folks through the system with some sense of fairness. Part of our concern is that with the speed, there are not the resources available, particularly with those who do not have a lot of money, such as a typical refugee, to be able to get though the process fairly and receive good treatment.

Mr. Mario Silva (Davenport, Lib.): Madam Speaker, history calls out to us across the years as parliamentarians to consider immigration and refugee policy with responsibility, fairness and compassion. We are a great nation which has much to be proud of, but our history in this area often fell short of our ideals and values as a people. That is why the bill before us today requires our close attention and responsible deliberation.

The bill we debate today, Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act, is such a bill. The very name indicates that the changes proposed are significant, as they reach from the administrative process of reviewing refugee applications to the court system itself.

I believe fundamentally that the measure of a country can often be reflected in the manner in which it deals with those who seek refuge on its shores. As parliamentarians we are reminded that there were times in our history when our approach to those seeking refuge was misguided and wrong.

As the current chair of the inquiry panel on the Canadian Parliamentarian Coalition to Combat Antisemitism, I am fully aware of this reality. Despite the terrible events that were taking place in Europe in the 1930s, Canada, along with many other nations, repeatedly refused Jewish refugees seeking sanctuary here. The reality of what happened to the refugee ship, the *SS St. Louis*, is a concrete example of the sad effects of such a policy. In 1939, with 907 Jewish refugees aboard, this ship was denied landing in Cuba, the United States and Canada, leaving those aboard no option other than to return to their terrible fate in Nazi Germany.

Likewise, the *Komagata Maru* incident demonstrated discriminatory views once held against Asians. In 1914, 354 Indian passengers were denied entry to Canada, and the ship on which they sailed, the *Komagata Maru*, was forced to return to India, and upon arrival, a number of the passengers were killed in clashes with police.

We also note the difficulties experienced by Sikhs looking to come to Canada. Despite being recognized as loyal citizens of the then British Empire, in 1907, Canada actually banned Sikh immigration to this country.

Perhaps the most well-known policy of discrimination in Canada dealt with Chinese immigrants. Those building our national railway brought thousands of Chinese people to Canada to construct this project, simply to reduce their labour costs. When the railway was finished, the government of the day passed the Chinese Immigration Act of 1885, which imposed a $50 head tax on Chinese immigrants. Remarkably, this law was replaced in 1923 with an outright ban on Chinese immigration, known as the Chinese Immigration Act. This law remained in the books until 1947.

There are, of course, more examples of these kinds of policies in the history of immigration laws in Canada. The point in presenting these examples is to emphasize the need to always ensure that changes to our immigration laws are not only designed to protect Canada's best interests but that they are also fair, just and impartial.

The bill before the House poses to streamline the application process by reducing the timelines for processing to eight days for a first meeting, and 60 days for the first level decision being made by a public servant. With the current processing time extending up to 18 months, clearly there is a need for change. However, is eight days a reasonable proposal? Can potential refugees be dealt with fairly in the eight day window, and can a sound decision be made within the proposed 60 day timeframe? Do these deadlines allow refugee claimants adequate time to seek legal counsel and prepare for their meetings with immigration officials?

Many stakeholder groups have expressed concern that these proposed timeframes are simply too tight for fair adjudication of refugee claims. I believe it is essential that these concerns in regard to the timelines be fully considered and addressed at the forthcoming committee hearings.

In terms of decision-making itself, we have only to look at some of the serious concerns that have been raised in the United Kingdom, where the system is similar to what is being proposed here. This is especially relevant in terms of a decision-making process that will allow a public servant considerable power to make decisions with regard to a refugee application. It is essential that such individuals be well-trained and prepared to make such important decisions.

● (1035)

A prima facie review of the bill's appeal provisions seems to provide a more efficient process for denied refugee claimants to appeal. However, there are also serious concerns. The bill would not allow for an appeal under humanitarian and compassionate grounds or a pre-removal risk assessment for a full year after a denial. Many applicants would likely be gone from Canada before this one year deadline arrived.

Similarly, the use of a safe country list that prohibits appeals from those who are deemed to have come to Canada from safe countries is troublesome. Such a list would appear to violate article 3 of the UN Convention relating to the Status of Refugees, which reads:

> The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Stakeholders have also expressed concerns about who would be responsible for the creation of a safe country list and also, of course, about possible political and diplomatic pressure that would be associated with such a list. By way of example, such a safe country list would clearly be problematic in relation to the issue of war resisters from the United States.

Most of us acknowledge the need for changes to our refugee determination process. The issue is not the need for change but the form this change will take. I am hopeful that the issues I have raised here today will be effectively addressed with further consideration of this bill.

Finally, we must remember that it is important to acknowledge that throughout our history refugees are among those who have contributed the most to our country's vitality and prosperity. This alone is a profound reason to ensure that the changes being considered are fair and just. In this context, I borrow from the words of former UN secretary-general Kofi Annan, when he stated:

> I urge you to celebrate the extraordinary courage and contributions of refugees past and present.

● (1040)

[*Translation*]

The Acting Speaker (Ms. Denise Savoie): Before we move on to questions and comments, I must tell the House that speeches are now to be 10 minutes long and there will be five minutes for questions and comments.

I would therefore ask members to both limit and shorten their questions and comments.

[*English*]

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Madam Speaker, the member for Davenport suggests that the proposal not to give access to the refugee appeal division for claimants coming from designated safe countries would violate our obligations under the UN Convention relating to the Status of Refugees. I would respectfully ask him to research that issue more closely.

In point of fact, virtually all of the western European asylum systems include a suspended appeal or an accelerated process for citizens who are coming from designated safe countries. Antonio Guterres, the United Nations High Commissioner for Refugees, has said:

> There are indeed safe countries of origin. There are indeed countries in which there is a presumption that refugee claims will probably be not as strong as in other countries.

The issue, and I will close with this, is that it would be a violation of the convention to deny access to the asylum system for people coming from particular countries. We do not propose to do that. We propose to not only conform to but exceed the obligation for access to the asylum system that we have under the charter of rights and the UN Convention relating to the Status of Refugees.

We simply propose to accelerate the system for the small number of claimants from countries that are democratic, safe, provide protection to vulnerable people, and which are the principal source of massively unfounded claims. I believe that this entirely conforms with the UN High Commissioner for Refugees and most of the western European asylum systems.

Mr. Mario Silva: Madam Speaker, on a side note, let me tell the House how envious we all were yesterday, especially all of us who love soccer, to see the minister next to the FIFA cup. Of course, all of us are going to be quite joyous watching the games, which begin on my birthday on June 11. I am looking forward to watching the games. All of the celebrations will be taking place in my riding of Davenport, so I invite all members to come to my riding during the summer months to watch the games.

We are talking about a very serious issue. I understand that the minister has raised some interesting issues and points. These are the things that we need to look at very seriously at committee. I think that fast is not necessarily synonymous with being fair. That is one issue. The issue of humanitarian and compassionate grounds is another issue that I think I raised.

Of course, the third issue I raised was addressed by the minister, which was the issue of safe countries of origin. In my opinion, there is a legal debate here. This is a serious issue. We could be in contravention of our obligations regarding international law. I think there is a serious issue to be looked at. I think that printing the list would also be quite problematic from a diplomatic perspective.

● (1045)

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, I would like to follow up on the issue of safe countries of origin.

I note that Australia has recently adopted a similar program and has just designated Afghanistan and Sri Lanka to be safe countries.

I know that the minister has spoken repeatedly about Hungary and its designating the Roma as not necessarily being victims of oppression. However, we all know that the Roma, during World War II, were specifically rounded up and gassed by the Nazi regime, along with Jews and communists, and they face systematic discrimination in Hungary, if not oppression.

I wonder if the hon. colleague would care to comment on whether those countries would be considered safe, in his view.

Mr. Mario Silva: Madam Speaker, I think the member raises a very valid question. With regard to the issue of safe country, I think in many ways we have to be very careful. The legislation says very clearly that it must be regardless of the country of the origin. I wonder if we are contravening that particular statement.

The member is absolutely right. There has been a series of decisions by the European Court of Human Rights against Hungary and against Czechoslovakia in dealing with the Roma populations there.

That is a very serious issue that needs to be looked. I think we need to go case by case. That is the way it has been done traditionally, and I agree with that system. The list of safe countries is very problematic and could be legally challenged.

[*Translation*]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Madam Speaker, it was in March that the federal government introduced the bill we are discussing today, Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act and called it part of its balanced refugee reform. The minister said that its objective is to preserve the system's integrity by reducing wait times for refugee claims to be processed and, he said, to give people the protection they need more quickly. The bill proposes spending an additional $540.7 million over five years.

The Bloc Québécois will support this bill so that it is referred to committee and an in-depth study can be undertaken of the refugee system, its flaws and the proposed amendments. The Bloc Québécois will work hard to see that all the necessary amendments are passed so that this reform is effective and so that claims are processed quickly and processed fairly, in the case of refugees. Many of the measures in this bill are interesting. And even though they are being proposed as part of the reform of Canada's asylum system, we believe that they are hiding other, more worrying proposals. In our opinion, the bill we are discussing today, Bill C-11, contains fundamental flaws.

What we noticed as we were going through this bill initially was the typically Conservative ideology that seeks to differentiate between genuine and false claimants. We are concerned about that because we believe that reforms based on that kind of discriminatory principle could be deeply prejudicial toward refugees. The bill also gives the minister significant latitude in designing the asylum-granting system. We also noticed that several of the measures announced as part of this reform do not appear in the bill. For example, the minister can designate countries of origin according to criteria set out in regulations published in the *Canada Gazette*, but the criteria used in creating the list of safe countries cannot be debated in the House. We believe that lacks transparency. The minister is really giving himself a lot of powers.

Several other measures also make us worry about the politicization of the system. First, the minister may designate, by order, a country whose classes of nationals, in the Minister's opinion, meet the criteria established by the regulations. Second, the minister can designate countries whose nationals are precluded from appealing decisions to the refugee appeal division. Third, the minister can prohibit nationals of certain countries from applying for protection. Fourth, the minister can grant an exemption from any obligations of the Immigration and Refugee Protection Act on humanitarian and compassionate grounds or on public policy grounds.

Once again, the minister really would be assuming a lot of powers.

The Bloc Québécois believes that an appeal process for refugee claimants should have been instituted when the Immigration and Refugee Protection Act came into force in June 2002. In fact, the Standing Committee on Citizenship and Immigration unanimously passed a Bloc Québécois motion requiring the federal government to set up a refugee appeal division immediately.

We also introduced Bill C-280 in 2006, which became BIll C-291 in 2009, with the aim of establishing a real refugee appeal division. Unfortunately, the House's two official parties, the Conservatives and the Liberals, joined forces to defeat that bill. Members on both sides either abstained or were absent.

● (1050)

Some members hid behind the curtains, so they would not have to vote.

The Bloc Québécois is delighted that the bill before us could finally establish a refugee appeal division and allow new measures to be added to the system, even though the refugee appeal division will not be up and running until two years after the new Immigration and Refugee Protection Act comes into force.

Also, unsuccessful claimants from countries that are deemed safe will have no right to appeal the initial decision rendered by public servants. We believe this measure is far too strict. It is unfair that claimants from a safe country whose first application is denied cannot appeal their cases before the refugee appeal division, and instead must take their cases to Federal Court.

Earlier I spoke about designated countries of origin. I spoke about designated countries and other countries. The United Kingdom uses a fast tracking process to examine refugee claims from designated countries. Canada, on the other hand, would assess all claims from all countries the same way. The only reason the process would be any faster is that unsuccessful claimants from countries that are deemed safe will have no right to appeal their case before the new refugee appeal division. We think this measure is discriminatory.

The principle of safe countries raises a number of other concerns. First, the fact that a refugee can be classified as a false claimant even before his or her case is analyzed can be extremely prejudicial. Even though the government assures us that all claims will be analyzed on their own merits, it cannot guarantee that no mistakes will be made in first-level decisions. For this reason in particular, the committee must look at this issue and consider how such a designation by the minister could affect refugee claimants.

The Bloc Québécois had made it known that it wanted all failed refugee claimants to have access to the refugee appeal division, regardless of their country of origin. Our critic on the committee is willing to look at any measures that would correct this flaw, such as including criteria for designating safe countries in the bill. As things now stand, these criteria would be established by regulation.

Canada's asylum system has always been based on reliable, solid resources that make for sound decisions. The proposal to submit all the necessary documents within eight days and hold hearings within 60 days after the claim is made could mean a change in this procedure and could have serious consequences for refugees. With such short deadlines, decision-makers could make decisions too quickly, and the quality of the decisions would suffer as a result.

Refugees have the right to find a lawyer and assemble all the documents they need for their testimony. This is a fundamental rule of justice.

I want to make one last point. The fact that IRB officials make the first-level decisions is problematic. These officials are probably long-standing employees, but it is essential that they demonstrate a certain level of independence.

Lastly, Bill C-11 must be studied in committee, because it has major flaws. That is why it will be sent to committee. I am sure that our critic on the committee will clearly state the Bloc's position.

● (1055)

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I agree with the member's speech entirely.

We are optimistic that the minister actually has the political smarts to make this bill a success, just from the attitude he has expressed, unlike some of the other ministers in this House.

Fundamentally, though, we do have a serious problem with this safe countries list. The problem is that Bill C-11 creates a refugee claims process that is fast but not necessarily fair. The introduction of the safe countries of origin means the minister has the power to create two classes of refugees, those with the right of appeal and those without the right of appeal.

The other day the minister offered to let us see the regulations before the bill passes. I think it is a positive sign. However, we could see those regulations but a future minister could then change those regulations and we could be back to where we started.

Does the member think that the minister's offer of showing the committee the regulations before the bill is passed is actually an open and progressive way of dealing with this particular issue?

[*Translation*]

Ms. Diane Bourgeois: Madam Speaker, I thank my colleague for his very insightful question. I have been listening to the speeches on this bill for some time now. I believe that everyone has good intentions. The opposition members all seem to be saying that they want to examine this bill as fairly as possible.

The minister also seems to have good intentions. Yesterday and earlier this week he was saying that he thought certain aspects could be improved. He has questions. He wants to know what the opposition thinks of all this. I am willing to give him the benefit of the doubt. Nonetheless, Conservative ideology frightens me.

Will he be able to rise above his government's mindset on safe countries and not so safe countries? I certainly hope so. The minister seems to be open and to have a sense of justice.

● (1100)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Madam Speaker, I want to thank the hon. member for her words. I would like to point out that the idea behind designating safe countries of origin is not to prevent asylum seekers from getting a hearing at the IRB, but is simply a way of fast-tracking claims for people from countries that are the main source of false claims and unsuccessful claims at the IRB. Safe countries are countries that respect human rights and provide protection to people. The same thing exists in France, the United Kingdom, Germany, Ireland and most western European countries.

What I am proposing is really nothing new and it is not radical. It is the same approach used by western European countries. I am open to changes in committee and I look forward to working with Bloc Québécois members on this.

The Acting Speaker (Ms. Denise Savoie): The member for Terrebonne—Blainville has just one minute to answer the question.

Ms. Diane Bourgeois: Madam Speaker, I greatly appreciate the minister's comments. The issue with this bill is the following: will all the parties in the House be able to work together in order to ensure that asylum seekers are treated with the utmost fairness and honesty?

I believe both sides have work to do. In fact, with this bill, the minister is appropriating a great deal of power. Would he be prepared to exchange some of these powers for other elements that would make the process more transparent? In that way, even members of the House who are not on the committee could work with Citizenship and Immigration in order to explain in full the measures. In addition, it would also allow them to properly counsel new arrivals in their riding who ask them for help in obtaining refugee status.

[*English*]

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, it gives me a great deal of pleasure to stand and speak about Bill C-11, which if approved, would make important changes to Canada's refugee determination system.

I think everybody agrees that there are problems with the current system and that the goal we all share is to have a system that, both fairly and quickly, determines who needs refugee protection. I also want to say that I do appreciate the minister's hard work and willingness to listen to all sides of this debate, and I want to commend him on that. It typifies his usual approach to making legislation in this country.

Having said that, I do think Bill C-11 has serious flaws that would put refugees, particularly the most vulnerable, at risk of being deported and subject to persecution. I want to highlight some of the key concerns I have with this bill.

The first is the designated countries of origin. This bill would empower the minister to designate countries whose nationals would not have access to a refugee appeal. Although the minister refers publicly to "safe countries of origin", neither the word “safe” nor any criteria are included in Bill C-11. I believe this is unfair and structurally unsound. It would treat claimants differently based on the country of origin, and that is discriminatory.

Refugee determination requires individual assessment of each case, not group judgments. Claimants who would be particularly hurt, for example, include women making gender-based claims and persons claiming on the basis of sexual orientation. In many countries that otherwise may seem peaceful and “safe”, there could be serious problems of persecution on these grounds.

Claimants from designated countries would face a bias against them even at the first level under such a scheme, since decision-makers would be aware of the government's judgment on the country at first instance. Moreover, claims from countries that generally seem not to be refugee-producing are among those that often most need appeal, due to difficult issues of fact and law, such as the availability of state protection.

Finally, denial of fair process to these claimants might lead to their forced return to persecution, once again in violation of human rights law and international covenants of which Canada is a signatory.

Other concerns about this designated country of origin concept is that having a list of safe countries of origin would politicize the refugee system. There is just no doubt about it. If any minister of the crown can make a list of countries that he or she feels are safe, that cannot help but interject a degree of politicization into a judicial process that cannot help but be flawed, unfair and wrong. In addition, there might be new diplomatic pressures from countries that might be unhappy about not being considered safe, and there could be ramifications internationally for Canada's reputation abroad as well.

As currently drafted, this amendment would give the minister a blank cheque to designate any country, part of country or group within a country without reference to the principles of refugee protection. Let me give just a couple of illustrations about this.

I mentioned earlier that Australia has adopted a system similar to this, and just recently it has listed Afghanistan and Sri Lanka as countries it claims are safe, which would bar certain privileges to refugees from those countries making claims.

We have also heard the minister, on repeated occasions, talk about the Roma in Hungary as not having legitimate claims because, in his opinion, Hungary is a safe country. We all know that gypsies and Roma were rounded up along with Jews and communists during World War II and sent to the gas chamber for one reason only, that they were Roma. Historic discrimination persists in central European countries against Roma to this day. Whether or not that amounts of oppression, there is no question about the fact that they experience systematic discrimination. My grandparents were born in Hungary, and I have a fair bit of knowledge about the Hungarian culture and the situation of Roma in that country.

We can tell in advance of this test even being adopted that there would be serious disagreements about what is or is not a safe country.

The eight-day interview and hearing after sixty days is problematic. The government proposes that claimants be interviewed by the Immigration and Refugee Board after eight days and that the hearing take place sixty days later.

● (1105)

This presents procedural and substantive unfairness. Eight days after arrival is often too soon for a formal interview. If the interview were used to take claimants' detailed statements about their claims, it might be unfair to the most vulnerable claimants, such as those traumatized by experiences of torture or women unaccustomed to speaking to authority figures.

I will give a real example. A woman came to Canada with little formal education, unable to speak English or French. At her refugee hearing she was confused by the questions and gave unsatisfactory answers, in the official's opinion. She was found not credible and her claim was denied.

After the hearing, the full story came out. This woman had been gang-raped for three days in police detention in the Democratic Republic of Congo. The experience left her quite understandably traumatized and terrified of people in authority. Her feelings of shame made her reluctant to discuss her experience of sexual violence.

She was able to talk freely about this experience only much later, after her lawyer spent many hours gaining her trust. She had also by then obtained some counselling and had the support of her community. She has now applied for humanitarian and compassionate consideration and is waiting for a decision. This is the kind of situation that can occur when we rush to judgment.

Some claimants are ready for a hearing after 60 days, of course, but others are not, including refugees who need to build that kind of trust and gather the evidence they require. Many refugees need more than 60 days to gather relevant documentation to support their claims, particularly when many are fleeing a newly-emerging pattern of persecution or have come from detention. It is also an inefficient method, because holding a hearing before a claimant is ready, on an arbitrary timeline, could lead to inaccurate and incomplete decisions and the consideration of cases that are not based on the full facts.

Another flawed part of this bill concerns the decision makers. First-instance decision makers under this proposed bill would be civil servants rather than cabinet appointees. Members of the refugee appeal division under this bill would be appointed by cabinet.

There is something positive to this. In the first instance, the proposal would avoid the current problematic political appointments, which are frequently tainted by partisan and political considerations and not made in a timely way. To that extent I think it is a positive.

Why this is wrong and unfair is that assigning refugee determination to civil servants is fundamentally problematic because they lack the necessary independence. Any kind of quasi-judicial process must, as a fundamental question of natural law, include decision makers who are untainted by any political considerations and are truly independent.

Limiting appointments to civil servants would also exclude some of the most highly qualified potential decision makers from a diverse range of backgrounds, such as academia, human rights and social services. This would affect the quality of decision making.

The question of appointments to the RAD remains unresolved. Under this bill, they still would be political appointees, and the problems with that are self-evident.

I want to chat about the appeal and pre-removal risk assessment as well. The refugee appeal division would finally be implemented, and I want to congratulate the minister for that. That is a positive step. Thanks to his persistent work on this, that would help our system. There are some positives because an appeal on the merits is necessary to correct the inevitable errors at the first instance.

The PRRA is inefficient and ineffective at the moment. It makes better sense to look at new evidence at the RAD. In some sense it is inefficient also because the bill leaves in place the highly inefficient PRRA process, which routinely takes months or years for a decision, the average in 2006 being 202 days.

What we all need to do in the House is focus on the essence of refugees and a proper system. Wherever they are in the world, refugees have the same needs. They need protection and a durable solution. Canada has specific legal obligations toward refugees who are in Canada, so it is wrong to suggest that trading off refugees here in favour of refugees abroad is any kind of real answer.

We have a moral responsibility toward refugees elsewhere in the world and here in Canada. We could and should do more to resettle refugees, including addressing the huge delays and low quality of decision making at some visa offices.

● (1110)

I look forward to considering the bill at committee. The minister has expressed that he is open to amendments. I think we can improve the bill and make the kind of refugee system which will serve Canada and refugees from around the world well.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Madam Speaker, the member for Vancouver Kingsway works very hard on behalf of his constituents, most of whom are immigrants to Canada and some of whom are refugees.

I have a couple of points. First, I need to give the member a statistical basis for his comments on refugee claimants from Hungary. It has become our number one source country for asylum claims. Ninety-seven per cent, that is nearly 100%, of the refugee claimants from Hungary completely of their own volition go on to abandon or withdraw their claims after they are filed saying by their own admission that they actually do not need Canada's protection.

There is an ongoing criminal investigation in the Hamilton area into allegations of human trafficking. The allegations are that many of these people were coached to come to Canada, make a false asylum claim and then register for provincial welfare benefits which subsequently flowed to a criminal organization. The asylum system was being abused as a tool to access welfare. That is not my view. That is the view of the police who have laid charges in a serious criminal investigation.

Of the 3% of claims that went on to adjudication at the IRB, three, not 3%, but three of the 2,500 asylum claims from Hungary were accepted as being in need of protection. That is an acceptance rate of nearly 0%.

To say that those people would still have access to the asylum system but at a slightly accelerated process I think is entirely reasonable.

Mr. Don Davies: Madam Speaker, I thank the minister for that point of view.

I am going to put on the record what the Canadian Council for Refugees said. It said that the minister has repeatedly referred to 97% of Hungarian claims being withdrawn or abandoned in 2009, but it said that figure is misleading as most Hungarian claimants were still waiting for a hearing at the end of 2009, 2,422 compared to only 259 who withdrew or abandoned their claim. The council also pointed out that nothing would change for these claimants under refugee reform, nothing.

The council says that currently most claimants who withdraw leave soon after. If they do not, they wait to be called for a PRRA and then wait perhaps six months or more for a decision. The same would happen under Bill C-11.

Much more sensible in the council's view would be to provide an opportunity for reopening at the IRB and if the claimant shows there are good reasons for reinstating the claim, let it go forward before the IRB. If not, the claimant is ready for removal.

This highlights the main problem. The government repeatedly wants to make policy based on extreme examples. It does that all the time. If one pardon comes out for one person, the government changes the pardon system. In the refugee system if there are some bogus claims or false claims from one country, the government will designate that the claims of everybody from that country are suspect at least in terms of the refugee appeal division.

That is not sound policy.

● (1115)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, the member knows that the NDP position on this issue is to assess each case on individual merit and invest in high quality initial decisions to get it right the first time, keep it non-political, have an independent body make all the decisions, keep things simple, avoid unnecessary rules and put the necessary resources in place to avoid backlogs.

One of the issues we are certainly concerned about is unscrupulous immigration consultants. We have seen this problem for many years. Even the minister agrees. We also agree that the appointments to the board should be independent appointments.

Would the member like to comment on that whole concept of some of the concerns that we have with the bill?

Mr. Don Davies: Madam Speaker, I agree that we must assess each case on its individual merits. We have to invest in high quality initial decisions to get it right the first time. We must have a refugee process that is non-political, where we have an independent body that makes the decisions. We have to keep things simple and avoid unnecessary rules. We must put the necessary resources in place to avoid backlogs.

We have to remember that human lives are at stake. We must adhere to human rights standards. Part of that is to crack down on unscrupulous immigration consultants. We should ban them from the Immigration and Refugee Board hearing room and make sure that all refugee claimants are provided with legal aid or access to proper representation before any tribunal that they face.

Those are the core foundations of a good refugee system.

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Madam Speaker, I am pleased to speak to Bill C-11 on immigration.

The Bloc Québécois sees problems with the refugee appeal division. It has always insisted on a mechanism to review refugee decisions.

At first glance, this bill unfortunately leads us to believe that it is based on the typical Conservative ideology whereby we have the good on one side and the bad on the other. This raises concerns about things working properly in future, especially since the bill contains a number of elements governed by regulation. To govern by regulation means that the minister of the moment—not necessarily the current minister—could want to influence decisions.

This bill makes it look like we are attacking the problem of false refugee claimants. This reform is based on a discriminatory principle and one that is fundamentally detrimental for refugees.

I would like to remind the House that people have a right to refugee status. It is a fundamental international right based on the solidarity among peoples and countries. Refugee status is not something to be considered with a certain amount of paternalism. Because our country is richer, it can start distinguishing the genuine claimants from the false ones? That is rather frightening.

Countries often benefit from the refugees they take in. For example, the refugees in France, England, Spain and Italy have made tremendous intellectual contributions and helped these countries broaden their horizons. There have been some major waves of immigration. Refugees left Russia to go to France and England. They made an enormous contribution to their chosen lands. Refugees are often very talented people. We are not talking here about minor immigration. Refugees are people who had to leave their countries because their lives had become untenable.

There were some Chileans who had to leave their country. Would we have considered Chile a good country or a bad one when some people had to leave because of the dictatorial regime that took over? Even some members of the Chilean parliament had to leave and seek refuge in Quebec. We had an extraordinary colony of engineers, writers and musicians, who were all refugees.

Would a bill like this one, but with regulations, have been able to distinguish between false claimants—because there were some—and genuine ones? Can a piece of legislation draw this distinction? I do not think so.

The committee should work very hard on this issue. We should not exclude people who come from countries like Chile. When the dictatorial regime overthrew Allende, I think we would have concluded that Chile respected human rights—not at the very time of the coup but a few months later—and that people there were treated fairly.

● (1120)

In fact, though, people were harassed in the exercise of their duties. They were harassed psychologically because they did not support the new ideology. As I said earlier, some of these people were very talented members of the previous government, while others actually supported Pinochet but were taking advantage of the situation to move to a country where life was especially good.

I provide this example because even though I know the minister is well intended, he will not always be there. There will be other ministers. How will they be able to decide which of the immigrants from a particular country are the good ones and which are the bad? That will be a major problem if we try to distinguish the good immigrants from the bad ones solely on the basis of their country of origin.

I would like to raise another problem, the borders. This bill gives the Canada Border Services Agency 100 additional officers who would conduct investigations, issue arrest warrants and detain unsuccessful claimants. Naturally, we are not opposed to the idea of increasing the number of officers. However, I find it strange that we are not trying to reassign the members of the RCMP who held these border positions. At every border post, the RCMP used to mafia refugees from crossing into our country. Yes, there are mafia refugees, and where I come from, it is a significant problem.

When the Conservative Party was in opposition, it was in favour of maintaining that force. When it came to power, we thought it wanted to restore it, since it was always against removing it. But no, it has never put it back. Since 2006, this has been a taboo subject that it does not want to talk about.

I think we have to divide these new positions up between border services officers and the RCMP. For the bill as a whole, we are in fact talking about $540 million. It seems to me they could have thought about that, since this is part of the immigration we do not want. We do not want the mafia here. We do not want people who belong to the cartels passing themselves off as refugees. We are in complete agreement, we do not want those people.

Why not hire , as was the case before, RCMP constables, who are well-armed, well-informed and well aware of the situation? I am not saying that the border officers do not do a good job, but to each their own job. One group is prepared to deal with false refugee claimants who belong to organized crime groups, and the other group looks after refugees who also may not be welcome for other reasons, but who are not part of the mafia and who are not known cartel members.

Those two issues in particular should be examined in committee. They are important points because we have to be able to tell the difference. Once again, it benefits our country to grant refugee protection to people who need it. We have to reduce waiting times, we completely agree. In my riding, there are people who have suffered unspeakable things. They waited 19 or 20 or 22 months before getting answers. We have to cut that time, I agree completely. But if they had not waited so long to introduce this bill, the problem might not be so serious.

It is nonetheless a bill that we really want to examine in committee, because its principle is worth considering.

● (1125)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Madam Speaker, I thank the member for his comments. First, I would like to make it clear that we are proposing the same approach used in western Europe for the designation of safe countries.

Is the member suggesting that France, Finland, Germany, Ireland, the Netherlands, Norway, Sweden and the United Kingdom have an unfair, inequitable system?

That is ridiculous. We are simply proposing a tool to respond to the waves of unsuccessful claims from democratic countries that offer protection to vulnerable people.

He brought up the case of Chile. Obviously, under Pinochet, Chile would never have been on such a list because it did not meet the criteria at the time. In 2000, there was a wave of unsuccessful refugee claims from Chile, when the country was run by a social democratic government considered to be the most stable and democratic in South America. Nearly 100% of these claims were rejected. What did Canada do in response to this? It imposed visa requirements.

The current problem is that we only have one tool, which is to require visas. We need another tool to fast-track files from some countries where large numbers of these unfounded claims originate.

In conclusion, additional resources of about $240 million will help the Canada Border Services Agency do its job at the border with the United States, among other things.

● (1130)

Mr. Christian Ouellet: Madam Speaker, I agree with the minister that visas are not a solution. It is true that the same law exists in Europe, but we do not enforce it in the same way. This is a fundamental difference.

Canada's parliamentary system is British. The minister, who is elected—we do not know for how long—makes the laws and instructs civil servants to enforce them.

However, in Europe, and particularly in France, the deputy minister remains, providing continuity, and he is the one who creates the regulations. Governments change, but the deputy ministers stay the same. That is a common saying in France. Regulations are not changed based on a minister's ideology.

It is fundamentally different. Even though the law seems to be identical, it is enforced is a completely different manner.

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, Bill C-11 would do very little to deal with the problem of unscrupulous immigration consultants. In fact, former Immigration and Refugee Board chair, Peter Showler, believes the expedited timelines could actually drive more refugees to consultants, so that defeats the purpose. If we are trying to put some rules and regulations on these immigration consultants, this bill may assist them in gaining more business.

Does the member have any ideas on how we could improve the rules on immigration consultants?

[*Translation*]

Mr. Christian Ouellet: Madam Speaker, my colleague is asking a question pertaining to a subject that I know very little about, that is, consultants on the periphery of government. I will therefore not respond, but I would like the committee to hear his question because I believe that it needs to be answered.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Madam Speaker, I am pleased to have the opportunity to rise in the House today to speak to Bill C-11.

I will focus my comments on the system overall. For many Canadians, and certainly internationally, Canada has a reputation as being a place that is welcoming and open not only to immigrants but to refugees. The NDP believes the cornerstone of any refugee determination system is that the process has to be fast and fair.

In some ways the proof of the system is in the individual cases. While we cannot go into individual cases here, as MPs, we are very familiar with the process as it relates to individuals cases in our constituency offices. I know, over my 13 years in this place, sometimes there is a sense of heartbreak of what people go through in terms of the refugee system, the appeal process, the wait times and the amount of stress and anxiety.

It is really important that we devise a system that is fair to people, a system that is not open to abuse but is fair and fast. This is a primary consideration. As one my colleagues said earlier, we want to ensure that each case is dealt with on its merits. It is very easy to make generalizations.

The NDP has always advocated for a fair and fast refugee determination process. We believe part of that program should be that all appointments to the IRB should be done by an independent appointment commissioner, with very clear criteria for expertise in refugee and immigration matters. It should be a merit-based appointment.

I know that one of our former colleagues, Ed Broadbent, laid out a very clear process for doing this. Unfortunately, it was not adopted by the government. We got to the point where we were so fed up with these kinds of political appointments on very important boards such as the IRB. It is very important to have criteria and to have a merit-based appointment.

I also agree, as my other colleagues have said today, it is important that we ensure the system does not allow unscrupulous immigration consultants to, in effect, exploit people's hardship, anxiety and stress. Ensuring the system works in a way that there is proper legal aid representation for claimants is very important. Unfortunately we do not see measures to that effect.

We also believe it is very important there be an emphasis on clearing the backlog that has accumulated by hiring refugee protection officers to focus on this. I think every government I have ever heard since I have been here has claimed that it wants to address this issue, but it never gets addressed. This is very important to us.

We also think it is very important to set up the refugee appeal division so consistent decisions can be made based on law and fact. We know Parliament has mandated such an appeal division. Since 2001, it has been ignored. There are some provisions in the bill today that would allow this to go forward, but we have concerns about it as well.

To us, the right to appeal is an essential and fundamental element of a fair process. This must be fully contained within the bill and the implementation.

While we agree there are some merits to the bill, such as it seeks to speed things up and it provides more funding, it appears that much of the increased funding would go to the Canada Border Services Agency to remove failed claimants and to the justice department to appoint more federal court judges.

It is also important to note that the required funding needs to be given to hire permanent refugee protection officers to clear the backlog, as I mentioned earlier. Where that money goes in the system and whether it is actually to deal with the individual cases and to help people deal with the processing is very important.

We also have very serious concerns about the bill, and I think this has been articulated very well in the House during the debate on the bill by various parties. The bill would create a refugee claims process that includes the safe countries of origin. Our understanding is that would give the minister the power to create two classes of refugees, those with the right to appeal and those without.

● (1135)

I deal with quite a few organizations in my community that are very knowledgeable. They are advocacy organizations and they have looked over the bill and commented on it. The Rainbow Refugee Committee in Vancouver has done incredible work on helping claimants who are fleeing persecution based on sexual orientation or gender identity and it has very serious concerns. I will quote from its letter to the minister. It states:

> —based on a decade of on-the-ground experience with refugees who are making SOGI-based claims, we are deeply concerned about other aspects of the proposed legislation. Our members have fled countries where they have been under surveillance, arrested, imprisoned, extorted, and for some, tortured, because of their sexuality or gender identity. Many have been physically and/or sexually assaulted, often by police or other officials charged with maintaining religious or morality laws. Survival has required keeping silent, being vigilant and remaining hidden.

The organization goes on to state:

> Asking those people who have left these kinds of conditions to tell their story to an anonymous government official within eight days, and then rendering a decision within 60 days undermines their chance for a fair decision. People who have lived a stigmatized identity and who have experienced trauma, need time and trust before they can speak about their experiences.

That is one example of some of the concerns about the process now contained in the bill to be implemented, if it is approved. These organizations are very familiar with the history of refugee claims and deal with individual cases and act as advocates. They need to be listened to very closely.

We also know that Amnesty International, speaking on this same question of the safe countries of origin, has pointed out that:

> —over the course of nearly fifty years of human rights research around the world we have consistently highlighted it is not possible to definitively categorize countries as safe or unsafe when it comes to human rights. We are also very concerned that decisions about which countries to include on any such "safe country of origin" list will almost inevitably be influenced by considerations other than human rights, including trading relationships and security cooperation with other governments.

I believe this is a very serious question and any bill that confers discretion and power on the minister, especially something as fundamental as a refugee system, and gives the minister the power to say that one country is a country of safe origin and that this one is not could potentially be very problematic. I know there is a lot of concern in the community about the centralization of power to the minister and we want to ensure it is addressed when the bill goes to committee.

The New Democrats believe the refugee determination process should be both fast and fair. There is still debate about whether the bill meets that criteria. We certainly support the intention to streamline and speed up the process, but there are provisions in the bill that would still prevent all refugee claimants from being treated fairly and equally.

In committee we will look to amending this flawed bill to ensure that all refugee claimants receive fair and equal treatment by eliminating the safe countries of origin clause. We hope the government, as it has said, will work in good faith with opposition parties and include some of the groups I have mentioned.

There are certainly others. The Canadian Council for Refugees would be a major one. These people are experts. They know the system. They know what it is like on the ground. They know about helping people with no vested interest. They do not make money out of this. They are not the consultants who can sometimes be very unscrupulous.

● (1140)

It will be very important when the bill goes to committee that we hear from some of these key witnesses. If the bill is about producing a better system, then the proof of that will be in listening to those key organizations and ensuring their concerns are addressed. We are prepared to do that. We are prepared to have this bill go to committee. We are prepared to have that serious discussion at committee and get right into it in a detailed way. That is what the legislative process should be about. At the end of the day, we must ensure that this idea that Canada has a good reputation is actually reflected in the legislation before us.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Madam Speaker, I would like to reiterate my intention that the government will work constructively at committee with opposition parties to accept reasonable amendments, among which would be a delineation of the criteria for the process of designating countries of origin. The intention is not to give power to the minister.

There is always this problem. I know that when I was in opposition, I always complained about any kind of regulatory power going to a minister in a bill. Ultimately, in our system of parliamentary accountability, the minister technically has to have the authority to be accountable to Parliament. It is not the kind of thing we could give to public servants.

Having said that, our intention is to have a panel of senior public servants consulting with the United Nations High Commissioner for Refugees as well as consulting with reports from credible NGOs on the human rights situation in various countries. Most importantly, we would look at the empirical data coming from the IRB on the acceptance rate of claims. The intention is to ensure that this complies with the spirit and letter of the charter of rights and our international legal obligations.

On the question of sexual orientation claims, I share the member's concern. Let me be clear. There is nothing in this bill that would constrict or reduce access to our asylum system for claims made on the grounds of persecution for reasons of sexual orientation. To the contrary, this actually adds procedural protection for the vast majority of claimants who will now have access to a refugee appeal division.

I have raised the issue of sexual orientation claims with the IRB and—

● (1145)

The Acting Speaker (Ms. Denise Savoie): Order. The hon. member for Vancouver East.

Ms. Libby Davies: Madam Speaker, I am certainly pleased to hear the minister's comments. I think we must look at the legislation. That is why we go clause by clause. Sometimes we must ensure that the intention is absolutely reflected in the legislation in a very precise way. Sometimes, as they say, the devil is in the details.

The minister has stated his intention. What is most important is that we approach this bill with a sense of good faith, that we are trying to improve the system for refugee claimants. Obviously, we must ensure that abuses are minimized, but I always find that there is so much attention paid to the abuses that we do not actually create a system that is focused on the vast majority of legitimate claimants and helping those people.

I take the minister at his word. We will obviously go through that legislation very carefully. We want to arrive at an excellent bill. This is so long overdue, so we need to arrive at a bill that is really protecting people, and one that is fair, fast and can restore Canada's reputation as a place that is welcoming to refugees.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Madam Speaker, I want to talk further about this whole issue of immigration consultants. I have not heard much about the government plans to do about them.

I think there is a registration system in place in Manitoba for immigration consultants. In some cases, we have people who are operating out of travel agencies. They make money on the airfare and then they charge a person $5,000 to fill out paperwork. The minister has heard stories like this. It is paperwork that could be filled out by anybody for free and, in fact, should be.

One of the ideas mentioned by our critic was that immigration consultants should perhaps be banned from the Immigration and Refugee Board's hearing room. That is one example of something that could be done. I am curious as to what the government's plan is to deal with this whole area.

Ms. Libby Davies: Madam Speaker, I was at a travelling constituency office of mine just last Saturday and was horrified by some of the cases I heard where people had spent thousands and thousands of dollars on these so-called consultants and really got completely misrepresented. They did not receive the help they needed. They ended up at our office. I always say, “Go to your MP. Get your MP to get involved and intervene”.

I do think it is a very serious question and something that our member for Trinity—Spadina, the critic for the bill, has identified. We will definitely be pursuing this because we want to ensure that people are not exploited.

[*Translation*]

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Madam Speaker, I rise today to speak to the Conservative government bill that will have a major impact on the refugee determination mechanism. Bill C-11 amends the Immigration and Refugee Protection Act and the Federal Courts Act.

This issue is close to my heart, because as part of my main responsibilities in the House, I have criticized the immigration ministers one by one for the injustices that asylum seekers and refugee claimants from other countries suffer in Canada. Still today, many people come to our offices and ask us to help them. There is a great deal to be done, and this is a long-awaited reform of the refugee determination system. The current act provides for the appeal division, and we have repeatedly introduced legislation in the House to force Citizenship and Immigration Canada and the IRB to implement the refugee appeal division.

The bill introduced by the government does make some improvements. But some provisions of the bill raise questions about whether the government will achieve the goal of the reform, which is to put in place an improved refugee determination system and to deal with the case backlog.

We also wonder whether the government will put the required resources in the right place to avoid backlogs. It did not do so in the past, so why would it do so now? The refugee determination system has been extensively studied for years. Six years ago, in 2004, the Bloc Québécois condemned the lack of decision-makers and the fact that the government was slow to fill IRB vacancies. Despite the will of this Parliament, as expressed in the 2001 legislation, neither the Liberal nor the Conservative government has fully implemented the Immigration and Refugee Protection Act. What is more, many organizations are leery of the government's intentions, because they have been fooled before and they do not want to fall for the same thing again. I hope the government is not trying to fool its partners by including provisions on the refugee appeal division in the bill. We expect the division to be put in place as soon as possible.

The minister does not need this new bill to implement the refugee appeal division. The Immigration and Refugee Protection Act already makes provision for it. Why should we believe the Minister of Citizenship, Immigration and Multiculturalism when all the ministers who have come before him have used the most vulnerable people, those who are looking for protection from Canada, to justify their inaction?

I can think of many examples of vulnerable people who have suffered because they were forced to abide by decisions that made no sense. As a member of the Standing Committee on Public Accounts, I am responsible for, among other things, studying reports from the Auditor General of Canada, Sheila Fraser. She has been very critical of senior IRB officials and what they have been up to over the past nine years. Never in the history of the IRB have there been such long waiting lists. The backlog is unbelievable.

The Auditor General of Canada has warned the government about the repercussions of this ballooning backlog several times. Nothing has been done about it yet. Despite warnings and opinions from experts in the field of determining refugee status, the government has hamstrung the IRB in order to justify bringing in reforms with major shortcomings and ineffective measures.

Who let the backlog swell from 20,000 cases to over 60,000? Who delayed the appointment of IRB members and kept staffing levels extremely low with a shortage of, on average, 50 board members? I am sure everyone will agree that letting things get this bad is unacceptable.

The government wants claimants to have their interview within a week and their hearing within 60 days. The current system is paralyzed. It has reached the point where it can no longer function because the lawyers who represent clients before the IRB have no way of knowing when they will get a hearing. This proposal would add pressure to the system and would be very difficult to carry out. Interviews typically last four or five hours. Is a week enough time to collect all of the information needed for the hearing?

Currently, the information collected is often incomplete and not always useful to the decision-making process. It is not easy to make speedy decisions about who deserves protection as a refugee. That is why we need a mechanism to evaluate claims based on merit.

● (1150)

We must continue to invest in the quality of the initial decisions.

If a hearing is held when the applicant is not ready or the evidence not available, more bad decisions will be made and they will have to be overturned on appeal. It is better to take the time needed to make the right decision the first time.

Once again, the government is rushing through a bill without widely consulting the main players in the field. I maintain that a bill like this deserves thorough study, given the immediate repercussions on the way the refugee system operates.

We have been waiting for implementation of the refugee appeal division since 2001. Access to an appeal on the merits of a decision is needed in order to correct mistakes that inevitably occur at the first level.

In 2004, the Standing Committee on Citizenship and Immigration unanimously adopted a Bloc Québécois motion requiring the federal government to immediately establish the appeal division. On a number of occasions, bills have been debated in Parliament to force the implementation of the refugee appeal division. However, we have reservations about excluding applicants from countries that have been designated as safe by the minister.

In the government's view, its proposals would reduce waiting times, which would benefit the people who really need Canada's protection. The government is publicly arguing that many people fraudulently attempt to enter or remain in Canada by various means. Also, according to this same government, these procedures are costly for taxpayers.

I challenge anyone in Parliament to confirm that the government's proposed model will be less costly and to submit studies to that effect. Which measure will deal with costs in Bill C-11? I have found nothing in the bill dealing with cost.

As for eliminating fraudulent claims, does the bill have effective measures to reduce their number? It has none. There is no provision to prevent these types of claims being received and recorded.

Inevitably, in its reform, the federal government is attempting to implement measures that have been hurriedly thrown together. I appreciate the minister's comments and I hope that we will be able to present an excellent bill.

They are speaking publicly about the concept of safe countries of origin. It is worrisome that the bill does not specify anywhere what is meant by the word “safe”. It is up to the minister to designate the safe countries of origin. Each refugee claim must be examined individually. How can the minister meet that requirement if he agrees to include measures for the processing of claims that discriminate based on their country of origin?

Refugee claimants from countries that are deemed safe face the risk that the government will decide that their claim is unlikely to be justified, since the country they come from has been deemed safe.

Nothing changes for claimants from countries that are deemed safe. They will have no right to appeal their case before the refugee appeal division and will be forced to take their cases before the Federal Court, as they must do now. No new evidence can be presented to support a reversal of the first level decision.

I invite all parliamentarians to have another look at the testimony given by senior officials from the Department of Justice regarding the staffing and performance of the Federal Court. They appeared before the Standing Committee on Citizenship and Immigration and said there were no problems in that regard, as long as no new evidence, apart from procedural errors, can be presented.

I am deeply concerned about the basic principles of this reform. I am convinced that the proposed measures will not produce the desired results and that they will only lead to new problems in the end, unless the members of the House agree to a number of amendments.

Refugee claims must be processed in a timely manner. However, this must not be done to the detriment of the most vulnerable claimants. The challenge ahead is formidable: a decision must be made as soon as possible regarding the refugee determination process.

● (1155)

[*English*]

Mr. Don Davies (Vancouver Kingsway, NDP): Madam Speaker, I want to congratulate the member on her fine speech and ask her to focus on the humanitarian and compassionate considerations raised by this bill.

This bill, as I understand it, would bar refugee claimants from applying for humanitarian and compassionate grounds while their claim is in process and for 12 months afterwards. Applicants claiming humanitarian and compassionate grounds would also be barred from raising factors related to risks feared in the country of origin. Some people view this as unfair because the agency application is necessary as a recourse to consider human rights issues, including the best interests of a child, and potential risk to a person.

Closing off this recourse would provide a bar on raising risk factors that will be difficult to apply and, of course, prohibiting consideration of risk factors will force some agency applicants to make a refugee claim, thereby clogging the system unnecessarily.

I wonder if my hon. colleague would care to comment on the humanitarian and compassionate considerations raised by this bill.

[*Translation*]

Ms. Meili Faille: Madam Speaker, I understand what my colleague is saying.

Both the current procedures for considering humanitarian grounds and the pre-removal risk assessment are very inadequate mechanisms. It takes nearly 200 days for this type of decision to be made, and only approximately 2% of cases are accepted. The system puts the emphasis on refusal and excludes many motives that the general public, were we to ask them, would consider valid.

That is my point. Work needs to be done so that decisions can be made as quickly as possible and so that we can avoid going down that path.

It is my understanding that the minister is open to amendments. I hope that this type of amendment will be proposed so that we can make this bill an excellent one.

● (1200)

[*English*]

Mr. Don Davies: Madam Speaker, factors that we would like to see in a good refugee-based system include accepting the premise that refugee determination is difficult. As it is rarely obvious who is a refugee, it is important to assess each case on its individual merits, invest in high quality initial decisions, keep it non-political, have independent bodies involved in the process, put the necessary resources in place to avoid backlogs, and always, above all, remember that human lives are at stake and that Canada's international reputation and obligation to the world community are engaged as well.

I would like to know my hon. colleague's opinion of how well this bill meets those tests and whether or not she thinks that this bill can be improved and put in a form that would meet all of those different factors.

[*Translation*]

Ms. Meili Faille: Madam Speaker, I think that the current bill could—if parliamentarians so desire—include worthwhile amendments that would address its shortcomings.

Again, I want to emphasize the initial decisions. If we ensure that the board members are adequately trained, have access to accurate information and have the right skills for the job, we will improve the quality of the decisions.

However, there is an element in this bill that still bothers me, and that is using civil servants to accomplish certain tasks. Not that I feel they are incompetent, but in parliaments such as England and elsewhere, statistics have proven that this type of amendment is ineffective.

I think that we need to study the system thoroughly and trust our partners, the people who work in this field, to propose the most effective and desirable reform.

Mr. Daniel Paillé (Hochelaga, BQ): Mr. Speaker, it may be surprising for a finance critic to take an interest in this kind of issue. My interest is very personal, and I have real-life experience. It is not at all because Elizabeth Thompson published a list this morning in the *Toronto Sun* of the 20 parliamentarians who spoke the most since the first session and to my great astonishment I am on the list. It is in fact because this reform calls for careful thought. We can talk about details, procedures, very technical bills, tax policy, taxes, and so on, but we can also discuss this kind of issue, which has an impact on people's lives and on how a nation and a people are built.

When someone leaves their country to seek refugee protection in another country, it is because things have been bad for several years or it is difficult for them to leave their country. Leaving your country of birth, your neighbours, your friends and your family and going out by the back door is obviously enormously stressful. You do not bring three steamer trunks with you, with all your documents. Some people make it out with just their skin, and barely that.

So you arrive in a new country where you again experience stress. You are facing two fairly bizarre situations. Waiting for papers takes a lot of time, and so does the decision-making process of the Canadian authorities. The bureaucratic process is too slow and too complex. I could tell you how I experienced it personally.

Refugees are in a state of shock when they arrive in Canada. They have no papers and they do not know the person they are dealing with. And we should not take advantage of this situation. We tell them they have to find a lawyer for their appearance, which will take place in eight days. And to them, eight days is like tomorrow morning.

The bill contains a kind of contradiction. On the one hand, we can see some openness in it. Let us tell the minister, since he is doing us the honour of being with us. That is very brave of him. As a parliamentarian, I think it is quite remarkable for the minister responsible to be present when a bill is being debated in the morning.

So I was saying that this bill expresses the intention of going faster and finally bringing the Refugee Appeal Division on line. But on the other hand, we seem to be rushing things.

I have had the opportunity to work in policy, both as a public servant and in the private sector. You say that, from now on, it will happen in eight days. As my colleague was saying, the preliminary inquiry, if we can call it that, will last four hours. Then, 60 days later, there will be another appearance. That puts enormous pressure on the public service, and that is unfortunate. I have been a minister elsewhere, and I can say that we dream of a public service that follows us. But the minister knows very well that a department's most temporary employee is its minister. Sometimes, the public service will wait for someone else to take the minister's place and will hope they will be less demanding when it comes to deadlines.

That will happen to my colleague one day, I am sure of it. Sometimes, you leave one department and go to another according to the wishes of the Prime Minister.

● (1205)

We need to pay attention to this dichotomy: yes, we want to speed things up, but it has to be done right. Sometimes refugees wait too long in a receiving country for their status to be determined. It can take two, three or even more years before they are told by public servants that, upon review of their cases, it has been decided they do not qualify as refugees. These people would rather have known much earlier because they have established friendships and relations in their new country. They may have jobs, possibly short-term ones. In any case, these waiting periods are very long.

As I said, the principle behind this is good. That is why we would have liked to amend the bill in committee between first and second readings. That was refused, but we will do it after second reading. To this extent, the government has the Bloc's support.

In regard to the delays, I would like to share an experience of my own. Nearly 30 years ago, I had to go to South America—it was not at all to a refugee-producing country, the system was entirely different then—to pick up a child who was six months old at the time. I went simply to get my son and take him out of the country.

I have no idea how this country would be classified on the current minister's list. In the early 1980s, Peru had just emerged from a very tough military regime and was in a democratic period. Things have changed a little since those days. There was a threat called the Shining Path. How would this country have been classified on the minister's list? Sometimes things change.

At the time, I was not interested in all that. I was interested in adopting a child. I arrived with the child at the airport in Toronto. We were in a time of peace and the international adoption had been duly authorized by the authorities in Quebec and Peru. I had the documents. My son had his Peruvian passport because he was, and still is, a Peruvian national, but his visa was winding its way between Ottawa and Santiago in Chile, which was the transportation hub for South America. When I left the airport in Lima to return to Canada, I did so illegally. We had been waiting for six weeks and had finally been told we could leave. I had my passport, and when I arrived at the airport in Toronto, the customs officer said I could enter but my son could not because I did not have his visa, which was on another plane that arrived in Toronto two days later. I took the baby, laid him on the officer's table, and said he could take care of the baby and should be sure to remember to change his diaper. I obviously got the child in the end, but it took three years. Three years of procedures were needed for a Canadian to arrange with his government to normalize his own son's status.

This goes to show how sluggish the administration of these things can be. Yes, the bill is supposed to grease the wheels of the public service. Yes, it improves the way things are done, especially appeals. But six days, eight days or 60 days are all the same if documents are lacking. In my case, I had all the documents needed, in Spanish, French and English.

In conclusion, I would like to ask the government to reconsider this bill and take advantage of our open-mindedness in order to improve it.

● (1210)

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, I want to thank my colleague for his comments that so vividly illustrate the reality for refugees coming to Canada. In my speech I focused on the issue of vulnerability and I think my colleague understood what I was saying and illustrated my point very well. He also illustrated the burden of red tape. Things can be done at the departmental level right away to simplify matters.

Can my colleague tell me whether, in his role as an MP, he has ever dealt with refugee claims? He is from an urban centre and I believe that he has witnessed some of the problems that exist with the current system. Does he have any reservations about the way the cases he has seen in his office have been handled?

Mr. Daniel Paillé: Mr. Speaker, significant change occurs in a riding like mine, which is in the middle of downtown. There has been a significant change in the population that lives there. At one time, 100% of the people in the riding of Hochelaga were francophones and practising Catholics, but there have been many changes and now a certain number of new Canadians, new arrivals, live there.

Downtown Montreal is an attractive location and as a result we receive a certain number of cases. People who come to see an MP are sometimes a bit shy in doing so. In some cases, meeting an elected member is new to them. They wonder whether it is the same as in their country of origin or whether it is like a true democracy.

In fact, I believe it is an MP's duty to help people. I concur with the hon. member who spoke before my colleague. He talked about people who take advantage of the fact that these new arrivals are ignorant of our laws and customs and who charge these very vulnerable people inordinate amounts of money. I hope we can put a stop to this.

● (1215)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I completely agree with that last point. That is why, later this spring, we will be presenting a bill and several reforms to address the problems with the citizenship and immigration system caused by unscrupulous consultants who exploit immigrants to Canada, especially asylum seekers.

The member can rest assured that we will be taking serious action on this issue, and soon, I hope.

Mr. Daniel Paillé: Mr. Speaker, this comment goes back to what the minister said earlier: he said that when he was in opposition, he opposed the minister on principle.

Regulations are unwieldy, and bills can sometimes be unwieldy too. Furthermore, when applied, regulations can give a bill an interpretation we may not necessarily intend.

I urge him to present all of the regulations as quickly as possible. My colleague from Jeanne-Le Ber spoke about the case of twin brothers who had been through the same things, but had unfortunately received two different decisions. Without the appeal, one would have been granted refugee status and the other would have been denied.

Incidentally, I urge my colleagues to listen to an excellent song called *Maria* by Jean Ferrat, who passed away not long ago. The song tells the story of two brothers, one on the red side and one on the white.

[*English*]

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, Canada purports to be a champion of human rights and in many respects it is, but there are failings in Canada's system and one of those areas is the refugee determination system. Now is the opportunity to fix those failings. Now is the opportunity to improve.

Refugees are not just people in need, they are people. They are part of our history, part of our present and part of our future. The life stories of refugees are informative, not only of injustices around the world but of injustices that occur here in Canada with a bureaucracy that can and should be more responsive, more sensitive, more accommodating and more reasonable to the situations in which refugees find themselves.

Who are refugee claimants? They are people who are often fleeing dangerous situations which often are political and sometimes are societal. They seek fairness and justice for themselves and for their families, the kind of fairness we sometimes take for granted here in Canada.

Canada is an extremely wealthy country, a stable country and a country built on human rights principles. Our refugee system is one of the ways we can actually demonstrate to the world that we can be leaders in establishing a fast and fair system. We should hope that our system is duplicated around the world and not derided.

What we need is a streamlined system that avoids backlogs and makes the right decision the first time based on individual merits and without unnecessary rules. We need a system that truly recognizes it is deciding the future of someone's life and which represents our domestic human rights policies to claimants.

New Democrats have a history of advocating for a better determination system, a system that is fast and fair. We need more independence in the system. One way to do this is to use an independent appointment commissioner to hire Immigration and Refugee Board members. Board members should really have relevant expertise. We need to clear the backlog that exists, and we can do this by hiring more refugee officers.

Time after time we see inconsistent decisions being handed down. There is too much discretion in rejecting claims and not enough discretion in accepting claims. We need to create an appeal division that uses law and fact in order to make consistent decisions.

Refugee hearings have been tainted by bad advice from dodgy immigration consultants. These consultants, as we heard earlier in this House, should no longer be invited to the Immigration and Refugee Board hearing room. We should have the resources that allow for proper and fair representation of claimants and provide them with legal aid.

The bottom line is that we should empower refugee claimants, not stigmatize them. How we treat refugee claimants is indicative of the values our country espouses. In a country built on the backs of people from around the globe, our policies should reflect those values of democracy, fairness, human rights and a minimum standard of care and concern for the lives of others.

Here is some interesting and telling context with respect to the contributing causes of our current claimant backlog. The government has greatly contributed to this problem. The concern it shows now is actually pretty late in the game, although we are encouraged by the concern it is showing.

After the election in January 2006, the government, for murky political reasons, stopped most appointments to the IRB and left many vacancies. This was a system that already had many problems, so it is no wonder that over four years later we have an even bigger problem, a problem that could have been prevented. Let us not kid ourselves; change has only been because of a report of the Auditor General. The report said that the system was flawed, was failing claimants and ultimately, it was failing Canadians.

In 2005 when there were more officers, Canada accepted 25,000 refugee claimants living here. For 2010, the minister is proposing to accept only 9,000 refugees in Canada. To fix a backlog that has been created, the government is proposing to use rejection of applications as a means to meet its targets. Simply put, this is a travesty of human rights.

This refugee reform bill is flawed.

The first flaw is the safe countries list which creates two classes of refugees, those with the right to appeal and those without. Where do we find the fairness in that? We should not let this type of inequality exist in a document that demonstrates our human rights system to the world. The safe countries list ignores the reality of things like gender-based discrimination and sexual orientation-based claimants. It is discriminatory. It is likely that many countries we deem as safe will fail a human rights test based on those two categories alone.

Equality rights have been struck from the immigration guide. Changes to the procedure of the refugee claim process should not follow suit.

● (1220)

The safe country rule discriminates from the get-go, and it does not take reality into account. A safe country is not prima facie safe for all of its citizens. The concept that a safe country exists ignores research, social study and first person accounts.

The second major flaw is that the first hearing is not done by people with any independence to the department or minister. Further to this procedural unfairness, which we have gone to great lengths to prevent domestically, is the limitation of access to pre-removal risk assessment within the first year after a refugee claim is denied. The result of this is that most denied claimants will be deported before having access to the risk assessment, as it takes close to two years to have that assessment decision, and this is unacceptable. We cannot have one type of legal or procedural system for Canadians and another for non-Canadians. It is unfair, it is negligent and it is contrary to our human rights codes.

There are several amendments that would make Bill C-11 more suited to the actual needs faced by refugees. The NDP is making proposals that are in the interests of claimants and which respect human rights and procedural fairness.

Those amendments include things like all refugee claimants should have access to the refugee appeal division. We need to remove the provision for the safe countries of origin in keeping with our human rights regime within Canada. Each individual's circumstances are unique and we should respect that. At minimum, the process for determining a safe country of origin should be streamlined and should reflect the realities of people from marginalized communities living in tolerant majorities.

Currently, some claimants can be removed before a PRRA decision is made. This should be stopped and the process should be speeded up from two years to six months. We need to review and provide an independent evaluation of the legislative changes after three years' implementation, and these results should be sent to CIMM and refugee advocates for discussion.

I would like to conclude with a few thoughts. Certainly, New Democrats support efforts to make refugee determinations happen expeditiously, absolutely, but the current plan that has been brought forward is insufficient and we do need those amendments. The plan does not reflect the realities of being a refugee claimant, nor does it adequately reflect that Canada's human rights regime is one of the best in the world, and for a reason: We do not purport to treat people in this country differently just because they are not citizens yet. That is why people want to come here. That is why Canada is seen as a land of equality and freedom.

Our refugee system should be entrenched in those values, the same values that keep me and my colleagues in the House safe every day. We are not a country of double standards or hierarchy and we cannot tolerate it in any of our legislation.

There are flaws in Bill C-11, but I believe we can make this bill better with amendments. I believe we can make it better for the reasons I have outlined, so I look forward to seeing it at committee.

● (1225)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, there were a number of errors in the member's speech.

First, she suggested that the government intends to use rejection of applications for asylum to reduce the backlog. That is ridiculous. The government has no authority to reject applications. It is the independent quasi-judicial IRB that assesses each case on its merits, both under the current system and the proposed reformed one.

The 9,000 figure to which she refers is very simply a projection of how many positive decisions there will be based on the current acceptance rate, which is that 42% of claims are deemed to be in need of Canada's protection. The IRB is funded and staffed to finalize 25,000 cases a year, so we project about 9,000 positive decisions leading to permanent residency landings. It is a question just based on the actual current statistics. There is no government quota for positive protection decisions, and to suggest otherwise reflects a misunderstanding of the system.

Second, the member is mistaken when she suggests that the designation of safe countries would not take into account the issue of whether or not state protection is extended to vulnerable individuals, including people on the grounds of sexual orientation and gender. In fact, we propose that the absence of state protection would be one of the criteria for consideration in the designation process for designated safe countries.

Third, she said that decision makers would not be independent. That is not true. They would be situated at the independent quasi-judicial IRB. The minister would not be hiring them and would not be renewing their terms. They would be hired by the Public Service Commission within the independent IRB, which is precisely the case at the immigration division of the IRB, so it maintains the same degree of total independence.

The member is now proposing that we withdraw the moratorium on pre-removal risk assessment. I believe her critic and everyone agrees, there is almost unanimity on this point, that the PRRA should be replaced by the refugee appeal division. Finally, the bill does include a three-year review, which is what she is calling for.

Ms. Megan Leslie: Mr. Speaker, I thank the minister for clarifying the position on some of what I said.

The minister talked about people being treated differently depending on the country of origin. There is a question of whether it passes the smell test. Some countries are deemed okay and other countries are not. We have to wonder if any nuance will be available for claimants. We have to wonder if any special circumstances are available for consideration.

Refugee determination requires an assessment of each case, not group judgments. I see the minister nodding. If that is the case in this bill, then we welcome that kind of situation, but the way we are reading this, it certainly is not clear.

I thank the minister for his clarification of the numbers, that it is not a quota but a prediction, and I accept that. However, we come back to the 25,000 who were accepted last year and the prediction is only 9,000 for next. We are left wondering what is going on and how this is happening.

● (1230)

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I want to put the issue of refugees in context.

My hon. colleague, who gave an excellent speech, talked about overall numbers. In 2005, the year before the Conservative government took office, 35,768 refugees were admitted to this country. There has been a steady decline every year that the government has been in power: 32,492 in 2006, 27,956 in 2007 and 21,860 in 2008.

A number of specialists in the immigration field believe that this reflects a general desire on the part of the government to lower the number of refugees accepted into this country. It is not just the New Democrats saying that. Janet Dench, the executive director of the Canadian Council for Refugees, said:

> I think [these numbers] reflect the overall closing of the doors on refugees, and it reflects that priority has increasingly been given to economic immigrants over family class and refugees.

Tom Abel, settlement worker at Toronto-based Romero House, said:

> Quite frankly, the Conservatives' intention is to lower the number of refugees coming in this country. This has been the predominant opinion of practitioners in Toronto and I think around the country.

The Deputy Speaker: I have to stop the member there to allow the member for Halifax 20 seconds to respond.

Ms. Megan Leslie: Mr. Speaker, I want to shed some light on some of the statistics the member quoted. It is not just about the numbers. Those are real people. What happens when those people are denied? I can tell everyone what happens. They come to my office desperate to figure out what they can do next.

Luckily, in Halifax we have an incredibly supportive community. The community has been rallying around a lot of these people trying to figure out a solution. These are real people.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I am pleased to speak to Bill C-11, the Balanced Refugee Reform Act.

First, I would note, as have some of my colleagues, that the refugee claim backlog, which has gone from nearly 20,000 in 2006, when the Conservatives came to power, to over 60,000 in 2009, is essentially a product of the delay in appointing immigration board members. The government is therefore primarily responsible for this crisis. Obviously, the appointments that have been made are not entirely to our taste. I am thinking of Pharès Pierre, for example, and his Duvalierist past. He is now an immigration board member, when numerous Haitians in Montreal have made or will be making refugee protection claims or applying as members of the family class. That is extremely disturbing.

It must be pointed out that the bill contains measures that are worthy of consideration, but it also contains disturbing measures. There is good and bad, and because the Bloc Québécois always works scrupulously, it has decided to send this bill to committee. We will therefore be voting in favour of the bill at second reading in spite of the reservations we have. I have to state immediately that we are expecting the minister to make the substance of the underlying regulations for Bill C-11 available to the committee. A lot of things are being introduced in this bill, such as the concept of safe country, that we do not know the concrete meaning of. The Bloc Québécois cannot give unconditional support as long as its questions remain unanswered.

The concept of safe country is in fact one of the items that seems most problematic to us. There will be good refugees, the ones who come from a country where there are flagrant human rights abuses. On the other hand, claimants who come from countries that Canada recognizes as safe, based maybe on purely diplomatic and geopolitical reasons, will be regarded as bogus claimants, even though they may have suffered intimidation and harassment, and even if their personal safety may be endangered. We consider this to be a discriminatory criterion that must be rectified when the bill is examined.

I said that we hope the regulations will be made available to the committee. To us, that is a need that must be met before clause by clause study of the bill. How can we agree to adopting a new concept, such as safe countries, if we do not know the criteria the minister will be applying to draw up that list?

On the other hand, we are quite pleased that the bill finally creates a refugee appeal division, which we have been calling for since 2002. That is almost as long as I have been serving the people of Joliette as their MP, given that I was elected in 2000. As I recall, when the amendments creating the refugee appeal division were passed, Martin Cauchon was the Minister of Immigration. He left this House a long time ago.

Mr. Daniel Paillé: He'll be back.

Mr. Pierre Paquette: We can only hope he will come back, although I doubt the hon. member for Outremont feels the same. My point is that we have been waiting for this measure for nearly eight years. This also explains, in large part, the injustice of the current system, which was never completed. I will come back to this later.

We believe that this notion of safe country is discriminatory, because it means that the refugee claims of individuals from so-called safe countries will not have the right to appeal their cases before this appeal division and will have to take their cases to the Federal Court, as is the case right now. We have already seen all the problems and concerns associated with such a situation. We saw the example this week of the pregnant woman from Guinea who, just a few minutes before she was supposed to board a plane for her deportation, was granted a four-month stay of deportation by the Federal Court.

● (1235)

Since the Appeal Division has not been instituted, they will have to keep going to the Federal Court to make sure that the new evidence her lawyer has uncovered is taken into account and she can get refugee status. In this instance, the lady was more or less fooled by a consultant, who did a poor job of preparing her case. She cannot appeal because the Appeal Division will not come into force until two years after the bill passes.

I want to remind the House that a real appeal procedure for refugee claimants should have been instituted as soon as the Immigration and Refugee Protection Act took effect in June 2002. The Bloc Québécois also had a unanimous motion adopted by the Standing Committee on Citizenship and Immigration on December 14, 2004 asking the Liberal government of the time to immediately institute the Appeal Division.

Despite the adoption of this unanimous motion, the Liberal government did not budge, no more than the ensuing Conservative government. We therefore introduced private member's bills, including Bill C-280 instituting the Refugee Appeal Division, which was introduced in October 2006.

We were back at it in February 2009 with Bill C-291. It is very sad that the bill was defeated by a single vote, 142 to 143. If it had not been for the notable absence of several Liberals, the bill would have passed easily. I hope they are asking themselves some serious questions in the Liberal Party. Is there really any difference between the Conservative government and the opposition? For my part, I do not think so. I like to say they are like two peas in a pod, but it is not very funny.

If not for the cowardice of certain Liberal members, the Bloc bill would have passed. We are glad all the same to see in Bill C-11 that the Refugee Appeal Division is finally being implemented. Once again, though, we think it is appalling that some refugee claimants will be precluded from the Appeal Division because of the distinction the bill draws between safe and unsafe countries. I think this is discrimination. We will ensure, therefore, that the witnesses who appear before the committee do what they can to enlighten the government and the members of all parties so that this regrettable situation is corrected.

In addition, the minister is playing with words when he says that the claims from people from safe countries will be expedited. The procedure will certainly be accelerated, but only because these claimants will be precluded from any recourse to the Appeal Division. As soon as the immigration official makes his decision, these claimants will be accepted as refugees or will have to leave, unless they take their case to the Federal Court. We will certainly take issue with this.

What concerns me the most is the fact that the bill gives the minister the legal authority to designate safe countries of origin. According to the government, safe countries of origin generally do not produce refugees, have a good human rights record, and protect their citizens well.

Sometimes, even in countries that are relatively democratic, people can be harassed or have their lives threatened because of their sexual orientation, gender or religion.

For all these reasons, we will vote in favour of Bill C-11 at second reading in order to study it in committee. I remind the House once again that we want to see the regulations before proceeding to clause by clause study of the bill.

● (1240)

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, I would like to thank my colleague for his excellent speech. People have a lot to say about the provisions concerning so-called safe countries. Many lawyers have said that if their clients are denied the opportunity to appeal a decision before the Federal Court, they could argue in court that their clients were discriminated against because they were granted fewer rights based on their country of origin.

People may choose to appeal decisions before the Federal Court to avoid going through the refugee appeal division. But dealing with appeals in a simpler system would cost less and be more efficient than dealing with them in the Federal Court.

Is my colleague as concerned as I am that the minister will end up with a system that is just as costly and complex as the one in place now? It would be easier to forget about the safe countries provision.

Mr. Pierre Paquette: Mr. Speaker, I would like to thank the member for Jeanne-Le Ber for his question as well as his work on this file. He is doing an extraordinary job and it shows in his comments and the results he gets.

He is absolutely right. By creating a distinction between so-called safe countries and other countries which, by definition, would not be designated as safe, we will create a bureaucratic maze in which the appeal division would only hear one type of refugee.

We obviously support the goals behind creating an appeal division. In fact, we have introduced a number of bills, the latest by the member for Jeanne-Le Ber, but the anticipated benefits of the reform will be lacking. We feel that a simpler solution would be to increase the number of board members and ensure that the appeal division hears all of the refugee status claims.

Once again, well done to the member for Jeanne-Le Ber.

[*English*]

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, my colleague's comments are extremely enlightening.

The riding of Welland is very close to Fort Erie, which is one of the biggest entry points for folks who are claiming refugee and asylum status. We have some folks who do a great deal of work on behalf of those claimants. They do great work on the ground. They sent me a letter the other day expressing their concerns. My hon. colleague has already asked a question about country of safe origin, which they have also raised. However, they also talk about the hearings being expedited in such a fashion that is so fast. In cases of sexual orientation and women who face sexual assault, they need time to build trust. That is what they have seen on the ground.

The group from Welland has been dealing with cases of refugee and asylum seekers for more than 45 years. It understands the needs of those refugees and asylum seekers. What it is saying today is that we need to ensure there is enough time.

Could my colleague comment on the fact that, yes, we want a system that is appropriately quick enough, but it needs to be flexible enough for those folks who do not fit inside that really tight timeline? They need to have the ability to talk and get their position out so a decent decision can be made? People need to understand the hardship they might face if they are deported?

● (1245)

[*Translation*]

Mr. Pierre Paquette: Mr. Speaker, I would like to thank the member for this question because, in my 10 minutes, I was not able to talk about all of the problematic elements in Bill C-11.

I spoke about the distinction between safe countries and the other countries, but there is also the problem of timing. It is obvious that it would be unrealistic to hold an initial hearing eight days after a person claims refugee status.

The member gave the example of woman arriving in Canada who had been a victim of sexual assault. Her world will have been turned upside down. Eight days would not be enough time for her to find a lawyer and build her case. As well, like others claiming refugee status, she may have had to leave her country of origin without the necessary documentation, if she ever had it, to make her claim.

There is absolutely no way that this eight day timeline can stay in the bill. We intend to propose amendments to make this timeline more realistic. As the member said, this timeline would not be workable on the ground.

[*English*]

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, it is an honour to stand in the House and speak to Bill C-11, known as the refugee reform bill.

I echo the message of my colleagues in the New Democratic Party and other colleagues in the House, who call for the bill to be returned to committee. Amendments need to be made to the bill to truly deal with the issue at hand. The NDP hopes that the legislation will create a fair and fast process when it comes to admitting refugees to our country and when it comes to upholding Canada's tradition of being known as a country of refuge for people who suffer a great deal in many parts of the world.

This is an important issue for me to discuss. I am the daughter of immigrants. My dad came from Britain and my mom came from Greece. They came to Canada, like so many others, for a better future for their children.

We recognize that the experience of people who come to Canada as refugees is one of even greater intensity in the sense that they have had to leave their home country, many of them in a hurry, to escape strife, whether due to war, famine, persecution, or whatever it might have been.

I grew up in Thompson, Manitoba, which was built by first nations as well as newcomers to Canada. Many of those newcomers came as refugees from countries around the world in order to help build my community and to build the diverse communities of which Canadians are so proud.

I would also like to note that this issue is of particular importance to me, given the upfront work that I did as part of Welcome Place. Years ago, while I was going to university, I had the chance to work with a very innovative organization in Winnipeg, Manitoba that provided services for refugees. It also facilitated bringing refugees over from the countries in which they were suffering. This organization connected them with their families and with faith groups that were willing to sponsor them. It truly provided that link.

I cannot tell members how many emotionally charged discussions I have had with family members and with people who had come over to Canada as refugees just recently. I had an upfront look at the challenges these individuals faced when they entered the system. I also saw the hope that they brought to Canada, a country that they know as being welcoming and open to diversity and aware of the role they can play in our country.

That is why I am so concerned about the bill before us.

We have talked a great deal over the years about the need to reform the refugee claimant system, the system by which they come to Canada. We are aware of the way the Liberal government hacked away at the system of supports, which contributed to the immense backlog of applicants.

We know more recently of the Conservative government's failure to appoint people to the Immigration and Refugee Board to deal with the backlog in a timely manner.

This legislation is an attempt to deal with a problem that is essentially built on the past neglect of the Liberal government. The NDP has many concerns about it.

One concern that has been made so clear is the reference to the judgment of safe countries, the idea that we would designate certain countries as being safer than others, looking at refugees on a group level rather than an individual level.

● (1250)

As has been raised in the House on many occasions by my colleagues, we need to recognize that kind of criteria overlooks some of the kinds of persecution some people seek to escape from around the world. Specifically, one example would be the gender based persecution. For example, a woman might come from a country that might overall be considered safe and we might overlook the fact that she has been a victim of tremendous gender based violence.

I go back to the idea that treating claimants differently based on their country of origin is essentially discriminatory. We have heard from many people, third parties, intricately involved in the refugee system. They say that the refugee determination process requires individual assessment of each case and not group judgments.

Another example of persecution that is overlooked as a result of these kinds of group judgments is persecution based on sexual orientation and the homophobia that exists in so many countries. We benefit from the laws and the rights that we fought for in our country. However, we know that while other countries around the world might adhere to certain human rights, in many cases there is great disrespect and in fact persecution of people based on their sexual identity. That would be overlooked in making these kind of group judgments.

A denial of these fair processes to claimants, looking at them on an individual basis, may lead to their forced return to persecution, which is in violation of human rights law. Not only would we be making these kinds of rules, but we would be returning people, who are seeking refuge in our country, to face the exact persecution that Canadians do not accept.

This area causes great concern for us. We would like to see amendments that would counteract these kinds of measures.

Another area in Bill C-11 that we feel is inadequate is it does little to address the problem of unscrupulous immigration consultants. Former Immigration and Refugee Board chair, Peter Showler, believes the expedited timelines will actually drive more refugees to these kinds of consultants.

Whether people are seeking immigration status or refugee status, which in many cases is the most urgent, some immigration consultants undertake the most unethical of jobs and prey on the vulnerability of those people who seek only to have a better life and seek only to come to Canada through the system. People are already frustrated with the existing timelines, but the bill does nothing to correct that. In fact, if anything, the timelines would be extended.

It is important to note that the bill has some merits in terms of establishing an appeal process for some refugee claimants, something for which we have been calling. We recognize that to be important.

We see more funding for the refugee board to clear the backlog. Much of the increased funding will be given to the CBSA to remove the failed claimants and to appoint judges. The NDP would prefer to see more funding given to hire permanent refugee protection officers to clear that backlog.

In my work with Immigration Canada, not in the refugee division but in more general immigration, it was clear the extent to which there was an increased burden on immigration officials. They were finding it difficult to deal with the demands made on the Canadian system. The solution is not to cut back. If anything, we do not need the quotas that we set for immigration. The solution is to look in part at hiring people who would do this kind of job to alleviate the work of those around them in the department and also to assist in this area more specifically.

New Democrats believe the refugee determination process again should be both fast and fair. We believe—

● (1255)

The Deputy Speaker: Questions and comments, the hon. member for Jeanne-Le Ber.

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, I was so close to my colleague that I could hear the end of her speech even though her microphone had been turned off. That is the advantage of being in this corner of the House.

My colleague spoke at length about safe countries in terms of the problem of respecting rights. We wonder why some foreign nationals would have different rights than others based on their country of origin.

This issue of safe countries poses another problem. We are not convinced, or at least I am not, that this will save time. Instead of appealing to the refugee appeal division, lawyers may well appeal to the Federal Court, arguing that this measure is discriminatory and prevents them from properly defending the rights of their clients.

In my opinion, it will end up taking more money, time and energy to have a series of challenges before the Federal Court, which is very cumbersome and difficult to run. It would be more effective and more fair to allow appeals to be heard from the outset by the refugee appeal division being proposed in the bill.

I would like to know whether the hon. member shares my opinion on this.

Ms. Niki Ashton: Mr. Speaker, I want to acknowledge the hard work done by my Bloc Québécois colleague with respect to the admission of refugees and immigrants to Canada. I want to acknowledge the way he and hon. members from the opposition parties are trying to propose amendments. They are truly trying to come up with solutions and measures that will improve this type of bill.

Whether we are talking about safe countries or improving the system in terms of staffing, I hope that these fine amendments will be accepted by the minister and the Government of Canada.

● (1300)

[*English*]

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

Some hon. members: Question.

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

Some hon. members: Agreed.

An hon. member: On division.

The Deputy Speaker: I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Citizenship and Immigration.

(Motion agreed to, bill read the second time and referred to a committee)

* * *

[*Translation*]

POINTS OF ORDER

USE OF HOUSE RESOURCES FOR COMMERCIAL PURPOSES

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, regarding the point of order raised yesterday by the member for Montmorency—Charlevoix—Haute-Côte-Nord, I would like to inform the House, through you, that I have removed the ad for a package tour to Ottawa from my personal Facebook page.

I believe that it is my duty as a parliamentarian not only to comply with the rules of the Board of Internal Economy, but to encourage the people in my riding to come to Ottawa to see Parliament in action. I am sure that the member for Montmorency—Charlevoix—Haute-Côte-Nord appreciates my efforts to tell the voters in Lévis—Bellechasse and Les Etchemins about the excellent work being done by the team of Conservative ministers, members and senators from Quebec, who are making a real effort to promote Quebec's interests in Ottawa.

I understand that the member might be embarrassed to bring his constituents to Ottawa, because they might see for themselves that it is hard, even impossible, for the Bloc members to do anything for Quebec.

While the ministers, senators and members from Quebec are getting results for their ridings and all regions of Quebec, I would ask you, Mr. Speaker—because the member was asking you a question—whether the Bloc members are twiddling their thumbs in Ottawa.

One thing I can say is that I will keep doing what I can so that the people of Lévis—Bellechasse can have access to the resources of Canadian federalism, and that includes Parliament.

The Deputy Speaker: I thank the hon. member for providing additional information on this matter.

* * *

[*English*]

CONSTITUTION ACT, 2010 (SENATE TERM LIMITS)

Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC) moved that Bill C-10, An Act to amend the Constitution Act, 1867 (Senate term limits), be read the second time and referred to a committee.

He said: Mr. Speaker, it is a pleasure to speak today and bring forward this historic piece of legislation. Bill C-10 deals with the Constitution Act and 2010 Senate term limits. Term limits are an important component of our government's broader objective of modernizing Canada's Senate. As the throne speech stated, "We are a country founded on democracy". However, our democratic institutions were established in the 19th century and reflect the prevailing democratic standards of the time.

Canadians' views of democracy have evolved since 1867, and we must ensure that our institutions keep pace with those changes. An obvious example of democratic evolution is in our voting rights. Today, we take the principle of universal suffrage for granted, but that has not always been the case. At the time of Confederation, qualifications based on property and income prevented large segments of the population from voting. Women did not have complete voting rights until 1918, and only recently did we celebrate the 50th anniversary of a law that recognized the unconditional right of first nations to vote.

I use the example of voting rights to demonstrate how our democratic institutions and practices have evolved to reflect the modern principles of democracy. Unfortunately, the same cannot be said for the Senate, which still reflects antiquated principles of the 19th century. Over the past 143 years, there has been only one change to the Senate. In 1965, mandatory retirement at age 75 was introduced for senators. Prior to that, senators had been appointed for life. There have been no meaningful Senate reforms in our country's history, bar that one.

Canadians overwhelmingly believe that reform is overdue. According to a recent Angus Reid poll, 73% of Canadians want a new approach to the Senate. Our government made Senate reform a priority in the March 3, 2010, Speech from the Throne. It said:

> Our shared values and experiences must be reflected in our national institutions, starting with Parliament.... Our Government...remains committed to Senate reform and will continue to pursue measures to make the upper chamber more democratic, effective and accountable.

That eloquent comment articulates why this reform is so important. Our government has been clear. Fundamental change is required to transform the Senate into a democratic and accountable institution. However, we recognize that there is insufficient support for fundamental constitutional change today. Instead, we are pursuing a practical, step-by-step approach to reform in areas where reform is possible within the federal jurisdiction. We hope this will ultimately build support for fundamental changes in the future.

Bill C-10 seeks to amend section 29 of the Constitution Act, 1867, to provide that new senators would be limited to a single term of eight years. This is an important first step to moving forward in fulfilling our commitment to Canadians to strengthen our democratic institutions. Limiting the tenure of senators is a modest but important step to making the Senate worthy of a 21st century democracy.

Our government hopes that parliamentarians will embrace this initiative and the overall reforms that are needed to modernize the Senate. In the past 30 years, there have been reports calling for major reform in the Senate. However, I am not aware of a single major study of the Senate that concluded that everything is fine and that no change is required.

● (1305)

Quite the contrary. While each study offered a unique alternative to Senate reform, the consensus is that the Senate suffers from a lack of credibility because its members do not have a democratic mandate from Canadians.

The undemocratic nature of the Senate is exacerbated by the fact that senators can remain in office for up to 45 years. That is right, 45 years. As the Prime Minister has pointed out on several occasions, the fact that unelected senators can keep their seats for such a lengthy period of time is at odds with the democratic ideals of Canadians.

It is not surprising that many studies have recommended limiting Senate terms. While the recommended lengths of term have varied, the general range appears to be between six and ten years.

Our government believes that a term limit of eight years strikes the right balance between ensuring that the essential character of the Senate remains intact and, at the same time, guaranteeing that renewal takes place. Fixed terms of eight years would provide senators with enough time to gain the necessary experience to carry out their important parliamentary functions while, at the same time, rejuvenating the Senate with new perspectives and ideas on a regular basis.

Our government believes that a renewed Senate would be a more effective Senate.

The vast majority of second chambers in other countries, both elected and appointed, have term limits. If Canada were to implement a Senate term of eight years, it would be the longest term of any country that currently has term limits in its second chamber.

I welcomed the recent comments of the Leader of the Opposition when he agreed that very lengthy terms are unacceptable and he favours term limits. While admitting that the Senate is “imperfect”, the Liberal leader stated he is “uncomfortable” with the idea of lengthy Senate terms. The Liberal leader has indicated he would support a 12-year limit for senators.

Let us reflect on that.

Clearly, the 15-year term recommended by the Liberal senators is too long. A 15-year term would not ensure that the Senate is refreshed with new ideas on a regular basis.

Whether a 12-year term would be sufficient is open to debate.

What is encouraging is the common belief that term limits are the right thing to do. I believe it is our duty as parliamentarians to listen to Canadians and move forward on this issue.

Now I would like to review other key aspects of the bill.

Bill C-10 makes specific reference to interrupted terms. An interrupted term could occur if a senator's seat became vacant by reason of resignation or disqualification, as set out in sections 30 and 31 of the Constitution Act, 1867, prior to the completion of an eight-year term.

The bill would provide that senators whose terms are interrupted may be summoned again to the Senate, but only for the remaining portion of their original eight-year term. For example, if a senator resigned from the Senate in order to be a candidate for the House of Commons, that senator could later be reappointed to the Senate, but only for the remaining portion of his or her term. This would eliminate any ambiguity about the length of term should such interruptions occur.

Unlike the previous version of the term limits bill, Bill C-10 contains a transitional provision, which would apply the eight-year term limit to all senators appointed after October 14, 2008. They would hold their seats for a period of eight years, once the bill received royal assent.

The transition clause demonstrates the commitment of our government and the commitment of our new senators to honour the principles of the Senate term limits once the legislation is passed. I would like to congratulate those newly appointed senators for putting the country's interests ahead of their own interests. That, I think, embodies the spirit of our Senate reform ideals.

● (1310)

The Senate term limits bill was first introduced in the spring of 2006. Members may recall that the Prime Minister became the first prime minister ever to appear before a Senate committee when he appeared before the Special Senate Committee on Senate Reform, which was created to study the content of that bill. The Prime Minister's appearance before the Senate committee illustrated the importance of Senate term limits for our government.

One of the important messages the Prime Minister delivered in his testimony was that our government was willing to be flexible with regard to potential improvements to the bill so long as any changes did not diminish the principles of the bill. That flexibility is evident in our response to the issue of the renewability of the terms.

As members will recall, in 2006 the bill was silent on the issue of renewability. That bill left open the possibility that a senator could receive a further eight year term if summoned again by the Governor General.

Some commentators expressed the concern that the possibility of a renewable term could compromise the independence of the Senate, since senators might adjust their behaviour in order to have their appointments renewed. The government has demonstrated its willingness to compromise by amending the bill to provide for non-renewable terms.

We are willing to listen and work together to ensure that the Senate is reformed in a respectful fashion. Our government's willingness to listen has also been demonstrated by preserving the retirement age of 75 years for all senators, whether appointed before or after this bill comes into effect. The amendment was recommended by the Senate Legal and Constitutional Affairs Committee following the review of our previous bill.

Our government continues to be flexible in making improvements to the bill so long as its underlying principles remain intact.

I would like to conclude by briefly addressing the issue of the constitutionality of Bill C-10. There is no question that the bill is constitutional. Senate term limits can be enacted by Parliament pursuant to section 44 of the Constitution Act, 1982.

This fact was confirmed by the Special Senate Committee on Senate Reform, which concluded that the bill was constitutional and no reference to the Supreme Court was required. This finding has been supported by Canada's leading constitutional experts, including Peter Hogg, Patrick Monahan and Stephen Scott.

Despite the overwhelming evidence of the bill's constitutionality, the Senate defeated the bill by refusing to allow it to proceed to third reading unless it was first referred to the Supreme Court of Canada.

I trust that members of this House will judge the bill on its merits and not attempt to derail it with procedural tricks, frivolous or unsubstantiated charges about constitutionality.

Hon. members, it is time for parliamentarians to listen to Canadians and embrace reform of the Upper Chamber. Canadians understand the need for Senate reform. Every poll over the past two decades has confirmed that Canadians support Senate reform. Canadians particularly support limited terms for senators. Canadians recognize the importance of the Senate, but they do not believe it is fulfilling its full potential as a democratic institution.

Our government has listened to Canadians. We have made Senate reform one of our key democratic priorities. We can no longer tolerate an institution that has remained unchanged since Confederation and that is neither democratic nor accountable to the people of Canada.

A Senate based on 19th century norms cannot possibly meet the needs of a modern 21st century democracy. Our government is committed to the pursuit of practical and achievable reforms that will lay the basis for more fundamental reform in the future.

Bill C-10 is an important step forward in the reform of our institutions. I would encourage all members to embrace this important bill.

● (1315)

Senators who have been appointed since the 2008 election have demonstrated their commitment to Senate reform by agreeing to term limits, supporting legislation from the elected chamber, and supporting the overall reforms we are trying to institute in the Senate. These senators, as I said earlier, personify what it means to be in public office. They are putting the country's interests ahead of their own.

Together, I hope we can make Parliament more accountable to Canadians. Senate reform is a critical aspect of that. Canadians support Senate term limits and this government is moving forward with that reform. I look forward to all parties supporting this historic legislation to make for a better Canada and a better Parliament.

God keep our land glorious and free.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, I am pleased to join the debate on Bill C-10, An Act to amend the Constitution Act, 1867 (Senate term limits). As the Minister of State for Democratic Reform has said, this limits the tenure of senators appointed after the bill becomes law to one non-renewable eight year term, preserves the existing retirement age of 75 for current senators, and allows a senator whose term has been interrupted to return to the Senate and complete his or her term.

It is a privilege to speak to this because the Senate is an essential component of Canada's constitutional democracy and of course it is of interest to all members both in the House and the Senate. We are here because we have a commitment to improving our country and improving the lives of the people through the democratic institutions of which we are privileged to be a part.

I would like to also say that this issue is of great interest to constituents of my riding in Vancouver Quadra. I have the privilege to represent an area with a highly educated public and the great institution of UBC, so there are many people who are lawyers, constitutional lawyers, professors of public policy, and professors of political science who have a great deal of interest in our democratic institutions.

One of the town halls I hosted that was the most popular was called the “town hall on prorogation and democracy” where Doctors Resnick and Young came and talked about prorogation and the negative impact on democracy that they believed that the government's use of prorogation has had.

The Liberal Party has a deep, and long interest and commitment in democracy, engaging people and having an openness where people of Canada can have their say and be part of our democratic process. Winston Churchill has been know to say that “—democracy is the worst form of government - except all the other forms that have been tried from time to time”. Plato has a different view. His is that “Democracy is a charming form of government, full of variety and disorder, and dispensing a sort of equality to equals and unequal alike”.

The Liberals have found over the last four years that it is the justice to the unequals that has been the most problematic under the current government and its undermining of democracy. But on a positive note, we just had a very good day for democracy recently. I want to refer to the minister of state's note that eight year term limits are needed to refresh and bring new ideas.

I would like to point out that I have a colleague from Scarborough —Rouge River who has been in this chamber for over 20 years and here is the result of his recent fresh new idea. It was a historic ruling by the Speaker that the Prime Minister was accountable to Parliament and not the other way around. The Speaker affirmed that Parliament has a fundamental and unlimited right to ask for Afghan records, that the Conservative Party appeared to be in breach of parliamentary privilege by failing to comply when opposition MPs, a majority in the House, voted to demand uncensored copies of the documents last September.

So we see that our democracy is alive and well; however, I think it should be an embarrassment for all the Conservative members that the opposition members had to go to so much trouble to have the basic tenets of democracy respected by the Prime Minister.

● (1320)

I want to talk about the important role the Senate plays in our democracy. It is an institution with a very proud history and an institution in which the members have done much good work over the years. For example, Senator Eggleton reporting on poverty, homelessness and housing, the work done by the standing committee; Senator Carstairs, the Senate report on Canada's aging population, very important work on understanding the demographics facing us and how to respond to them; Senator Fraser on children, the silent citizens; Hon. Mobina Jaffer and the Standing Senate Committee on Human Rights on issues such as Canada's human rights record and reports on equitable pay. The Senate serves a very important function.

The Liberals are committed to a Senate in which the members can make the maximum possible contribution to public life and the public good in Canada. The Liberals do support Senate reform but it needs to be Senate reform that constitutes sound public policy and respect for the institution. It needs to be a holistic and not a piecemeal approach. There needs to be consultation with the provinces and, above all, respect for the Constitution. Those are things we have not been seeing with the current government.

The Liberals will be sending the bill to committee where public consultation with the provinces, which the government has consistently failed to do, can finally take place.

With respect to Bill C-10, with the stated intention of enabling the Senate to better reflect the democratic values of Canadians, it is important to talk about the government's objective and its credibility with that objective, and to talk about the process that has been behind the bill coming forward. I will then say some words on the content of the bill as well.

The credibility of the government is essential in trusting the intentions of this legislation. For example, in a conflict zone, if an organization were to come forward with an idea for peace, one would want to know its record of promoting peace or perhaps of undermining peace in the past, and that would be germane to taking what it has to offer at face value.

We should listen for a moment to what the Prime Minister had to say about the Senate. In 1996, he said, "We do not support any Senate appointments. Stephen Harper will cease patronage appointments to the Senate. Only candidates—".

● (1325)

The Deputy Speaker: Order, please. The hon. member might not be aware but even if we are reading quotes she should refer to members by their titles or ridings. I would appreciate that.

Ms. Joyce Murray: "Only candidates elected by the people will be named to the upper house", said the Prime Minister in 2004. "The upper house remains a dumping ground for the favoured cronies of the prime minister", complained the current Prime Minister in 2004. "A Conservative government will not appoint to the Senate anyone who does not have a mandate from the people", again from the Conservative Party.

Those are some of the claims that the Prime Minister has made, along with many other statements about the Senate that, unfortunately, have undermined the credibility of the Senate in the minds of the public.

What has the Prime Minister actually done, given those very clear assertions over many years that he would not be appointing senators and that there would not be partisan appointments? The Prime Minister appointed more senators in a single year than any prime minister in history. He appointed 27 senators. He is the Senate patronage king, and these have been some of the most blatant, partisan appointments in history.

We have seen well-connected party partisans throughout the Senate appointments, including fundraising chairs, national fundraising chairs, top strategists, Conservative staffers, Conservative communications advisers, failed candidates, Conservative-leaning journalists and so on. Essentially, we have an entire national election team for the Conservatives now on the Senate payroll. That is not even speaking to some of the questionable histories of senators, such as the one who is facing a sexual harassment complaint before a Human Rights Tribunal and who was president of an organization under investigation for financial impropriety.

How does this speak to the credibility of the Prime Minister's claims about improving democracy through his changes to the Senate? Not well, I would contend.

The objective claimed is to modernize democracy, which is a laudable objective.

I would like to talk a bit about some of the context that the government has on its record in terms of democracy. If we are to take improving democracy at face value, we would expect to see that as having been an objective with the government and the Prime Minister. I would contend that the facts do not suggest that is the case.

What about the fundamental underpinnings of democracy, such as openness, accountability and integrity? How has the Prime Minister fared?

In terms of openness, is the Prime Minister willing to hear from Canadians? I think a number of organizations would contest that willingness. In fact, organizations that disagree with the government are finding themselves punished. A member of one organization in civil society told me yesterday that there was a chill right across civil society because many organizations, such as the Canadian Council on Learning, KAIROS and Rights & Democracy, are seeing their funding cut for ideological reasons or because they are speaking up, which is what their organizations are designed to do.

In terms of openness, we have an Information Commissioner calling the government the most secretive in history. I have an example of that in a freedom of information request that I put forward around the disaster in a Canadian pavilion at the Olympics. I received two blanked out pages. Maybe that information was a state secret or a military secret but I do not think so.

In terms of openness, the government is preventing debate on critical issues by slipping key public policy changes into budget implementation bills, so that it does not have to debate on their merit. These are key issues, such as pay equity, the Canada Environmental Assessment Act and the protection of our environment. One must conclude that openness, that fundamental tenet of democracy, is not something that the government has promoted. In fact, it has seriously undermined it.

● (1330)

The same argument, unfortunately, needs to be made for accountability. The ruling by the Speaker the other day was an example. There are numerous other examples of accountability breaches by the Conservative government.

One of the key democratic mechanisms that we have as parliamentarians is the oversight officers of Parliament. The list of those oversight officers, or independent officers, whose job it is to ensure the integrity of government, who have been fired, sidelined, "resigned" early in their term or not reappointed, is very long. It includes the president of the Canadian Nuclear Safety Commission, Linda Keen; the environment commissioner, the president of the Law Commission of Canada, the head of the Canada Emission Reduction Incentives Agency, the Military Police Complaints Commissioner, the RCMP Public Complaints Commissioner; and the Federal Ombudsman for Victims of Crime.

The Liberal Party of Canada hosted a round table on that very issue during prorogation here in Ottawa. We heard from a range of constitutional experts and others as to the weakening of the fabric of democracy that takes place when the oversight officers are not able to speak their minds and are not able to speak the truth without fear of retribution. How does that illustrate the government's commitment to democracy? It actually illustrates the opposite.

I would remind all members of the words of Aristotle:

> If liberty and equality, as is thought by some are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost.

That is not what we have been seeing under the Conservative government. unfortunately.

This is relevant to Bill C-10 because there is a claim here that the government is trying to strengthen democracy.

The process by which Bill C-10 has come about is one that raises great questions. I will just provide a quick summary of the timeline.

Bill C-10 has several predecessors. In May 2006, Bill C-4 was introduced. It was recommended by the Senate to go to the Supreme Court of Canada on the constitutionality issues. The bill died when Parliament was prorogued in September 2007. This was followed by Bill C-19, which was tabled but never brought back for debate. It died in 2008 when an election was called just after the government passed a fixed election date law.

In May 2009, Bill S-7 came back to the House with the same eight year term limits. It was debated for three days only and then it died when the Prime Minister prorogued the House in January 2010 to avoid accountability with respect to questions on the Afghan detainee issue.

The bill has come back a fourth time as Bill C-10, with some minor modifications. One must question whether this is actually a serious attempt to improve democracy or whether it is posturing by the government. Whatever it might be, one must conclude that this process does not create confidence in the government's intentions with respect to this bill.

Let us look at the content of the bill itself. The Minister of State for Democratic Reform spoke to this issue briefly. A key legal issue to this is whether it is constitutional. The minister of state claims that there is a consensus that it is. The reading that I have done shows that the very serious question of constitutionality has not been resolved and unilateral action by Parliament to amend the Senate in this type of case should be referred to the Supreme Court of Canada.

The legal issue is around the upper house reference case of 1980 in which the Supreme Court of Canada decided that amendments affecting the essential characteristics or fundamental features of the Senate must have provincial involvement. Despite the amending procedures in the Constitution Act of 1982, this judgment continues to have relevance, according to many constitutional authorities.

● (1335)

Then the question is, does this bill affect the essential characteristics or fundamental features of the Senate. Of the two principles, one is experienced oversight, that is, both of legislation and complex societal issues, and two, independence. Let us consider how this bill might affect these essential characteristics.

I ask members to think back to eight years ago in their own lives and ask themselves whether they have mastered something to the point where they would be capable of sober, credible oversight for all Canadians on the issue. Eight years may seem like a long time, but it does not enable a person to provide the kind of input that our senators, whom I am very proud of, are able to provide. Aboriginal elders, for example, are the wisdom of their communities. Are they cut off after eight years as no longer being relevant? No.

Independence is clearly impacted by an eight-year term because in two terms a prime minister can turn over the entire membership of the Senate, which would clearly impact its independence. We could have a Senate consisting of one party or another. As Benjamin Franklin said, democracy must be something more than two wolves and a sheep voting on what to have for dinner. That seems to be what Mr. Harper is aiming for in the Senate with this bill.

The Deputy Speaker: I would once again remind the hon. member that we do not use proper names, only titles or ridings. As it is, the time allotted for her speech has expired, so we will move on to questions and comments.

The hon. member for Elgin—Middlesex—London.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, in the hon. member's dissertation, she asked a question of us, so I will try to provide an answer. She asked if we could look back some years ago, whether it is eight, six, five or nine years, and say that we were able to master something in that period of time. I am here to say yes, through life experiences we come prepared to take on new roles and handle new pieces of information. Quality people are appointed to the Senate.

She would agree the average length of time served by senators since 1965 when we last changed the tenure of senators is about 9.25 years. This bill asks for it to be eight years. I do not see a significant difference between the two. I would ask her to tell me how that extra year and a quarter would magically add an infinite amount of wisdom to the Senate when people go to the Senate with the ability to do the job properly and can learn the job as they go along in that eight-year period of time.

I would like her opinion as to what difference the year and a quarter would make.

● (1340)

Ms. Joyce Murray: Mr. Speaker, the issue is not my opinion. The issue is that it is a time period that risks making the Senate more partisan. This has not been referred to the Supreme Court of Canada. There are many who believe it is unconstitutional. There have been no consultations with the provinces, which is not surprising in light of the fact that at least five provinces and territories came out squarely against this proposal in one of its earlier iterations.

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I appreciated the fact that my colleague from Vancouver Quadra wondered whether this would improve democracy. That is a very good question, and that is why I would ask her whether, now that the government has recognized the existence of the Quebec nation, but is refusing to act accordingly, she believes that Bill C-10 could lead to greater democracy and full recognition of Quebec as a nation.

She could perhaps talk about the famous peace march in Quebec. In her opinion, is this openness to the Quebec nation?

[*English*]

Ms. Joyce Murray: Mr. Speaker, indeed the member's province is one of the ones that has made it very clear that it does not support this reform.

The minister of state said that his government would like to modernize our institutions and make the Senate more accountable. The key challenge is that the government continually, and I think I have made a few points on that score, has undermined democracy and our institutions and has made government less accountable.

I would say this is not the priority. The priority is to clean up the government's own act.

The Liberal Party of Canada requests, as we have requested before, that this issue be referred to the Supreme Court of Canada regarding the constitutionality of it and that there be consultations with the provinces, as any responsible government would do.

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I realize how difficult it must be for the member to defend the 143 years, mainly Liberal years of government and having done absolutely nothing to make changes that we are talking about right now.

The Minister of State for Democratic Reform pointed out that in 143 years, there was a change limiting the retirement age of senators to 75 years back in 1965.

The fact of the matter is the NDP have been in favour of abolition of the Senate for many years. However, I think we have to recognize that incrementalism in this case is perhaps something we have to deal with. We are not looking at abolition so we may have to take this one piece at a time.

The Conservative minister who is proposing the bill is actually coming out of a process where the previous party wanted many more changes. It wanted elected senators and many more changes but it was unable to get them because of the constitutional aspects.

We have to give the minister credit for at least making a little bit of a step. This is not a big step. I do not see why the Liberals should have a big problem with this and would want to delay it another 10 years by sending it to the Supreme Court.

● (1345)

Ms. Joyce Murray: Mr. Speaker, I would just reaffirm that the Liberal Party is committed to a healthy democracy, democratic institutions and renewal of the Senate.

We will be supporting sending the bill to committee where it will get the consultations that it should have had in the first place. We will be able to hear from the public and from the provinces.

I will end with a quote of what Thomas Jefferson said:

> I know of no safe repository of the ultimate power of society but the people themselves; and if we think them not enlightened enough...the remedy is not to take it from them, but to inform their discretion by education.

That is what I hope to see happen.

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, it is good that we are having this debate. It is an issue that should be debated, but I would suggest that we have an obligation to look at the debates that were held by the delegates in conjunction with the establishment of the Senate and when the colonies came together. Basically the Senate was a chip that was put on the table that made the country work. Its formation was to protect minorities. The minority they were speaking of at the time, since females and aboriginals did not have the franchise, was French Catholic males.

The concern I have is that this matter is before Parliament without the consultation that I would have thought should have taken place. Does the member have any real concerns regarding this lack of consultation with the provinces, which are of course the successors to the colonies?

Ms. Joyce Murray: Mr. Speaker, indeed a key function of the Senate is the representation of regions and minorities. I would expect that the provinces would have the perspective that the Prime Minister and the government seem not to have in terms of representation because we have seen through its 34 senators a reduction in gender equity and a reduction in the representation of minorities in the Senate.

I fully expect that the provinces would have that at heart because at the heart of democracy and how the country is governed is that all people are represented.

Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC): Mr. Speaker, I listened to the member's comments on the nature of the term limits. The member has suggested that eight years may not be long enough and that it takes time for people to learn the ropes, so to speak. I can tell the member that the people on this side of the House can learn the ropes in this place in about eight seconds.

Eight years seems to be plenty. People can do their undergrads, their Ph.D. theses and go to the moon and back within eight years. I think people can certainly represent and understand how the Senate and Parliament works within that time frame. It is the longest period of time if we look at other upper chambers.

We are open to suggestions. We have incorporated suggestions from past consultations. This has been looked at for 143 years. We want to make one step. Why is the member so critical?

Ms. Joyce Murray: Mr. Speaker, I want to tip my hat to the member opposite, who said that he can learn the ropes in eight seconds. I would certainly not presume to claim anything similar myself. I would like to remind the minister of state that the key concern the Liberal Party has is not about the detail. It is about the process.

Special committees have looked at this over the years. There are legitimate concerns about the constitutional right of a Parliament to unilaterally make this change. Referring this to the Supreme Court of Canada is the democratic and responsible response. The government has failed to do that and has failed to have the necessary consultations.

● (1350)

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, I rise today to address Bill C-10, which amends the Constitution Act of 1867 and limits Senate terms.

It is not the first time that the Conservatives introduce such legislation. This is the fourth time in four years that they are proposing a bill to reform the Senate by limiting to eight years the term for which senators would serve.

This is a new attempt by the Conservative government to somehow reform the Senate. That is totally ridiculous. It shows once again the Conservatives' bad faith when the time comes to obtain the consent of the provinces—in this case Quebec—regarding the Constitution Act of 1867.

The Bloc Québécois is in favour of abolishing the Senate. However, the path followed by the Conservative government ignores the negotiating process that must take place with the provinces and which requires the consent of seven provinces representing 50% of the Canadian population.

The government presents a number of arguments. It claims to want to strengthen the institutions' democratic legitimacy. At the same time, it has no scruples about continuing on a path of democratic illegitimacy for the Senate, by speeding up the appointment process with this new bill. We can therefore say that this legislation is useless, since the Conservatives are contradicting themselves. They claim that they want to increase the democratic legitimacy of this institution—which is said to be archaic—but appointed senators do not have any public legitimacy. Later on, I will refer to some polls that clearly show this to be the case.

Second, any reform of this archaic institution—and I emphasize the word "archaic"—cannot be achieved unilaterally, without the consent of Quebec and of the provinces that represent over 50% of the population, provided there are seven of them. Third, if this Conservative government were really serious about wanting to increase the institutions' democratic legitimacy, it would ensure that Quebec's weight in the House of Commons is maintained.

If I have time later on, I will explain how this government is going to change Quebec's democratic weight by adding 30 new ridings, including 20 or so in Ontario. But let us look at today's issue, namely Bill C-10, which would provide an eight year, non-renewable term for senators. That is why we are saying the Senate is archaic and, more importantly, why it lacks democratic legitimacy.

If this bill is passed, it will speed up senators' turnover and the appointment process, as current senators would retire and be replaced by others whose term would last eight years. Such a change would allow a recently elected prime minister to quickly harmonize the parties' representation in the Senate and in the House of Commons after a change of government, and thus take control of the Senate more rapidly.

We know the Conservative Prime Minister's propensity for getting his hands on information and controlling the various leaders in various key positions within the government, as well as within his own political party and in the media. We know how the Prime Minister likes to have control over everything. It is easy to imagine the current Conservative Prime Minister making his selection. This week, we saw the control he has in the House, not to mention the Senate, at least with respect to the Afghanistan documents.

Similarly, this bill would allow the Prime Minister to increase the cyclical domination of the Senate by one party. With the introduction of this bill, the Prime Minister is saying one thing—he said he would not reform the Senate—but is doing the opposite. This is not the first time this has been mentioned in the House.

The Prime Minister once promised transparency. What transparency do we have today? You might think that the Liberal Party was still in power. We are forced to track their every move, to ferret out the truth in dribs and drabs in order to get the information to the people and to see how the Prime Minister manages his own government.

Not bad coming from a Prime Minister who said, during his campaign, that he would not appoint any senators. That is what the current Conservative Prime Minister promised in his election campaign.

I believe that the Bloc Québécois' traditional position on the Senate is well known.

● (1355)

Given that I have just shown how archaic this institution is, its lack of legitimacy in the eyes of the people and the partisan way in which senators are appointed, the Bloc Québécois is in favour of abolishing this institution after holding negotiations. There must be constitutional negotiations with the provinces and Quebec in particular. If the government is planning on moving forward with this bill, it cannot continue to do so unilaterally, as it is preparing to do and as it wants to do.

Major reform or abolition of the Senate would require negotiated amendments to the Constitution as well as agreement from Quebec and the provinces. It would have to be decided if the general amending formula—agreement from seven provinces representing at least 50% of the population, the so-called 7/50 formula—or the formula requiring unanimous consent would be required. That remains to be seen.

I do not think that the Prime Minister has thought about that. He said that there would be consultations. It will take more than consultations; it requires agreement from seven provinces with at least 50% of Canada's population.

That said, it is most probable that unanimity from the provinces would be necessary in order to effect such a major change because it would affect matters, such as the office of the Governor General, specified in the unanimity procedure.

The Bloc's position in favour of abolishing the Senate following negotiations with Quebec and the provinces seems to be shared by the people of Quebec, as a March 2010 poll clearly shows:

> The majority of Quebeckers do not see a value in the Senate as it is currently configured and a large percentage of them agree with abolishing it, according to an exclusive Canada-wide poll by Léger Marketing for QMI Agency.

The Minister of Canadian Heritage loves polls. A random national online poll of 1,510 adults showed that 35% of Canadians believe that the Senate can only be effective if senators are elected and not appointed. Furthermore, 25% of respondents believe that the Senate should be abolished and 12% are in favour of appointments based on gender and regional balance. As for Quebec respondents, 8% believe that the red chamber plays an important role and that the system for appointing senators does not work very well. Twenty-two per cent of Quebeckers would prefer to see senators elected and 43% want the Senate abolished. It is very clear. That is why we are saying that the Senate is not popular with the public.

Many participants, 20% in Quebec and 23% in the rest of Canada, chose not to respond because they did not understand the role of the Senate. This percentage increases to 31% for Canadians under 45. I think that these numbers speak for themselves. We can see there is no emotionally charged great debate on this bill. We see that here today. It just goes to show how archaic and irrelevant this institution is.

Senate reform can only be done with the agreement of Quebec and the provinces, and the Canadian Constitution is a federal constitution. I think that comes as no surprise to anyone.

Accordingly, there are reasons why changes affecting the essential characteristics of the Senate cannot be made unilaterally by Parliament and must instead be part of the constitutional process involving Quebec and the provinces.

I will conclude my speech after question period.

STATEMENTS BY MEMBERS

[*English*]

HURON—BRUCE

Mr. Ben Lobb (Huron—Bruce, CPC): Mr. Speaker, I rise today in the House to recognize one of Canada's greatest tourist destinations. Huron—Bruce borders on Lake Huron and boasts over 100 kilometres of coastline with world-class beaches and breath-taking sunsets.

From the lighthouse tours stretching from Point Clark north with stops in Kincardine and Saugeen Shores to the century old Huron County Playhouse barn, minutes from Grand Bend, Huron—Bruce is the ultimate tourist destination, offering activities for all four seasons.

Tourists can hike the renowned the Bruce and Maitland Trail, dock at the picturesque marinas, experience a play at the Blyth Festival or spend a night at the historic Benmiller Inn. Also Huron—Bruce boast Canada's largest motocross at Walton TransCan and Lucknow's Music in the Fields, featuring this year, Paul Brandt. It sounds good.

I encourage all members and their constituents to visit Huron—Bruce and experience Ontario's west coast.

* * *

● (1400)

DENNIS VIALLS

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Speaker, on April 23, Canada lost another great World War II Veteran. Dennis Vialls passed away after a courageous battle with Alzheimer's.

Dennis Vialls was born in Taunton, England, on March 29, 1925. He served in the Royal Army Service Corps and fought alongside Canadian soldiers on the beaches of Normandy.

After coming to Canada, Dennis Vialls went on to a career in the aviation industry, working for Air Canada and Rolls Royce Canada. In 1967, the year of Canada's Centennial, he formalized his bond with our great nation by becoming a Canadian citizen.

Dennis Vialls leaves his loving and lovely wife, Sharyn Cadot, and his children, Debbie, Pam, David, Peter and Douglas. They truly honoured their husband and father by displaying the same courage and determination in their efforts on his behalf as he did standing up for our rights some sixty-five years ago.

Let Dennis Vialls be a reminder that there is no freedom without sacrifice and that it is incumbent on our government to reward sacrifice by honouring it, not only in symbols and ceremonies, but in actions as well.

[*Translation*]

MONTREAL CANADIENS

Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ): Mr. Speaker, we were treated to a great game of hockey last night. The Montreal Canadiens beat the Washington Capitals in game seven, the final game of the series, with a score of 2 to 1. The suspense did not let up for a moment until the very last second.

The Habs' goaltender, Jaroslav Halak, gave an absolutely amazing performance, making it nearly impossible to get anything by him.

We must recognize the talent, tenacity and passion displayed by these athletes. While very few analysts thought they had any chance of winning the series, the Canadiens managed to overcome a 1-3 deficit and beat the top ranked team—the first time an eighth place team has pulled this off in the NHL since 1994.

On behalf of my Bloc Québécois colleagues, I would like to congratulate the Montreal Canadiens. We wish them the best of luck in their quest for their 25th Stanley Cup.

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[*English*]

YWCA'S WOMEN OF DISTINCTION AWARDS

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, this past Saturday I had the honour to attend the Sudbury YWCA's Women of Distinction Awards Gala. These awards honour women who have made substantial contributions to the social fabric of our great community.

I would like to take this opportunity to congratulate the award recipients and thank them on behalf of all Sudburians for their hard work in our community. Congratulations go out to Janna-Marie Doni, Gladys Beange, France Bélanger-Houle, Harriet Conroy, Maureen Lacroix and the women members of Waabishki Mkwaa Singers.

For the first time in the history of the Sudbury YWCA, one of these awards was given posthumously to Elizabeth Freelandt, known as Betty. Ms. Freelandt was a VP at my alma mater, Cambrian College, and a well-known community leader. She made a difference to those around her and her loss has left a void in my community.

To her family and friends, her legacy can be seen in the hearts and minds of these remarkable women.

* * *

MOTORCYCLE RIDE FOR DAD

Mrs. Shelly Glover (Saint Boniface, CPC): Mr. Speaker, it gives me great pleasure to rise in the House of Commons today to congratulate the organizers of the Motorcycle Ride for Dad event on its upcoming 10th anniversary.

Motorcycle Ride for Dad is Canada's largest annual event in which an army of chrome and leather fights against prostate cancer. On Saturday, May 29, engines will roar across Canada and I encourage Canadians to take part.

[*Translation*]

This will be the second consecutive year that I will be participating in this event to collect as many donations as possible.

[*English*]

Donations are disbursed locally to raise awareness and encourage men to be checked for prostate cancer. Funds also go to research and development in the prostate cancer area.

This year, as I proudly ride my motorcycle in this event, I would like to dedicate my ride to my colleague, the member for Toronto—Danforth. I continue to pray for his health and well-being.

On behalf of myself and the residents of Saint Boniface, I would like to congratulate all participants of Motorcycle Ride for Dad and I wish them safety on the ride on May 29.

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HEALTH CARE

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, this week flags have been lowered, wreaths have been laid, and we have stood in silence to remember those who have been injured or killed on the job.

On March 19 Labrador lost Eldon Perry in a workplace accident at the Iron Ore Company of Canada in Labrador City. He was a devoted husband, a loving father and grandfather, and a long-respected employee. His life was filled with giving and in offering a helping hand. He lived following the simple yet profound ideal of providing for the wellness of his family and community. His legacy is one of action and he has left an incredibly positive mark.

Working in the north is not easy. It has its great rewards and challenges. Tragically, on the day of Mr. Perry's accident, he was rushed to a hospital without even the basics, such as a CT scan. Needing emergency help, he waited 10 long hours for an air ambulance. This is not good enough.

My wish today, on behalf of all those who work in the north, is simple: good quality health care that treats all Canadians equally, regardless of where they live. Our workforce and their families are the backbone of our nation, and they have earned it.

* * *

● (1405)

REPUBLIC OF KOREA

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, today marks a solemn occasion for the Republic of Korea, which honoured the 46 sailors who perished with the sinking of the warship *Cheonan* on March 26.

On behalf of all Canadians, I offer my sincere condolences to the families and friends of the 46 sailors.

I understand the government of the Republic of Korea continues to work with experts from various countries in investigating the cause of the sinking of the *Cheonan*. The results of that investigation are expected to be made known within the coming weeks. Canada is monitoring the situation closely and awaits the results of the investigation.

We stand with our friend and ally, the Republic of Korea, in mourning its loss. Canada stands for freedom, democracy, human rights, and the rule of law.

* * *

[*Translation*]

40TH ANNIVERSARY OF THE BRINK'S CARAVAN

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, three days before the Quebec election on April 29, 1970, we saw the biggest hoax and greatest manipulation of the media in the history of Quebec, by none other than Pierre Elliott Trudeau, then prime minister of Canada.

Polls showed that the Liberals and the Parti Québécois were neck and neck. Mr. Trudeau and the federal Liberals decided to interfere in the election campaign, by provoking fears and raising the spectre of an economic exodus. Mr. Trudeau and his henchmen orchestrated a fake exodus of capital. On April 25, a caravan of nine Brink's trucks, insured for $450 million, left Montreal and headed for Toronto, witnessed by a single journalist from *The Gazette*, who had been tipped off by an anonymous caller. The newspaper, in cahoots with Mr. Trudeau, never published the photos taken by this journalist, but was happy to spread the story.

Robert Bourassa and his team eventually won the election.

Mr. Trudeau claimed to be a defender of rights and democracy. But we would say he showed contempt for democracy, both in staging the Brink's caravan and in locking up activists during the October crisis of 1970.

* * *

THE ECONOMY

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, the Liberal leader has not bothered to ask a question about Canada's economy for a month now, and the last time he did, he proposed to increase the tax burden on Canadians and Quebeckers.

Since March 29, the Liberal leader has focused his attention on so-called scandals, on forcing his members to support the long gun registry and on promoting his book, instead of on the most important issue to Canadians: the economy.

The Liberal leader is deliberately not talking about the economy, because Canadians know that his plan is to raise taxes. With phase two of our economic action plan, our government is acting to improve our economy, and we are getting results.

We are working hard to stimulate Canada's economy by promoting job creation and growth across the country.

* * *

[*English*]

STATUS OF WOMEN

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, this is a government trying to export its own ideology to the world, flying in the face of 25 years of clear, consistent Canadian foreign policy.

However, it is doing it at home, too, by continuing the systematic hollowing out of women's rights and women's advocacy groups across Canada.

CRIAW, the Coalition for Pay Equity and the Womanspace Resource Centre were among those shocked to lose their funding; in some cases, after 25 years. This House should be gravely concerned.

Research and advocacy are no longer funded by Status of Women Canada, the court challenges program has been scrapped, and real pay equity has been denied. Now, reputable organizations are losing their funding.

In January the former minister of state for the status of women boldly stated that she had the final say on funding, regardless of the formal recommendations of her staff.

In a democratic society, project funding cannot be allocated on the whim of a minister. The Conservative government must end this culture of deceit.

* * *

TAXATION

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, as the tax filing deadline nears, Canadian families are reaping the rewards of our Conservative government's commitment to lower taxes.

Our government believes that low taxes fuel job creation and economic growth. That is why since taking office we have cut taxes for families, seniors, students and individuals, and reducing the overall tax burden to its lowest level in nearly 50 years. Total savings now exceed, for a typical family, $3,000 a year.

Tax and spend Liberals are not happy. Canadian families, according to them, are not paying enough taxes. In fact, the Liberal finance critic said, “The era of tax cuts is over”.

His leader promises a GST increase, a new carbon tax and higher job-killing business taxes. Under the Liberal leader's tax and spend plan, Canadians will suffer and see their tax bills dramatically increase.

Not us. We will ensure Canadians keep all their money—

● (1410)

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

* * *

YOUTH STRATEGY

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, Canada's young people are facing a stark reality, record high unemployment.

Last week's OECD report indicated that youth unemployment is reaching historically high levels around the world, and it is a trend of prolonged unemployment with long-term impacts on the next generation's finances and health.

That reality demands action, action from the government that is supposed to be looking ahead at the future and looking to support the next generation.

We need a job strategy that looks beyond summer jobs to year-round solutions, working with young people and employers in the public, not for profit and private sectors who are seeking to work with young people.

We need to look at education. For far too long successive federal governments have failed to take a leadership role in making post-secondary education affordable and accessible to young Canadians. Thanks to the NDP amendment to the 2005 budget, northern Manitoba, our region, will see a new campus and significant investments in the University College of the North.

We need leadership, broad leadership, from the government in order to stop the trend where our generation might not be as well off as those before us, and instead—

The Speaker: Order. The hon. member for Westlock—St. Paul.

* * *

FIREARMS REGISTRY

Mr. Brian Storseth (Westlock—St. Paul, CPC): Mr. Speaker, since the Liberal leader announced his plans to force his MPs to keep the wasteful and ineffective long gun registry, the Liberal member for Malpeque has decided to ignore the wishes of farmers and constituents, and has said he will support the wasteful and ineffective long gun registry. He used to say, "I'm inclined to vote against the long-gun registry because I don't believe it has been as effective as the original intent—".

However, now the member for Malpeque has changed his tune. He now believes that being forced to ignore his constituents is an example of the Liberal leader's outstanding leadership.

It is disappointing to see that the member for Malpeque is putting his own political interests in Ottawa ahead of standing up for his constituents in P.E.I. Clearly, the member for Malpeque appears more concerned with his leader's position than that of his constituents.

It is time for the member for Malpeque to stand up for farmers, stand up for his constituents, and vote against the long gun registry.

* * *

[*Translation*]

PARTI QUÉBÉCOIS

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, it was 40 years ago today, on April 29, 1970, that the first seven members of the Parti Québécois were elected.

On that day, 23% of Quebec voters put their trust for the first time in a party that would change Quebec's political scene by carrying the dream and the hopes of a people and a whole nation, and by defending the ideals of social democracy.

From that day on, Robert Burns, Claude Charron, Marcel Léger, Charles-Henri Tremblay, Guy Joron, Camille Laurin and Lucien Lessard would promote these aspirations in the National Assembly.

Incidentally, it was in that election that, for the first time, the Parti Québécois presented candidates in every riding of Quebec.

From then on, the sovereignist movement would be able to rely on democratically elected representatives to promote the reason why René Lévesque created the Parti Québécois, namely to achieve Quebec's sovereignty.

I invite all Quebeckers to take part in the celebrations commemorating this historic event and the long road that has been travelled since. These celebrations are taking place this evening, in Montreal. Bravo!

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FIREARMS REGISTRY

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, yesterday, the Bloc Québécois joined the Conservatives to prevent groups fighting to keep the firearms registry from being heard at the hearings on that registry.

The Bloc has decided that it would be better to substitute pro-gun lobbyists for these groups. They would rather hear people like Tony Bernardo, who believes that by saving nine lives annually, gun control has an insignificant impact.

The Bloc wants to hear marginal groups who absolutely do not reflect the Quebec consensus in favour of keeping the registry.

And who are those groups that may have to sit on the sidelines because of the Bloc's totally irresponsible and unforgivable behaviour? It is groups like the Association des étudiants de Polytechnique, the Dawson Committee for Gun Control, the Government of Québec, the Association des directeurs de police du Québec, the Fédération des femmes du Québec, the Service de police de la Ville de Montréal, the Association québécoise de prévention du suicide, the Regroupement des maisons pour—

● (1415)

The Speaker: The hon. member for Elgin—Middlesex—London.

* * *

[*English*]

LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, as of today, it has been one month since the Liberal leader has bothered to pose a question on Canada's economy. The last time he asked a question, he proposed raising Canadians' taxes.

Since March 29, the Liberal leader has been more focused on whipping his MPs to support the long gun registry, supposed scandals, and his own book tour rather than the most important issue facing Canadians: the economy.

Avoiding mentioning the economy is a deliberate strategy for the Liberal leader, since Canadians know of his plan to raise taxes. Whether it is proposing a GST hike, promoting a carbon tax or proposing job-killing business taxes, raising taxes is the only policy the Liberal leader is consistent on.

Whereas the Liberal leader threatens our economy, our government is taking action to improve our economy through year two of Canada's economic action plan. We are securing economic recovery in Canada by building jobs and growth across the country.

The Liberal leader has no interest in our economy because he is not in it for Canadians, he is just in it for himself.

ORAL QUESTIONS

[*Translation*]

ETHICS

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, the documents prove that at least seven ministers had contact with unregistered lobbyist Rahim Jaffer.

In the case of the Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, it was clear that lobbying was going on. Proposals went all the way to the minister's office, but nobody said a thing.

How many other ministers or parliamentary secretaries were lobbied by Mr. Jaffer without our knowledge?

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, let me very clear. We would not be having this debate about documents if it were not for the government, which made all these documents public. It was the government that put all these documents before a parliamentary committee. That is transparency.

This government brought in tough new laws on lobbying. Every Canadian lobbyist is expected to follow the act. If the member opposite has any evidence of anyone not obeying the law, he should follow the Prime Minister's lead and forward it to the lobbying commissioner.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, it is troubling that Mr. Jaffer knew he could get privileged access through the Parliamentary Secretary to the Minister of Transport. Mr. Jaffer did so because he knew the member had been given authority over one billion dollars of government funds and therefore he and the Conservative government could get around their own accountability act.

What other ministers have delegated authority to their parliamentary secretaries in this irresponsible way as a designed way to get around the accountability act?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, parliamentary secretaries assist their ministers in the House, in committee and with departmental work, but all responsibilities remain with ministers. That cannot be delegated.

Let us contrast the actions of our government with the previous Liberal government. Mr. Jaffer got no grants, got no money as a result of any of his meetings. Compare this to the previous Liberal government when millions of dollars went missing and the Liberal Party found itself in a position where it had to return some of the kickbacks it had received from taxpayers. Shame on the Liberal Party. We got $1 million back from the Liberal Party. We want the extra $39 million.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, when a parliamentary secretary is lobbied directly, especially by a former

Conservative MP and unregistered lobbyist, red flags should have gone up. However, none did because those Conservatives knew exactly what they were trying to get away with. They even had the audacity to keep dealing with Mr. Jaffer as recently as last month after he had been charged with possession of cocaine and drunk driving.

Will the Prime Minister, who deliberately created this loophole in his own law, now close it?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the Lobbying Act is very important legislation. It is this government, it is the Prime Minister who strengthened that as our first order of business because of the huge transgressions and robbery that accused under the Liberal Party and kickbacks that made its way into the hands of Liberal insiders.

This government put in place an independent lobbying commissioner. If the member opposite has any information with respect to improper activities, he should follow the lead of the Prime Minister and forward that to the appropriate authority.

● (1420)

[*Translation*]

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, the Minister of the Environment confirmed that his director of regional affairs met with Rahim Jaffer to talk about a funding application for a specific project.

Can the Prime Minister confirm that the project in question was the TransAlta Keephills project near Edmonton? Can he also tell the House whether Mr. Jaffer or his partner lobbied Natural Resources Canada, the minister of the department or his parliamentary secretary?

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the member opposite is obviously on some sort of a fishing expedition. Let me say this. When serious allegations were brought to the attention of the Prime Minister some weeks ago, he did the right thing, he did the honourable thing, he did the ethical thing and he immediately referred all those matters to the relevant authorities. That is leadership. That is a high standard of ethics and that is in such stark contrast to the actions of the Liberal government.

Tomorrow is the day where Canadians have to pay their taxes. Tomorrow is also the day where Liberals should pay back taxpayers the $39 million of missing money.

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, we now know that Mr. Jaffer or his partner made representations to seven departments and agencies. We know that Natural Resources Canada provided over $342 million to the Keephills project last October. The Prime Minister is aware of this because he personally announced the funding at the Keephills site on October 14.

In the interests of transparency, will the Prime Minister release all communications between Mr. Jaffer, Mr. Glémaud and any government official or elected official related to the Natural Resources Department?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, this government has been very transparent. We have forwarded a significant amount of information to the relevant authorities, the independent agents of Parliament who are tasked with enforcing the law. Anyone who breaks the law should be fully held accountable.

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[*Translation*]

APPOINTMENT OF JUDGES

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, this government never stops boasting about being tough on crime. We have recently learned that Jacques Léger, a judge appointed to the Quebec Court of Appeal by the Conservative government, represented the business interests of the Hells Angels for many years. Jacques Léger is a former president of the Conservative Party of Canada.

How can this government, which says it supports law and order, be so partisan as to appoint a judge who represented the Hells Angels to the Quebec Court of Appeal ?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, it is clear that judicial appointments are based on merit. Our selection process is one of the most rigorous in the world. It is shameful that the member is attacking the credibility of a judge who was duly appointed according to the rules of the system.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the rules of the system are not the same as Quebec's. Here, the Minister of Justice can appoint whoever he wants, regardless of recommendations that are made.

Whether it is a sign of incompetence or lack of judgment, or both, Justice Léger did not find it appropriate to make his past relationship with the Hells Angels public and was preparing to preside in a case in which they are involved.

How can the Prime Minister accept that his justice minister did not make inquiries before appointing Judge Léger to the Quebec Court of Appeal? And if he did, how does the Prime Minister explain that his justice minister was so blinded by partisanship that he decided to ignore Justice Léger's past?

Hon. Christian Paradis (Minister of Natural Resources, CPC): Mr. Speaker, that is nonsense. I hope my colleague is aware that there is a rigorous selection process. There is a list of candidates who are evaluated on merit. Our aim is excellence and the Minister of Justice chooses from this list. The public must not be misled any more. A transparent and rigorous process was followed in this case, just as it is with any other appointment.

* * *

ETHICS

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, Rahim Jaffer used the email and name of his wife, a former Conservative minister, enabling him to get preferential treatment. Emails also show that the office of the former public works and government services minister promoted the interests of Rahim Jaffer by putting pressure on public officials to give priority to his proposals.

Why did the Conservatives' Quebec lieutenant, who has told us many times that the government wants to clean house, not mention earlier that he was helping move Rahim Jaffer's files forward?

● (1425)

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we provided all the appropriate documents to the committee clerk and to the Commissioner of Lobbying. Lobbyists must follow all the rules that regulate this activity. The documents related to the Jaffer affair are now public. The government released them in the name of transparency and accountability.

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, here is more proof that the token Quebecker is once again playing the role of doormat.

Rahim Jaffer's lobbying of the former public works and government services minister was successful, since he got a meeting with her officials. The minister's political assistant, the same one who blocked the publication of incriminating documents, put so much pressure on the officials that they gave in.

Will the political lieutenant for Quebec lay the blame on his employee, who simply carried out the lieutenant's dirty work? Will the doormat take responsibility?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I must say that Mr. Jaffer did not receive any taxpayer money, and did not obtain any contracts or projects that were discussed in these meetings. That is something the government wants the public to know. We created the position of the independent lobbying commissioner. This issue is before the commissioner, and we believe that she will assure all members of Parliament and all Canadians that no one is above the law.

* * *

[*English*]

GOVERNMENT APPOINTMENTS

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, *La Presse* revealed yesterday that a former lawyer for the Hells Angels, Jacques Léger, was named judge by the law and order Conservatives right after they were elected in 2006. His main client in the Hells Angels, Robert Bonomo, a founding member, was arrested last year and charged with 22 murders. Yesterday Quebec's chief justice had to remove Judge Léger from a case he was about to hear because it involved the Hells Angels. Judge Léger apparently did not see the problem.

Could the justice minister explain what qualifications led the Conservatives to name Jacques Léger a judge?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the government has followed standard practices. We have a group of men and women that does reviews of candidates for the judiciary. This committee has representatives from a wide range of stakeholders.

Let me assure the member opposite that we look for high calibre, competent individuals who can administrate the public business and for our courts.

[*Translation*]

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, not only did the Conservatives appoint Mr. Léger to the Superior Court, but they recently promoted him to the highest court in Quebec. His real qualification in their eyes is that he is a former president of the Conservative Party.

Considering this notorious Conservative's ties to the Hells Angels, the ties a girlfriend of a former Conservative minister has to the Hells Angels, the alleged ties between Rahim Jaffer's business partner and the Hells Angels, are we to deduce that they are the Hells Angels farm team over there?

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, this government solicits advice from the judicial advisory committee, a group that is a multi-stakeholder body. Our bottom line is we want people who are qualified to serve on the bench. We want people who will be able to adjudicate in a fair and responsible manner. This has always been the approach that this government takes with respect to judicial appointments.

* * *

ETHICS

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, Ms. Couillard, in whose apartment the former Conservative minister forgot his briefs, had well-documented links to the Hells Angels.

Though he denies the report, Nazim Gillani has been linked to the Hells Angels by a newspaper as respected as the Toronto *Star*. His associate, Rahim Jaffer, was carrying on business from the office of another Conservative minister. The Prime Minister fired both from cabinet and even threw her out of caucus, but still will not say why.

Let us see. The case involves cocaine, possible links to organized crime, influence peddling and now it is six, seven ministers. Are we getting warmer?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I guess the deputy leader of the New Democratic Party would have us get rid of the judiciary and he could provide judicial judgments on the floor of the House of Commons.

Here is what the Prime Minister did. Serious allegations were brought to this attention. He immediately referred those to the relevant authorities so appropriate action could be taken.

I want to underline, once again, that Mr. Jaffer, in connection with his any of his meetings, received no government money. That is a big difference from the previous Liberal government.

● (1430)

[*Translation*]

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, we have been told for a month that Rahim Jaffer did not have any privileged access to cabinet. And yet, one minister after another is coming forward.

A new series of documents clearly shows that the office of the former minister of public works pushed to have Mr. Jaffer's files given priority. I repeat: priority.

Staff were strongly encouraged to fast-track Mr. Jaffer's files.

I want the Minister of Natural Resources to tell us why.

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we are having a conversation on the floor of the House of Commons about documents. Why are we having that conversation? Because this government released all of the documents. This government has acted in a very transparent fashion and that is tremendously important.

Let us contrast our actions to those of the previous Liberal government. Mr. Jaffer got no money, no grants in connection with any of his meetings, so unlike the previous government, where literally millions of dollars went to Liberal insiders, and criminal investigations and criminal convictions have resulted. Shame on them.

[*Translation*]

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Mr. Speaker, listen to this.

"Hello Sébastien, thanks again! I just spoke to [the minister] and we are going to try to get together for a beer next week".

That is my translation of an email from Rahim Jaffer to Sébastien Togneri, who was the minister's director of parliamentary affairs at the time. The message was about funding for solar panels.

We now know what the meetings between Rahim Jaffer and his former buddies were about.

Do the Conservatives have the nerve to continue denying that Mr. Jaffer not only had privileged access, but received privileged treatment as well?

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, one thing is very clear. As a result of any of these meetings or any of these actions undertaken by Mr. Jaffer, no government money was involved. That is in sharp contrast to the previous Liberal government when $40 million went missing.

For my friend in the Liberal Party, tomorrow is the day when Canadians have to pay up for their tax bills. Tomorrow should also be the day that the Liberal Party pays up for their $39 million of missing money.

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Mr. Speaker, the Prime Minister's communications director assured Canadians that the government's doors were locked to Rahim Jaffer and then we learned of one Conservative minister, then a second Conservative minister, a seventh Conservative minister who granted privileged access to Mr. Jaffer.

Curiously silent is the former minister of natural resources, the now Minister of Labour. She was the minister actually responsible for the green funds. Do the Conservatives really expect us to believe that neither she nor her parliamentary secretary had any dealings with Mr. Jaffer or Mr. Glémaud?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, in fact, I am the minister responsible for the green infrastructure fund and Mr. Jaffer got no money. Let me repeat that. Mr. Jaffer got no money from the green infrastructure fund.

I would tell my friend from Newfoundland that tomorrow is taxation day. Every Canadian has to pay up. It is time the Liberal Party paid up too.

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Yes, Mr. Speaker, but he did get privileged access.

After weeks of the government's stonewalling and denying the privileged access bestowed upon Mr. Jaffer, late last night more details were released showing that the former minister of public work's staff placed one of Mr. Jaffer's projects on the fast track. When the file apparently stalled a month later, the minister's office staff even asked public servants to accelerate their review of the project.

Why did it take so long to make this information public? What are the Conservatives trying to hide?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, it is this government that made all of this information public. It is this government that has been transparent. The fact that we are debating the documents in question is because the government made it public.

If the member from Newfoundland and Labrador wants to suggest that that privileged access got him the fast track, the fact is that the fast track was really going in the ditch because he did not get any money.

* * *

[*Translation*]

INTERNATIONAL CO-OPERATION

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, the Conservatives' decision to cut off funding for organizations that give women in developing countries access to abortion is indicative of what they dare not do here in Canada. Because they are a minority government, they are using private members' bills to reopen the abortion debate.

Why will the government not just say that, when it comes to abortion, its backward Conservative ideology supersedes women's rights?

Hon. Josée Verner (Minister of Intergovernmental Affairs, President of the Queen's Privy Council for Canada and Minister for La Francophonie, CPC): Mr. Speaker, that is not true. The government has absolutely no intention of reopening the abortion debate.

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, the Conservative government promised to do more for maternal and child health, but it froze the international aid envelope. Many NGOs, including Oxfam, are worried that the government will eliminate other equally important projects in order to fund these new initiatives.

Does the government realize that, unless they increase the overall envelope for international aid, it is the poorest people on the planet who will pay for this freeze?

● (1435)

[*English*]

Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, if the member were to read the budget, she would realize that our aid envelope is larger than it has ever been in the history of Canada. It is now $5 billion, thanks to the foresight of this government.

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[*Translation*]

FORESTRY INDUSTRY

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, the États généraux du bois, a forest industry conference, took place in Quebec City on Wednesday. Robert Beauregard, dean of the faculty of forestry, geography and geomatics at Université Laval and president of Coalition BOIS Québec, again called for loan guarantees for the forestry industry. Speaking in the morning, Claude Perron, chair of the board of directors of the Quebec Forest Industry Council, did the same.

When will the minister put in place loan guarantees, as Quebec's forestry industry is calling for?

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, yesterday, my colleague asked me what planet I was living on. I would ask him what age he is living in. Gone are the days of 78s, 33s and eight-track tapes. This is the age of MP3s, iPads and iPods. In the world of the forestry industry, more electronic copies than hard copies of *The Da Vinci Code* and *Harry Potter* have been sold. It is high time he realized that this is 2010. The issue is markets, and we are going to keep working to create new markets.

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, the minister should talk to his colleague, who was in Quebec City yesterday at lunchtime. The government is offering small financial incentives to encourage people to use more wood, but it is refusing to make an effort itself and promise to use more wood in federal buildings. The House of Commons, led by the Bloc Québécois, and the Forest Products Association of Canada are calling for such a measure.

When will the Conservative members from Quebec stop letting the steel lobby walk all over them?

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, I am very proud to be a token Quebecker, because at least I serve a purpose. Some members have been here for 20 years and serve no purpose whatsoever. That is not true of us.

We will keep on working to support the industry. In 2008, EDC reported $8.9 billion, and in 2009, $11.9 billion. The Bloc Québécois would never be able to do that.

[*English*]

AFGHANISTAN

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, from the moment the torture complaint was first made to the commission in 2007, the government has been systematically obstructing the commission and the Afghan committee.

It gets worse. Important detainee transfer reports have been hidden in containers in Kandahar.

I want to know what time period these reports cover, will these reports be found and produced quickly, will the government end this culture of deceit, produce all the documents and call a public inquiry for all to know?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, I can assure the member that any documents in the possession of the Canadian Forces are in safe containers.

Interestingly enough, here is what Gavin Buchan, the former political director at the Kandahar provincial reconstruction team, had to say yesterday. I know it runs contrary to member's narrative, but he said, "I saw nothing in the record through March 2007 that indicated Canadian-transferred detainees were being abused, nothing that changed the baseline understanding from 2005 when the original arrangement was put in place.

That failed arrangement has been improved substantially by this government. I wish the hon. member would get his facts straight.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, I was there and it was ambassador Arif Lalani who last week said that there was always a substantial risk of torture of detainees in Afghanistan.

How long has the government known that these reports have been missing at the bottom of some container in Kandahar? Will the government guarantee that the missing documents will be found?

I am asking if the government will guarantee that the documents will not be destroyed, that they will be brought back to Canada and that none of them will be shipped out of Canada. Or, will the culture of deceit prevent the government from offering that guarantee in the first place?

● (1440)

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, here we go again. Despite the overblown, over torque rhetoric of the member opposite and despite his hyperventilating and his hyperbole, we have heard from credible witnesses, including, as I said, the former director at the Kandahar provincial reconstruction team, the person, by the way, who was there before Mr. Colvin and after Mr. Colvin. When asked the direct question, "Were you told that the detainee file was an issue when you took over?", he said, "In July 2006 there was no reference to the detainee issue whatsoever".

* * *

FOREIGN AID

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I have a question for the Minister of Foreign Affairs in his role as the chairman of the Afghanistan committee of cabinet.

I and, I am sure, a number of other members have been receiving reports from Kandahar of deep concern from a number of NGOs about the fact that they are now receiving some notification that decisions have been made in Canada that there will be no funding for CIDA projects in Kandahar after March 30, 2011.

I wonder if the minister, in his role as chairman, could give us his categorical assurance today that no such decision has been made and that Canada plans to continue to fund civilian projects—

The Speaker: The hon. Minister of Foreign Affairs.

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, I want reassure my hon. colleague that in the Speech from the Throne we indicated that post-2011 Canada would not only continue with its diplomatic mission in Kandahar but would also continue with its development in and aid to that country.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, perhaps the minister can help us. The problem is that all of our troops are now concentrated mainly in Kandahar because they played an important role in that region for a long time.

Can the minister assure us that, after March 30, 2011, Canada's civilian presence will remain not only in Kabul but also in the Kandahar region? That is an important issue.

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, I will repeat what I told my colleague just now. I would suggest he check the Speech from the Throne, in which we indicated that post-2011, Canada would continue its diplomatic mission in Kandahar and Afghanistan. We will also maintain development assistance as well as CIDA involvement.

* * *

[*English*]

INFRASTRUCTURE

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, with over 8,000 trucks and 68,000 travellers crossing the border between Detroit and Windsor every day and more than $500 million of trade daily, the Detroit River international crossing is the most important infrastructure project for Canada's economic security and future prosperity.

Our government has said since 2007 that we are committed to building a new bridge in the region. Would the Minister of Transport please inform the House of the major step our government took today with respect to this crossing?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I thank the member for Essex for his great work on this important issue. There have been discussions about this bridge for some 20 years and today this government took a big step forward to make it a reality.

We announced that we will work with the state of Michigan on a credit and financing regime that would allow it to leverage federal funding. This will help get this bridge built. It will help create literally thousands of jobs in Windsor and Essex county and all of southwestern Ontario. It will help our manufacturing sector in southern Ontario and southern Quebec, which is a key driver of the Canadian economy. We are going to get this job done.

* * *

ETHICS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, it seems that if one has good Conservative credentials and knows the secret handshake, doors open, officials jump and illegal is just a sick bird. What red tape, they say. Rahim wants an answer by Friday, or at least before tea time.

We all know that the Parliamentary Secretary to the Minister of Transport is just a patsy in all this, an expendable fall guy who we expect will take the fall.

I want to know when the Prime Minister will take responsibility for his ministers running roughshod over the Federal Accountability Act, the very centrepiece legislation of the government's agenda?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I deeply resent the comments made by the member of the New Democratic Party about the hard-working member for Fort McMurray—Athabasca. As part of Canada's economic action plan, we have all been working hard, but perhaps no one has worked harder on our economic action plan and creating jobs than the member for Fort McMurray—Athabasca

● (1445)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, it took 13 years for the Liberals to get this corrupt and arrogant, but the virus seems to have mutated. The Conservatives have succumbed in less than four years.

Rahim Jaffer lied to Parliament but a lie by omission by the government is just as offensive.

Why did the Conservatives let Rahim Jaffer skulk around the corridors of power for a year and a half without telling anybody that he was lobbying them illegally? Why did they keep taking meetings with him and giving him privileged access and services without telling him to stop? Does anybody over there even know the difference between right and wrong, or has the virus consumed that too?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I am glad the member got a standing ovation from at least one of his colleagues. It is quite colourful language he is using.

Let me be very clear. As a result of any of the meetings or letters that Mr. Jaffer may have sent, no government money flowed. No contracts existed.

I can tell the member about someone who has had privileged access to this minister and privileged access to government money. It has been the work that I have been able to do with the member for Winnipeg Centre to the benefit of helping his constituents. That is privileged access that is working for the people in his riding.

[*Translation*]

THE ENVIRONMENT

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the Minister of Industry acknowledged that failing to put a price on carbon is stalling the growth of the green technology industry. The minister may not like it, but if we want to develop a clean energy economy, we need a carbon exchange.

Now that he has acknowledged the truth, will the Minister of Industry persuade his Environment counterpart that a Montreal carbon exchange must be created as soon as possible to support the growth of green technologies?

[*English*]

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, as the member well knows, we have a strong harmonized approach with the United States and it is a continental approach that may include our cap and trade system. However, we all want to know how the Bloc's investment in the oil sands is going.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, the government is justifying its failure to act by saying that it plans to follow in the United States' footsteps. That little game has been going on since 2006. The government has failed to deliver on its promise to regulate for four years now. The situation has become even more worrisome now that the Obama plan is bogged down in the U.S. Senate.

Instead of waiting for a hypothetical American plan, will the government develop a regulatory framework for a carbon exchange in Montreal?

[*English*]

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I am glad he acknowledged that we have a harmonized approach with the United States. It is a continental approach.

We are already seeing greenhouse gas emissions going down. In the last report they went down 2.1%.

Now that is a major change from what happened under the Liberals' leadership. In fact, it was the Liberal leader who said that they made a mess on the environment.

Well, that is not happening under this government. We are getting it done on the environment.

* * *

PUBLIC SAFETY

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, for more than six months the government blocked the Parliamentary Budget Officer from getting basic information on the Conservatives' plans to build prison cities.

Information that should have been turned over in a day was buried, hidden. The office of the Parliamentary Budget Officer had to build statistical models and dedicate a third of the office for half a year to figure out costs the government was hiding.

Now under threat of a Parliamentary Budget Officer report days away, the government tosses out numbers, but only for one bill with no supporting facts.

Will the minister stop stonewalling and turn over all costs to the Parliamentary Budget Officer?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, unlike the Liberals, our priority is public safety.

The Liberals have shown that they have a fundamentally different view on what it means to be tough on crime. They believe it is citizens who should be locked up in their own homes while dangerous criminals are out on the streets. That is not the position of our party. We stand with victims. We stand with the rights of Canadians. We are prepared to pay to send dangerous criminals to jail.

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, the Conservatives believe in failed Republican policies. We believe in evidence.

The Conservatives cut 41% from the victims of crime initiative. They slashed, by more than half, spending on crime prevention. They fired the victims ombudsman who said that their plan was unbalanced and would not work. They are now trying to force Parliament to vote in the dark.

The minister says he knows the costs but will not tell. He refuses to co-operate with the Parliamentary Budget Officer. The Speaker has just ruled that denying such information is an attack on democracy.

Will the minister turn over all costs to the Parliamentary Budget Officer, yes or no? It is a simple question.

● (1450)

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, let us talk about evidence.

We know that the Liberal Party stole $40 million. The Liberals have come back with $1 million. They have still stolen $39 million. That is clear evidence. We know that. Where is the money?

Some hon. members: Oh, oh!

The Speaker: Order, order. Some members are suggesting that they continue their discussion outside. I agree. We are in question period now. The hon. member for Vancouver—Kingsway has the floor.

* * *

JUSTICE

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, earlier this week the public safety minister told Canadians that the cost of ending two-for-one sentencing credits and longer sentences would be $90 million. Now he admits the federal government's share will be $2 billion, with billions more downloaded to the provinces to deal with the influx of prisoners.

Can the minister explain how his own estimate of the bill's cost ballooned by 2,000% overnight? And, have the provinces been made aware of the crushing financial burden the Conservatives are imposing upon them?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, what we do know is that members of the NDP do not care about the cost to victims. They never stand up for victims. They will stand up for Taliban soldiers. They will stand up for dangerous criminals. They will stand up for people who in fact come into this country illegally. But do they ever talk about Canadian victims who are victims of dangerous criminals? Never.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, the $2 billion price tag is for only one of the Conservatives' misguided bills. They have even more planned that will cost billions more.

Instead of spending billions to lock up more Canadians for longer, the government should make investments that will make communities safer, like increased funding for front-line mental health services, crime prevention and youth diversion programs which are proven to reduce the crime rate.

Why is the government planning to waste billions of dollars on punishment that does not help victims, but spends little on the practical measures that will actually make Canadians safer?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, one of the biggest proponents of Bill C-25, ending the two-for-one credit, was the NDP justice minister in Manitoba. I would suggest that the member listen to the NDP justice minister in Manitoba because at least that is one New Democrat who actually cares about victims, unlike the caucus over on the other side.

* * *

TAXATION

Mr. Mike Wallace (Burlington, CPC): Mr. Speaker, as the filing deadline nears, Canadians appreciate the over 100 tax cuts from our Conservative government since 2006. However, they are also reminded of the Liberal leader and his key spokespeople who have all shockingly complained about tax cuts and demanded that Canadians pay higher taxes. The Liberal finance critic even warned that the era of tax cuts is over. We all know what that means: massive Liberal personal and business tax hikes.

Could the finance minister remind Canadians how much our government has lowered their taxes?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I certainly can, and I thank the member for Burlington for that excellent question.

While the Liberals scheme about tax hikes, we are lowering taxes, keeping more money in the pockets of Canadians where it belongs. In fact, since coming to office, we have reduced the overall tax burden to its lowest level in 50 years. We have removed over a million Canadians completely from the tax rolls. We have cut taxes in every way that the federal government collects them. This year alone, over 16 million Canadians have already filed and we have already issued over $16 billion in tax refunds to Canadians.

* * *

FOOD MAIL PROGRAM

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, almost nothing is more critical to the survival of one's own self and one's family than food. Yet the government frightened some people in Canada's Arctic on budget day by saying it was going to change the food mail program that people depend on, and the government did not even say what it was going to change it to. The government has left northerners anxious for almost two months about the fate of their food.

Now we hear that Canada Post has been told it will not be involved at all in the future.

Would the minister explain the mechanics of the new plan for delivering food to worried and vulnerable people in the Arctic?

● (1455)

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, I was delighted in the throne speech and in the budget where we got, for the first time, a long-term commitment, solid A-base funding for nutritious food programs for the north. This government stands solidly behind it in a way that has never been done before. What is more, we had over 70 consultative meetings across the north with suppliers, community leaders and others.

We will be shortly announcing a revamp of that nutritious food program that is sustainable, that takes into account the information we got from the north. Northerners deserve to have a program they can count on, and we are going to deliver that to them.

* * *

[*Translation*]

AFGHANISTAN

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, two weeks ago, an Afghan-Canadian interpreter revealed that Canadian soldiers killed an innocent, unarmed Afghan teen during a botched operation. At the time, the Minister of National Defence dismissed the accusations. Now that the family is threatening to take legal action, the military police has decided to begin an investigation.

How can the Minister of National Defence have any credibility in the whole Afghan detainee issue when he would rather deny problems than try to get at the truth?

[*English*]

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, we can talk about credibility. We can talk about support for the Canadian Forces. We can talk about support for Canada. However, I do not want to get into that argument with the member opposite.

What I do know is that the chief of the defence staff has given very credible evidence that suggests what happened on that fateful night is that there was an armed insurgent who was shot, and he was shot to protect the lives of Canadian Forces members who were involved in an operation. That is the evidence on the record. There will be an investigation.

The facts that we have heard have come from the mouth of a person no less credible than the chief of the defence staff, Walt Natynczyk. I will take his word over that of the member opposite.

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INTERNATIONAL CO-OPERATION

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, yesterday the responses by the government to my questions on abortion funding omitted the pleas from groups like the WHO and Human Rights Watch that say that maternal and child health initiatives must make "available a wide range of contraceptives based on full information and women's choice", and provide "safe abortion and post-abortion services".

Why is the government not listening to all the organizations invested in this issue? When will it stop cherry-picking arguments to fuel its own agenda?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, our government is focused on how we can make a difference in saving the lives of women and children in ways that unite us, not divide us. In fact, together with our G8 partners, we agree that maternal and child health must be a priority.

The meeting in Muskoka gives us a historic opportunity to save the lives of millions of women and children. It is a laudable goal. It is an honourable goal. It is one that we can all get behind.

* * *

DEMOCRATIC REFORM

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, Canadians believe that our Parliament should reflect a modern, 21st century democracy.

This week our Conservative government introduced changes to the law which will make our democratic institutions more accountable to Canadians.

Can the Minister of State for Democratic Reform give the House an update on the latest steps we have taken to strengthen Canadian democracy?

Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC): Mr. Speaker, in fact we have taken many steps to improve our democracy. Yesterday we introduced legislation that would make political loans transparent and uniform. It would take big money out of the political process.

This week we also introduced legislation to increase voter participation. We have also introduced legislation to allow the people of the provinces to choose who they want to be their nominees in the Senate.

We are making our democracy better for all Canadians.

* * *

VETERANS AFFAIRS

Mr. Robert Oliphant (Don Valley West, Lib.): Mr. Speaker, last week, Dennis Vialls, an allied veteran and Canadian citizen for 43 years, died after being denied access to Ste. Anne's veterans hospital in Montreal, despite there being 34 empty beds. Now we learn that London's Parkwood Hospital is going to close 72 beds reserved for veterans.

Our veterans are lining up. Allied veterans, cold war vets and peacekeepers are waiting to be allowed in. When will the government make the changes to allow these veterans to get the care they have earned and deserve?

● (1500)

[*Translation*]

Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC): Mr. Speaker, our veterans who served overseas can indeed go to Sainte-Anne's Hospital. We have also arranged for extended care beds to be reserved in other institutions. In the event that not all these beds are being used, and there is not a need for them, an agreement will be reached with the institution to make them available for other patients. However, we care about our veterans a great deal and they always have priority when they need a bed.

* * *

WORKPLACE SAFETY

Mr. Luc Desnoyers (Rivière-des-Mille-Îles, BQ): Mr. Speaker, the lives of employees under federal jurisdiction are being jeopardized by inadequate funding and a lack of safety inspectors. Between 2002 and 2007, the rate of disabling injuries increased by 5%, while Quebec and the other provinces managed to cut their average by 25%.

Will the minister show some concern for workers for once and allocate adequate resources for their health and safety?

[*English*]

Hon. Lisa Raitt (Minister of Labour, CPC): Mr. Speaker, we have received the report that the member is referring to, and officials from my department are reviewing it.

As the member opposite is aware, the health and safety of Canadians is the government's top priority. Federally regulated employers are obliged and expected to adhere to outpatient health and safety laws in the labour code. The labour program works with employers, works with employees and indeed, works with other governments to develop the best tools and the best practices to assist workplaces.

* * *

THE ENVIRONMENT

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, in the spring 2010 audit, the Auditor General criticized both INAC and Environment Canada for failing to deliver on their duties to monitor cumulative environmental impacts in the Northwest Territories. She also reported INAC's failure to monitor compliance with federal permits. Yet we hear reports on hundreds of millions of taxpayer dollars spent to fast-track mapping of the Arctic shelf to support resource extraction.

Given the government's professed policy of balancing economic development and the environment, does this not indicate a serious tipping of the scales?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, we did announce in the budget increased funding for not only cumulative environmental impacts on communities in the far north, but also regulatory reform that will make both protection of the environment and sustainable development all possible. Certainly the north needs all of that to happen.

For sure, mapping the extent of our continental shelf and the offshore resources is important, not only for the UN Convention on the Law of the Sea and the deadlines we have to meet for that, but also for the interests of all of the people who live in the north and for all Canadians.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the Right Hon. Ed Schreyer, the 22nd Governor General of Canada.

Some hon. members: Hear, hear!

[*Translation*]

The Speaker: I wish to draw the attention of members to the presence in our gallery of this year's recipients of the Governor General's Performing Arts Awards.

[*English*]

For Lifetime Artistic Achievement in Performing Arts: Françoise Faucher, Walter Homburger, Edouard Lock, Robin Phillips and Buffy Sainte-Marie.

Recipients of the Ramon John Hnatyshyn Award for Voluntarism in the Performing Arts: Mohmammed Faris and Yulanda Faris.

I invite all hon. members to meet the recipients at a reception in room 216-N promptly.

Some hon. members: Hear, hear!

The Speaker: It being Thursday, I believe the hon. member for Wascana has a question.

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BUSINESS OF THE HOUSE

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, I wonder if the government House leader would advise the House of his schedule of work for the remainder of this week and all of next week, including the likely designation of the next supply day.

I wonder if I could again ask him if he has yet had the opportunity to consider the matter of a take note debate with respect to the east coast shellfish industry, a topic in which there is keen interest on all sides in the House.

● (1505)

Hon. Jay Hill (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I appreciate the question from the hon. House leader of the official opposition as to the future business for the remainder of this week and up until Thursday of next week.

We will continue today with the debate at second reading of Bill C-10, Senate term limits. Following Bill C-10, I will call Bill C-12, democratic representation. I will continue with this lineup tomorrow.

Next week, we will call Bill C-4, Sébastien's law, Bill C-16, ending house arrest for property and other serious crimes by serious and violent offenders, and Bill C-13, fairness for military families. All of these bills are at second reading.

Tuesday, May 4, will be an allotted day. I am looking forward to the motion that my hon. colleague and his party will select for that opposition day. I note there are some nine allotted days in this parliamentary period, and obviously there are many important issues that the opposition has to choose from, including the east coast shellfish industry.

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[*Translation*]

POINTS OF ORDER

ORAL QUESTIONS

Mrs. Sylvie Boucher (Parliamentary Secretary for Status of Women, CPC): Mr. Speaker, the disrespect towards elected officials is getting worse and that is why I am asking the member for Montmorency—Charlevoix—Haute-Côte-Nord to withdraw an unparliamentary term that he used when he called the Minister of Natural Resources a "carpette", or a doormat. I am also asking the member for Québec to withdraw an unparliamentary word that she used when she referred to the minister from the Quebec City region as a "cocotte", or a tart.

I am sorry, but there has to be a minimum of respect among us, even if we do not share the same views.

Mr. Daniel Petit (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, during question period, a word was translated into French and I want to make sure it is withdrawn. The member for Winnipeg Centre used a term which was rendered in French as "homme de paille" in reference to the Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities. "Homme de paille" basically means a bandit. Therefore, if the French translation is accurate, I would ask that the word be withdrawn, because the Parliamentary Secretary to the Minister of Transport is not a bandit. This word should be withdrawn. I am asking the Chair to check on this.

The Speaker: I will look at all this and, if necessary, I will come back to the House with a ruling.

Does the hon. parliamentary secretary also have a point of order?

Mrs. Shelly Glover (Parliamentary Secretary for Official Languages, CPC): Mr. Speaker, since your microphone was still on after the point of order raised by the other parliamentary secretary, I heard that you had not understood what she said.

I am going to repeat it for you. My colleague is asking that the unparliamentary words used by some opposition members be withdrawn. They used the word "cocotte", or tart, in reference to one of our ministers, and the word "carpette", or doormat, in reference to another minister. I am asking that the opposition members withdraw these unparliamentary terms.

The Speaker: I will look at what was said in the House. If unparliamentary words were used and if I can see them, I am going to ask members to withdraw them.

Does the hon. member for Joliette have a point of order on the same issue?

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I am sitting next to the member for Québec and I never heard the word "cocotte". Because of all the commotion, some may have thought that it was meant for them

As for "carpette", or doormat, and "Québécois de service", or token Quebeckers, these words have already been used on several occasions, without any intervention on your part. We feel that these expressions are simply part of the political debate. There is absolutely nothing unparliamentary about these words.

● (1510)

[*English*]

ADMISSIBILITY OF AMENDMENTS TO BILL C-3

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I rise on a point of order with respect to the admissibility of two amendments made in committee to Bill C-3, An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in McIvor v. Canada (Registrar of Indian and Northern Affairs).

Without commenting on the merits of those amendments, I submit that they are beyond the scope of the bill and should be ruled out of order.

House of Commons Procedure and Practice, second edition, states at page 766:

> An amendment to a bill that was referred to a committee *after* second reading is out of order if it is beyond the scope and principle of the bill.

Citation 698(1) of the sixth edition of Beauchesne states that an amendment is out of order if it is irrelevant to the bill or beyond its scope. This issue has arisen on many occasions.

In a ruling on April 28, 1992, Speaker Fraser elaborated on the admissibility of amendments to bills referred to in committees after second reading:

> When a bill is referred to a standing or legislative committee of the House, that committee is only empowered to adopt, amend or negative the clauses found in that piece of legislation and to report the bill to the House with or without amendments. The committee is restricted in its examination in a number of ways. It cannot infringe on the financial initiative of the Crown, it cannot go beyond the scope of the bill as passed at second reading, and it cannot reach back to the parent act to make further amendments not contemplated in the bill no matter how tempting this may be.

The Speaker does not get involved in committee issues except in cases where a committee has exceeded its authority, such as an amendment that is beyond the scope of a bill. In such cases, the Speaker is responsible for ruling on the admissibility of such amendments after the bill has been reported to the House. This is because the motion to refer the bill to committee after second reading establishes the principle and the scope of the bill. As a result, a committee report that is not consistent with that motion must be corrected.

On March 11, 2010, Bill C-3 was introduced. The bill's long title is an Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in McIvor v. Canada (Registrar of Indian and Northern Affairs). The court ruled that two 1985 amendments to the Indian Act failed to eliminate gender discrimination in the second and subsequent generations. Those amendments provided a way for Indian women who had lost status through marriage to regain it and made it possible for the children of those women to be registered.

On March 29, 2010, the House of Commons unanimously adopted Bill C-3 at second reading and referred it to the Standing Committee on Aboriginal Affairs and Northern Development.

On April 23, 2010, the member for Nanaimo—Cowichan gave notice of a motion of instruction to the committee, which stated that it has the power to expand the scope of Bill C-3 so that a grandchild born before 1985 with a female grandparent would receive the same entitlement to status as a grandchild of a male grandparent born in the same period. This motion clearly indicates that the opposition was aware that changing the provisions of the bill with respect to a grandchild born before 1985 would be beyond the scope of the bill.

On April 27, 2010, the member for Labrador moved the following amendment in committee, which stated:

> That Bill C-3, in Clause 2, be amended by adding after line 16 on page 1 the following:
>
> (a.1) that person was born prior to April 17, 1985 and is a direct descendant of the person referred to in paragraph (a) or of a person referred to in paragraph 11(1)(a), (b), (c), (d), (e) or (f) as they read immediately prior to April 17, 1985;

Government counsel indicated in committee that:

> ...this amendment would take a radically different approach than the approach that is taken in Bill C-3. [Bill C-3] would amend 6(1)(a) of the Indian Act, which basically was the provision allowing the registration after 1985 of all the individuals who were previously entitled to registration. The [proposed] amendment would allow any person born before April 17, 1985 to be registered under section 6(1)(a) of the Indian Act if that person was able to identify an ancestor that was at the time of his or her death entitled to be registered, which obviously increases significantly the number of persons entitled to registration under the Indian Act.

● (1515)

The chair agreed with the advice of government counsel and ruled that the amendment was beyond the scope of Bill C-3 and was therefore inadmissible. The chair asked the committee procedural clerk to provide the committee with further detail on the ruling. The procedural clerk stated that the amendment exceeded the scope of the bill as it was approved in the House.

The member for Labrador acknowledged in committee that the amendment exceeded the scope of the court's decision by adding a new entitlement to registration by stating:

> [The amendment is] not as reflective, maybe, as what was in the B.C. Court of Appeal's ruling, which was much narrower...It just expands the category of eligibility—

Notwithstanding the advice of government counsel, House staff and the acknowledgement of the member for Labrador, the opposition members of the committee voted to overturn the chair's ruling and adopted the amendment. The committee also made a change to the short title of the bill. The bill as introduced had a short title which stated: “This Act may be cited as the Gender Equity in Indian Registration Act”. The opposition members of the committee voted to change the short title of the bill to read: “This act may be cited as the act amending certain definitions and registration provisions of the Indian Act”.

The chair ruled that this change was admissible because of the first amendment that I described. However, the chair emphasized that if the opposition members of the committee had not overturned his ruling that the first amendment I described was inadmissible, the amendment to clause 1 would also have been inadmissible. In this regard, page 770 and 771 of the second edition of *House of Commons Procedure and Practice* states:

> The title may be amended only if the bill has been so altered as to necessitate such an amendment.

The change to the title of the bill is a further recognition that the first amendment is beyond the scope of the bill. Precedents clearly support the inadmissibility of these changes.

On February 27, 2007, in the case of Bill C-257, An Act to amend the Canada Labour Code (replacement workers), the Speaker ruled:

> Given the very narrow scope of Bill C-257, any amendment to the bill must stay within the very limited parameters set by the provisions of the Canada Labour Code that are amended by the bill...Therefore, on strictly procedural grounds, the Chair must conclude that the ruling of the chair of the committee was correct: these last two amendments do go beyond the scope of the bill as adopted at second reading and are therefore inadmissible.

Bill C-257 and Bill C-3 both have a particularly narrow scope that responds to narrow policy circumstances. As a result, the ruling on Bill C-257 would equally apply to Bill C-3.

I also cite a January 29, 2008, ruling with respect to an act to amend the Immigration and Refugee Protection Act. In that case, the committee decided not to adopt an amendment that would have been beyond the scope of the bill.

In responding to a letter from a member, the Speaker agreed with the committee decision and stated that the amendment would have been beyond the scope of the bill and therefore would have been inadmissible. The Speaker stated:

> The amendment was ruled inadmissible by the committee chair on the grounds that it was beyond the scope of the bill...because it simply expanded the appeal provision already contained in the bill...in my opinion, the amendment was indeed inadmissible—

The April 23, 2010 motion proposing an instruction to the committee to expand the scope of the bill as well as the testimony of government counsel, House staff, the member for Labrador, and the committee chair's ruling all indicate that the amendment to Bill C-3 is beyond the scope of the bill and therefore should be ruled out of order.

Mr. Speaker, if you find this to be so, I submit that the amendment to the short title would also need to be ruled out of order since it would no longer correspond to the provisions of the bill.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, it is important to note that the amendments referred to by the parliamentary secretary are amendments that have considerable support in the House, including from at least three of the four parties. The official critic for this matter, the member for Labrador, on behalf of the official opposition, is unfortunately unable to be here at this present time. I am sure he would have some remarks to address to the Chair in defence of these amendments.

I would also note that, in response to the Thursday question, the government House leader did not indicate that this matter would be on the agenda for the House either this week or next week, so there is indeed time to ensure that the critic for the official opposition has an opportunity to address the matter in the House.

● (1520)

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I would also like to echo the sentiments of the member for Wascana. This is a complicated matter and given the fact that Bill C-3 is not on the House agenda for next week, I would like an opportunity for the NDP to consider the government's position on this matter of scope, and to prepare a response once we have been able to consider all of the points that the member raised.

The Speaker: I thank the hon. parliamentary secretary and the hon. members for Wascana and Nanaimo—Cowichan for their remarks.

Certainly, I am quite prepared to wait and hear further submissions on the point before making a decision. Much as I like to plunge into these things, I will not render a decision forthwith.

As we had to show patience during the parliamentary secretary's presentation, so we will in waiting for the reply.

GOVERNMENT ORDERS

[*Translation*]

CONSTITUTION ACT, 2010 (SENATE TERM LIMITS)

The House resumed consideration of the motion that Bill C-10, An Act to amend the Constitution Act, 1867 (Senate term limits), be read the second time and referred to a committee.

The Speaker: Before question period, the hon. member for Québec had the floor on this bill. She has 11 minutes left.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, we are discussing Senate reform, which would see senators appointed for eight years. We have to ask ourselves the following question: should changes affecting the essential characteristics of the Senate be made unilaterally by Parliament or should they be part of the constitutional process involving Quebec and the provinces?

The Supreme Court of Canada has answered that question. In the late 1970s, the Supreme Court of Canada considered the capacity of Parliament, on its own, to amend constitutional provisions relating to the Senate. Its decision *Re: Authority of Parliament in Relation to the Upper House [1980], 1 S.C.R. 54* establishes the principle that major changes, affecting the essential characteristics of the Senate, cannot be made unilaterally. As hon. members can see, the Supreme Court has ruled on this issue.

Any reform affecting the powers of the Senate, the method of selecting senators, the number of senators to which a province is entitled or the residency requirement of senators can only be made in consultation with the provinces and Quebec.

Let us see how certain political players have looked at this issue. In 2007, the former Quebec minister for Canadian intergovernmental affairs, Benoît Pelletier, not exactly a sovereignist, reiterated Quebec's traditional position as follows:

> The Government of Quebec does not believe that this falls exclusively under federal jurisdiction. Given that the Senate is a crucial part of the Canadian federal compromise, it is clear to us that under the Constitution Act, 1982, and the Regional Veto Act, the Senate can be neither reformed nor abolished without Quebec's consent.

That is what a Liberal government member said about the issue in 2007. That same day, the National Assembly—every single MNA, including members of the Parti Québécois, the ADQ and the Liberals—unanimously passed the following motion:

> That the National Assembly of Québec reaffirm to the Federal Government and to the Parliament of Canada that no modification to the Canadian Senate may be carried out without the consent of the Government of Québec and the National Assembly.

This is not just about consultation. I know that Canada's Conservative Prime Minister would like to have full control over the Senate and appoint senators for eight-year terms, but for that he needs to do more than just consult with Quebec and the provinces. He needs to obtain consent from the provinces, specifically from seven provinces representing more than 50% of Canada's population.

Traditionally and historically, Quebec's position on the Senate and possible Senate reform has been very clear. Since the unilateral patriation of the Constitution, successive Quebec governments have all agreed on one basic premise: they have made it very clear that there can be no Senate reform until Quebec's status has been settled.

In 1989, Mr. Bourassa, the former Quebec premier, said that he did not want to talk about Senate reform until the Meech Lake accord was signed.

In 1992, Gil Rémillard said that Quebec would not sign an agreement on Senate reform until it was satisfied with the results of negotiations on distinct society, power sharing and federal spending power. More recently, Quebec's Liberal government—a federalist government, I should point out—participated in the Special Committee on Senate Reform in 2007. It wrote the following in its May 31, 2007, submission:

> The Government of Quebec is not opposed to modernizing the Senate. But if the aim is to alter the essential features of that institution, the only avenue is the initiation of a coordinated federal-provincial constitutional process that fully associates the constitutional players, one of them being Quebec, in the exercise of constituent authority.
>
> The Government of Quebec, with the unanimous support of the National Assembly, therefore requests the withdrawal of Bill C-43 [a bill proposing an elected Senate]. It also requests the suspension of proceedings on Bill S-4...

Bill S-4 became Bill C-19 and then Bill C-10 on Senate term limits.

This is the fourth time the government has tried to bring a Senate reform bill before the House. The Liberal government spoke out against this for constitutional reasons.

● (1525)

And do not forget that on November 7, 2007, the National Assembly unanimously passed its motion. I think it is clear that if Ottawa wishes to reform the Senate, it must reopen the constitutional debate, sit down with Quebec and the provinces and negotiate with them in order to come to an agreement. It cannot act unilaterally. As I said before, the Supreme Court of Canada has ruled on this issue.

if it truly wants to recognize Quebec, the government must also make sure to take a second issue into account. We know only too well that the Conservative government does not want to recognize Quebec. If it recognized the Quebec nation, it would also recognize the various political figures that have spoke about this issue.

We also want Quebec's political weight in the House of Commons to be maintained. But the Conservative government wants to increase the number of seats by 30, including 20 in Ontario, which would reduce Quebec's political weight. We are told that we will always be guaranteed 75 members. But 75 out of 308 is not the same as 75 out of 338.

Furthermore, the entire population of Quebec opposes this. We are very surprised and very frustrated by the actions of this government, which finally decided to recognize the Quebec nation. That was a sham; it was nothing but empty rhetoric. It does not really mean anything at all. When this government can diminish Quebec's political weight and ignore Quebec's wishes to not reform the Senate for constitutional reasons, it will do so. This is nothing but smoke and mirrors.

If the government was serious about democratic legitimacy, it would ensure that Quebec maintained its current representation in the House of Commons, that is, 24.35% of the seats. If 30 more seats are added, Quebec's representation would drop to under 22%. It is crucial that Quebec be represented not only based on its demographic weight, but also based on its historical significance and its social, economic and cultural distinctiveness. That is why we want Quebec's political weight to be preserved, and do not want to be left with just 75 seats. It is also because of Quebec's historical significance and because the Conservative government recognized the Quebec nation. If it wants to show consistency, it must ensure that the Quebec nation's representation is proportionate to its historic, economic and cultural significance, proportionate to its weight and what it is.

Moreover, the Conservative government is contradicting itself. On the one hand, it claims that it wants to increase the legitimacy of institutions, but on the other hand, it is trying to muzzle Quebec by introducing bills that will reduce the political weight of the Quebec nation. Clearly, the supposed recognition, as I mentioned earlier, was nothing more than empty rhetoric, since the Conservatives are incapable of taking any concrete action that would suggest true recognition.

It must be said that since the creation of the Canadian confederation, Quebec's weight has declined constantly. I would point out that Quebec had 36% of the seats in 1867; if this bill were adopted, that would fall to 22.4%.

The members of the National Assembly are also in favour of the principle of maintaining Quebec's weight. On Thursday, April 22, all members of that body, federalist and sovereignist, voted unanimously in favour of a motion against decreasing Quebec's weight. Similar measures were adopted when previous bills were introduced by this Conservative government, which was trying to dilute the weight of Quebec. As well, the Quebec people also reject this bill, which would diminish the weight of Quebec. In fact, an Angus Reid poll conducted on April 7 shows that 71% of the population of Quebec opposes Bill C-12, which seeks to diminish Quebec's weight. Now, 71% is a lot of people.

So the consensus in Quebec is that it is important to maintain Quebec's relative representation in this House. That includes all of the members of the National Assembly and the 49 members of this House, two thirds of the members for whom Quebeckers voted. We are elected representatives, and we have democratic, popular legitimacy. This government's refusal to take Quebec's demands into account is only the last in a long series of examples demonstrating that recognition of the Quebec nation means nothing to this government.

● (1530)

If it were truly serious when it talks about reforming the democratic legitimacy of institutions, the government would abolish the Senate and ensure that the weight of the Quebec nation, which has been officially recognized, is kept at 24.3%. In addition, as I said before, it would reform the democratic legitimacy of institutions by ensuring it has the support of seven provinces that together represent 50% of the Canadian population and acknowledging that a majority of Quebeckers oppose these issues.

[*English*]

Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC): Mr. Speaker, I found the member's comments interesting but not relevant to the bill that we are talking about, which is Senate term limits. The government is advocating for eight-year, non-renewable term limits.

The member raised a couple of issues. First, I want to assure the member that the bill is completely constitutional. We did this in 1965 by reducing the term limits to age 75 for senators.

I also would like to say that the eight-year term limit is based on multiple reports about what goes on in other democracies in other countries.

The member also raised the issue of the selection of senators. I have a solution for the member. I would suggest that Quebec voluntarily participate in the bill that I introduced, the senatorial selection bill, where people in the provinces could nominate the people they want in the Senate. Presumably, the people of Quebec would want to have a democratic voice.

Why does the member not accept the eight-year term limits and support the Senate selection method that is voluntary and completely within the purview of Quebec, if it so chooses? We are trying to empower the people of Quebec. I wonder why the member is not.

[*Translation*]

Ms. Christiane Gagnon: Mr. Speaker, I would like to thank the member for his remarks.

We also rely on the Supreme Court which examined Parliament's ability to amend the constitutional provisions concerning the Senate of its own accord. On that point, decisions relating to major changes altering the fundamental character of the Senate may not be made by unilateral action. This means all reforms affecting the powers of the Senate—the method of selecting senators, the number of senators to which a province is entitled and the residence qualification of a senator—may be brought about only with the agreement of the provinces. We are meddling with the concept on which the Supreme Court has already ruled.

There is a consensus in Quebec. Those who recognize the Quebec nation also have to recognize that 71% of the population also opposes this view of things. Another survey that was done shows that senators represent an archaic institution. A lot of people do not understand the role of Senators in Parliament.

That is not just my own perception. It has a much broader dimension than a member's own perception. I am merely reporting the reading of it in Quebec and among members elected from Quebec.

● (1535)

[*English*]

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, what does my hon. colleague suppose the motive is in this bill? We need to be clear on the government's motive in bringing forward this bill. What is the point in establishing term limits for senators who are ostensibly there to provide sober and wise oversight on a bill?

What is the purpose that she sees in this bill that the Conservatives have brought forward today?

[*Translation*]

Ms. Christiane Gagnon: Mr. Speaker, I believe that Senate appointments are what is motivating this government. In an eight-year period, there may be a change of government. It would be very dangerous for the government in place to be able to control certain appointments.

We know that the Conservative Party, which is in power now, tends to want to control everything. This would also be a way to control the Senate. We know how important the Senate is. It gives royal assent to all the bills that are passed. If a government did not agree with the opposition, it could muzzle the Senate and prevent a bill from being passed, because the government decided to control the senators.

We see the issue as much broader. To the Bloc Québécois, the Senate is an antiquated institution. We should abolish it instead of trying to reform it in some way.

[*English*]

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, I appreciate the opportunity to speak to one of my favourite subjects, our Senate.

When this bill was first brought forward, my response publicly was, "big hairy deal", and it stands. Quite frankly, my constituents and most Canadians do not give a tinkers about how long people get to be senators once they have been appointed to the Senate. The issue is how they get into the Senate. Whether they are in there 40 years, 30 years, 8 years or 2 years, they are still free to do whatever they want and there is not one power on this planet that can hold them accountable.

We will go along with it but I want to be quite frank. One of the reasons I am pleased to support this bill is that I am hoping, if there are enough senators rotating through the door and there is publicity around each one, that ultimately the Canadian people will finally say "Enough".

We go through these spats where there are appointments and then nothing happens for a long period of time and people forget about it, for good reason. Then all of a sudden there is another round and there is a huge increase.

If that is happening two or three times a year, that might start to get to people as they see this happening over and over again, especially when they realize that most of the people going in there are either celebrities, meant to help the government be inoculated from its appointments, or they do not know who they are but they know it sure is not them or anybody they hang around with or have a beer with or play hockey with or go to work with. They know it will be somebody well connected and, in many cases but not all, it will be for, in my opinion, partisan reasons.

Well, let us look at the news release. It says in here, right off the bat, from the minister introducing the bill, "Our government is committed to moving ahead with reform of the upper house to—", and get this, "—increase the democratic legitimacy of the Senate".

Before something can be increased, it has to be there to start with and then it can be increased. Right now there is no democratic legitimacy to be found anywhere in that other place or the appointment process that gets people in there.

Then the minister said, "This bill is a step forward and creates a solid basis for further reform".

That is nonsense. It does no such thing.

Mr. Speaker, I will signal to the minister that we will be supporting this bill at second reading, as I have indicated to him, to get it to committee. It is just not a big deal to us. Fine, 8 years or 20 years, they should not be there by appointment anyway. Therefore, if they are there for a shorter period of time, I guess that is a little better. That is about where we are with this thing.

Now the preamble, which is the part we need to sort of swallow in order to get it to committee, reads:

> WHEREAS Parliament wishes to maintain the essential characteristics of the Senate within Canada's parliamentary democracy as a chamber of independent, sober second thought.

Now we are getting to some of my favourite parts when we talk about the Senate. I will not talk about sober second thought. I will leave that be because it is a personal matter for those who might have a problem living up to that standard. However, "independent", give me a break. I keep hearing this over and over, "independent sober second thought", independent this, independent that. What a lot of nonsense.

There is a government leader in the Senate. That does not sound too independent. That sounds pretty tied to the government. The person gets extra money for that job, very similar to the government House leader here. The purpose is to shepherd government bills through the chamber. It sounds partisan to me. How could it not be partisan?

On the other side of the House, and it sounds a lot like our House, there are people opposed to them. What is interesting is that every Wednesday a good number of senators do not have the morning off. I would not go so far as to say that they all work but I would go so far as to say that quite a few of them go to caucus meetings.

I do not think I am divulging any secrets on behalf of any caucus here but does everyone know what happens at caucus meetings? We talk about politics and it is partisan politics. Those members attend the Conservative and the Liberal caucuses because those are the only two caucuses they belong to.

● (1540)

I want to get it on the record that there are some senators who are truly independent. In fact, I respect most of them. I wish I did not. It would make it easier, but I do. I acknowledge that upfront. I am talking about the system, that house and democracy, not individuals.

However, on Wednesday morning, the senators go off to their respective caucus meetings and they participate and agree on political strategies. That is not independent by any stretch. Many of them are political operatives who use taxpayer money to go and do who knows what, because they are not accountable to anyone. We know that many of them are doing partisan work on the $131,000 a year that the Canadian taxpayers are giving them. I will not even get into their travel, their offices and everything else.

Not only that, many of them participate in our elections, which in and of itself should not be a problem except they are the ones who want to stick label on themselves and say that they are independent, that they do not have anything to do with dirty partisanship, that this is why the need to maintain that house so they can have that sober, independence, once removed from the partisan antics of the House review. That is nonsense, my fellow Canadians. It does not exist.

This is the biggest charade perpetrated on one of the most modern, mature democracies of all time. Putin only appoints governors. In Canada we appoint the whole upper house.

Then the minister rolls in with a bill, saying that it is on its way to reform, that things will change. At that moment, we would expect things would really change. Maybe we will apply proportional representation to the federal election and apply it to the House or maybe take those seats and put them here and have proportional representation as well as a mixture of first past the post, something that really addresses the issue and the deficiencies in our system

What did we get? We are going to limit the best free ride there is in the world, in my opinion, to eight years. I do not know what is so magical about eight. I know there are certain numbers in certain cultures that have great significance and I respect that, but I am not aware of what eight means to us.

I hear a member heckling that it is better than 25. It is not nearly better enough. When the government came to power, it said that it would change the Senate. Remember when it talked about that? Remember the Reform Party? That is how it got here. It said that it had to do something about the Senate, the triple E. Now the Conservatives have power and they will limit terms to only eight years. That is eight years of participating in the law-making of Canada with no accountability.

That is probably the thing that offends me the most. I want to know what senator will to step forward and say that he or she is the senator who represents Hamiltonians, that senator will be in Hamilton at all the public meetings so the people of Hamilton can tell that senator what they think. How many public meetings do senators hold? How many times does the media go to them and hold them to account in a scrum and ask them why they voted a certain way?

I will give a very small issue, but it is meaningful to my constituents. A bill was passed in the House when I first arrived here. Forgive me if it is mundane, but it matters if it concerns some people. The bill dealt with trains that idled. Measures were put forward about protecting residents so they did not live too close to trains that would idle all night long.

As a former city councillor, and for anyone else who has served on council, we are dealing with the issues that affect people where they live. I supported the bill, having had experience with railways, trying to get fences and silly things. The Senate was lobbied by the railways and it changed the law and took it out.

● (1545)

More than anything, I wanted to bring those senators, or at least one of them, to Hamilton to meet with my constituents and explain to them why they voted the way they did. That did not happen, and it will not happen.

Who holds them accountable? Who puts the microphone to their mouths and asks them why they did or did not do or say something? We are rightfully asked those questions because we are held accountable.

The bill proposes nothing to change any of that. This is all just window dressing so the government can get by when it is asked about what it did about the Senate when it made such lofty promises.

We would like to start at square one. Let us go to the Canadian people with a referendum and ask them straight up if they want a Senate, yes or no. If they say they want a Senate, do they want it reformed. If they do, then we have marching orders and we go about it. If they say they want to keep it the way it is, we have our marching orders.

There is no other word for this but nonsense. The government is pretending that it is making a big change when in fact there is nothing here. We have no real ability to get our arms around it. Senators are independent. They sit in the upper house. We are in the lower house. We are merely the elected people.

We should start at the beginning and get a mandate from the Canadian people about what they want to do with their Senate. There are options. Abolishing it is our first choice. However, if the Canadian people say they like it because it provides some offset for regional differences, where rep by pop is not doing the job completely because we do not have a pure rep by pop, that is quite legitimate.

There are good reasons to have representatives who get here through other means than the one we have. A lot of people believe proportional representation would give us a much better democratic system. They believe it would be more reflective and might increase voter turnout. They believe it would tell young people that their votes do matter. New Democrats believe that too.

I am the last one any member would probably expect to say this, but there ought to be a member of the Green Party in the House. That party cannot get here because of our system. It does not win in my riding, but it does get a respectable turnout. With all the votes the Green Party received across Canada, it seems reasonable to me that it would be entitled to a seat. Under our current system members of the Green Party cannot get here, never mind get into the Senate. I do not know how they would even begin that process.

Almost $100 million a year is being spent on a body that is unelected and unaccountable. All we are going to do with this legislation is limit a senator's term to eight years instead of a maximum of 30 or 40 or some other outrageous number. That is what is before us today.

We will go along with it because it would not seem to do any great harm. I am not aware of any great increase in costs, although if we were to hear that, we could change our mind. The bill would not really change anything.

Maybe if there were enough people going in and out and the revolving door was reported in the media more often, maybe people would begin to ask why we would allow this to go on, pretending there was independent sober second thought. It does not exist.

That is what frustrates us more than anything, particularly from a government that slammed the Senate in every way possible in its election platform. If I am right, that very same Prime Minister has appointed more senators than anybody else in the history of Canada. That is an Olympic flip-flop.

To try to make up some of that ground, the poor minister has been tasked with trying to make the Prime Minister look like he is honouring the pledges and promises he made. I know the minister on a personal basis. He is doing the best he can. However, let us not kid ourselves. He can only do what he is allowed to do. It is the same in every government. I am not putting him down for that. This bill is a loser. This dog will not hunt. I could use whatever cliché I wanted, but the bill does not mean much at all.

● (1550)

The government does itself a great disservice when it talks about laying the cornerstone to increase the democratic legitimacy. Let us try beginning with some legitimacy before we get to increasing something that is not even there.

I would like to see the media attempt to hold the senators to account. I would like to see a big deal made out of them standing on privilege, saying that they do not have to answer to the media. I would like to see senators go public, take the platform, hold a news conference and tell the country why they do not have to answer a single question, or be accountable for their voting or go into our ridings and talk to our constituents.

On the books, and to the best of knowledge it is still there, senators get to self-declare. They can declare as a partisan or not and they can declare what they represent. Are they from a province, a part of a province, a riding? We have a senator who designated himself a representative for Yonge and Bloor, one corner. That is pretty good. He receives $131,000 a year and he represents a corner and he does not even have to go there or be with people. It is beautiful. And I will not even get into the senator who was in Mexico forever and ever and nobody noticed for the longest time.

I would like to see that happen. That would certainly change the dynamics around here. Every time there is a vote in there and it is controversial, I would like to see a scrum waiting outside the Senate, the same way there is for us. I will not tell anyone accountability is fun. No one likes to be grilled, but we get grilled. We all answer.

I am not suggesting we are perfect, but we do live by a set of rules that truly are democratic. We really are accountable. We really do have to go to public meetings and talk to people. We really do have to meet with the media and tell it what we are doing, why we are doing it, how we voted, why we did not vote differently and what we did with our time. Senators do not have to do any of that. Why do we let them get away with it? Until we can change things at the very least on a personal level let us start making them accountable. I would like to see some bills like that.

The minister has a number of bills in the House and we will be on our feet. I will have great fun with the Senate because I will get to say all these things over and over again because it makes me crazy.

● (1555)

Mr. James Lunney: Think of something new.

Mr. David Christopherson: Start heckling me and that will give me some new material.

I do not want to be too flip about it, although I guess I am borderline, but you will tell me when I reach the line, Mr. Speaker. I am sure there are certain senators who are not too happy about what I have said, but it is such an affront.

I have been very active. I have done six international election monitoring missions. I go as a Canadian, presumably from a mature, advanced, modern democracy. It is downright embarrassing when they look up at us as a role model of some of the ways they would like to be and then they find out about our Senate. That is when we remind them that democracy is not perfect. We all have a long way to go. However, it is embarrassing, especially when I am there, to be a monitor for an election where they are trying to build democracy. In many cases, most of the countries I have been to are in the former Soviet Union empire and they are emerging democracies so they are really looking to learn. What do we have to teach them about democracy when we look at our Senate?

We will support this going to committee. However, no one in Canada ought to think for one moment that we think this makes a hill of beans of difference. We need to completely abolish the Senate or reform it so it is reflective of the needs of Canadians.

Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC): Mr. Speaker, I thank the member for his very monotone and subtle presentation.

I want to assure the member that the constraints on the legislation I put forward are not from the Prime Minister but from a document called the Constitution. The Constitution allows for certain things to occur, and everything the government is suggesting is within the Constitution. To go beyond that would require major constitutional reform. I am disappointed the member is advocating for that when Canadians are worried about jobs, the economy and making Canada better, defending Canada, and getting tough on crime.

Let us move on to where we have common ground. I think it is safe to say that the member would agree with the government that the Senate is an imperfect institution and that there needs to be some reform. Part of that reform is the eight-year term limit. I appreciate the member's support for that.

We have also introduced a senator selection act, where provinces would voluntarily elect nominees for the Senate. This would also allow for other forms of elections, including perhaps PR.

I wonder if the member could reflect on why there is so much resistance from the opposition party to Senate reform. The Liberal Party seems to advocate for the status quo. I wonder if the member could explain from his perspective why the Liberal Party just wants the status quo in the Senate.

Mr. David Christopherson: Mr. Speaker, I thank the minister for staying in the House, listening and commenting. I appreciate that and I respect it.

With regard to jobs and the economy being more important, I just say to the minister that it is not my bill that we are debating. I did not get up this morning and say that I wanted to go to the House of Commons and speak about Senate reform today. I am here because the bill is here and the government thought the minister should put it forward, So, if the minister has problems with the fact that we are dealing with this instead of jobs and the economy, the minister should ask his House leader, he should not ask me. I can only address the issues that are put in front of me.

It was interesting to listen to the minister go on about why he could not do certain things, that there are certain limitations and this and that. Funnily enough, the minister and his colleagues were not interested in listening to anybody else defend the Senate. They said they were all just apologists for the Senate. That is what I heard.

Then the minister tried the cute trick of throwing in the Liberals to see if we would take part in bashing the Liberals. I will always do that. I like doing that too, just like they like bashing us. That is fine. At the end of the day the status quo is that the Conservatives have more members' votes they can count on than the Liberals. Whatever happened to independent members doing sober second thinking?

The Prime Minister's own actions put the lie to that when he appointed all those senators for the sole purpose of getting majority control of committees. That sounds like the dynamics we have. What happened to the non-partisan aspect of what is supposed to go on over there?

● (1600)

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I want to thank my colleague for the spirited discussion he had on a bill that he does not like, but it will move forward to committee.

I have been here for four and a half years and I really cannot say that I have found that the Senate accomplishes anything. It is a body that should be exposed for its uselessness to the Canadian public.

In provinces right across the country where they had senates, it is quite clear to them. Probably they have better money managers than we do. They were closer to the people and they said, “Look, we cannot afford to have these things. These things are not working. It is not worthwhile to have a bunch of people sitting in these chambers doing nothing on the public dole”. So, they got rid of them. I agree completely.

The member mentioned something about international affairs. We send all these senators out on these parliamentary tours to all these countries. Do other countries do the same thing? I have not noticed that. When I visit with other parliamentarians I have not noticed any people there who were not elected.

What do we do in Canada? We ship out the appointed senators all over the world to show what? That we are still half-colonial in our nature? That we have not really discovered the true nature of democracy, which means that a person is elected as a representative of the country?

What does my colleague think about sending senators out on the road when they do not really represent the people of this country?

Mr. David Christopherson: Mr. Speaker, most senators have the time to do it because nobody is asking them what they are doing with their time, quite frankly. I have overheard some of them talking to other people. We are always on the brink of an election and when asked if they were worried about an election, the response was, "Oh, no, we don't worry about that".

What happens when there is an election? Most of the international trips are backfilled by them because they are not in an election and the argument is that there have to be Canadians present and off they go.

We do it. I do not begrudge them going off and representing Canada. We all do it. What I begrudge is that they come back and nobody holds them accountable. Nobody asks why they were there, whom they talked to, what they did, what they did not do, what they did not say, why they did something. Nobody asks them. That is the part that I do not understand.

My colleague also asked what good they have done. I am going to assume we cannot use senators' names, the same as we cannot use members' names. I do not want to risk it or give offence. I will check the rules later. There is a certain senator from Newfoundland who likes to use the argument that we need the Senate because the House makes mistakes and it catches them. Quelle surprise, we make mistakes. We have 10 provinces and 3 territories and they make mistakes, too. They fix them.

I can remember one time during the Mike Harris years in Ontario when he rushed a bill through and it took six follow-up amendment bills to correct the original mistakes. The amendments were done so quickly that other amendments had to be introduced to fix the amendments that were brought in to fix the original bill. There were six amendments. It sounds funny and silly, but my point is that is what the Harris government did. It worked. It did not need a Senate. It had the rules and could fix its own problems.

My last point is this. There are individual senators who do a phenomenal job for Canada and for the issues that Canadians care about. My only gripe is that I wish they would enter into the public arena so they would have legitimacy behind their actions. It would give a voice to those actions so when they stood up, it actually meant something. First of all, they would be standing up, which would be new, and second, it would mean something, which would also be new.

● (1605)

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, like my colleague from Western Arctic, I would like to thank the member for his spirited contribution to the debate today.

I find it interesting that he called for a referendum on the Senate. He is starting to sound like a Reformer. I am glad to see the NDP adopting some former Reform policies.

Speaking of senators, he mentioned senators having a town hall meeting. I want to tell him about one senator, now retired, who did make a huge difference, Senator Pat Carney from British Columbia. Talk about town hall meetings. Senator Carney helped organize a coastal community network with coastal parliamentarians. She got people from all three levels of government together, municipal and first nations, to discuss coastal concerns. They were able to deal with some very practical problems that fell between jurisdictions. She connected people and did work that the offices of members of Parliament were too busy to do.

The member knows that the Senate exists as a creation of the Constitution of Canada. As the Minister of State for Democratic Reform correctly pointed out, getting constitutional change is very difficult in our country and very divisive. Some senators last as long as 25 years. This bill would limit terms to eight years. We want senators to be elected by their provinces so they can be appointed to this place. What is wrong with doing what we can to bring reform to the Senate?

Mr. David Christopherson: Mr. Speaker, the member mentioned a referendum. Let me start at the top. We do not have a problem with a referendum for certain things. We supported it for the Charlottetown accord. The difference is that the Reform Party wanted to have referendums on pretty much everything. It pretty much wanted to replace this place and do everything by referendum. We do not agree with that. We do not believe that is the best way to run a mature democracy.

I asked for an example and the member gave me one. I accept that. I would point out two things. One, there is always two sides to every argument. I do not know whether there was another senator leading another group that was arguing the point or was this all just motherhood? I do not want to put it down, but I would raise the question, did they enter into the full political fray and take on both pro and con, or was it just facilitating an argument?

The last thing I want to say is that I asked if there were any public meetings. I have been in public life for almost 25 years in all three orders of government. It took all that time before I heard about even one senatorial meeting. What about the rest of them and what about the rest of the time?

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, I will be splitting my time with the member for Regina—Lumsden—Lake Centre.

I am pleased to stand and debate Bill C-10, the Senate term limits bill. I will attempt to be a little less angry than the last member who spoke.

Bill C-10 proposes to amend the Constitution to establish term limits for senators. Specifically, the bill proposes that senators serve a single term of eight years.

Parliamentarians already had the opportunity to study the bill in some detail since it was first introduced in the last Parliament. In fact, two separate committees undertook studies of Bill S-4 which was similar to the bill before us today.

The call for change is certainly not new. Over the years there have been numerous proposals for term limits for senators and I believe there is now a general consensus that term limits are a good idea.

There remain a few skeptics. For example, concerns have been raised that term limits will somehow undermine the fundamental nature of the Senate, in particular, its capacity to provide sober second thought in the review of legislation. It is argued that an eight-year term is not long enough to allow senators to gain the experience to effectively carry out their functions in reviewing legislation. I would like to use my time today to address this concern.

I believe that if we look at previous proposals for term limits in the Senate and we examine the term limits in other jurisdictions, we can be confident that an eight-year term is more than sufficient for senators to exercise their constitutional responsibility.

Bill C-10 is far from being the first proposal to limit the tenure of senators. In fact, the only significant constitutional amendment relating to the Senate in our history was when Parliament amended the Constitution in 1965 to reduce the tenure of senators from that of life to a mandatory retirement age of 75.

However, the 1965 amendment still allows senators to serve as long as 45 years. That is why there have been so many proposals to implement additional limits on Senate tenure since 1965.

In 1980, the Senate legal and constitutional affairs committee proposed that senators serve fixed terms of 10 years which would be renewable for a further term of five years. In 1981, the Canada West Foundation recommended senators serve limited terms that would coincide with the life of two parliamentary terms. Similarly, the Alberta Select Special Committee on Upper House Reform recommended in 1985 that senators should serve the life of two provincial legislatures. In 1984, the Special Joint Committee on Senate Reform recommended that senators would serve non-renewable nine-year terms. In 1992, the Special Joint Committee on a Renewed Canada recommended that senators should serve terms of no more than six years.

The recommendations for Senate term limits over the past 30 years have ranged from six-year terms to ten-year terms. The authors of these reports, including some former and distinguished parliamentarians of different partisan persuasions believe a term ranging from six to ten years would be sufficient to maintain the Senate's ability to effectively scrutinize legislation.

An eight-year term limit proposed in Bill C-10 squarely falls within the range of the term limits that previously have been proposed for the Senate. Bill C-10 is not a radical or revolutionary proposition. It is consistent with other proposals for Senate reform that have been made over the years.

Let us contrast the eight-year term limit in Bill C-10 with the term limits of the upper houses in other jurisdictions.

Based on data compiled by the French Senate on 66 second chambers, the average term limit for members is 5.2 years.

In Australia, a country with similar characteristics to Canada, senators serve six-year terms.

Similarly, senators in the United States also serve six-year terms. I doubt anyone would consider an American senator in his or her fifth or sixth year of office to be unable to perform his or her legislative capacities effectively. As we all know, Barak Obama was elected President of the United States after less than four years in the United States Senate.

The proposal in Bill C-10 for an eight-year term limit for senators is well within the norm internationally. In fact, it is above the average term limit for upper houses in foreign jurisdictions.

Many members may point to the previous proposals by the British government for the members of the House of Lords to serve for the equivalent of three parliamentary terms, or 12 to 15 years. However, there are three considerations that should lessen the significance of the British proposal on Senate reform in Canada.

● (1610)

First, Britain is looking at lords reform at a different departure point than is the case in Canada. Currently, lords are appointed for life. In contrast, life appointments to the Senate were replaced here in 1965, with a mandatory retirement age of 75. Therefore, a move to 12 year to 15 year terms would be a much more significant change in the United Kingdom than it would be in the Canadian setting.

Second, while proposing 12 year to 15 year terms, the British government recognized that terms of this length would raise accountability concerns. To address this, the British government suggested that a recall mechanism may be appropriate for the House of Lords. In the 2008 white paper on lords reform, the British government stated:

> Further consideration would need to be given to the accountability arrangements for members of a reformed second chamber, particularly in light of proposals that they serve long, single, fixed terms.The Cross-Party Group discussed the possibility of introducing recall ballots for elected members of a reformed second chamber, along the lines of those that exist in some states of the USA.

Unlike the 12 year to 15 year term, the eight-year term proposed by Bill C-10 does not create the same accountability concerns raised in the British white paper. Even if Britain were to create a 12 year to 15 year term limit, a term of that length would be the exception, not the rule. In short, I do not believe the British example to be a comparable model when evaluating the appropriate term limits for our Canadian Senate.

The proposed eight year term was studied extensively by two Senate committees during the last Parliament. The report of the Special Senate Committee on Senate Reform supported term limits, in principle, and validated the government's position that an eight year term limit would not undermine the essential characteristics of the Senate.

For example, the committee's report concluded:

> While a variety of views were expressed about the desirable length of a senatorial term, virtually none of our witnesses dismissed the creation of a term limit per se and, indeed, most strongly supported it. These witnesses pointed out that limited terms would dispel the image, so harmful to the Senate, of "jobs for life", and re-invigorate the Senate with a constant influx of fresh ideas. Most members of the Committee found these assertions to be persuasive.
>
> The Committee also notes that, in previous deliberations on the Constitution of Canada, various committees of the Senate have unanimously favoured the creation of limited terms for service in the upper house of Canada's Parliament. In the view of most Committee members, the arguments made in these reports remain sound.
>
> Accordingly, following careful deliberation on the subject-matter of Bill S-4 and finding no reasonable grounds to withhold approval in principle, most Committee members endorse the underlying principle of the bill: that a defined limit to the terms of senators would be an improvement to Canada's Senate

Previous recommendations for term limits ranged from 6 to 10 years. None have proposed term limits greater than 10 years. Yet, the Liberals have proposed a 15 year term limit.

Term limits for second chambers in other jurisdictions are, on average, 5.2 years, which is well below the 15 years proposed by the legal and constitutional affairs committee. Let us be clear. By proposing a 15 year term limit in committee, Liberal senators killed the term limits bill on a party line vote.

Furthermore, we should compare the 15 year term limit proposed by the committee with the actual tenure of senators. Since Confederation, the average term of a senator has been about 14 years. Since 1965, the average tenure of senators has been 9.25 years.

The 15 year term limit proposed by Liberal senators at the legal and constitutional affairs committee would not effect any meaningful change to the Canadian Senate. Rather, it would simply reinforce the status quo.

Before concluding, I would like to note that while the Canadian government believes that a 15 year term limit is too long, the government has expressed willingness to consider other points of view, within reason. For example, when he made the unprecedented appearance before the Special Senate Committee on Senate Reform, the Prime Minister stated:

> A government can be flexible on accepting amendment to the details of Bill S-4 to adopt a six-year term or an eight- year term or a nine-year term. The key point is this: We are seeking limited, fixed terms of office, not decades based on antiquated criteria of age.

Nevertheless, I believe the eight year term limit proposed in Bill C-10 is reasonable. Eight years is sufficient time for senators to build up the necessary experience and expertise to perform their duties effectively. It is also consistent with previous Senate reform proposals and the term limits of second chambers internationally.

Bill C-10 would not alter the essential characteristics of our Senate. I encourage all members of this House to please support this initiative.

● (1615)

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I want to thank the member across for his comments. The last part of his speech dealt with a term, and I just want to get his opinion on this point. This is a point that has been raised before. The concept is to have two legislative bodies. A bicameral system is one that we certainly will continue in Canada, regardless of whether we invoke term limits.

However, with an eight year term, does the member not think that we could get into a very unpleasant situation where 100% of the senators would be appointed by one prime minister? I will give an example to the member. The last Liberal government came into power in 1993. By the year 2001, following the draft legislation, 100% of those senators would have been not only from that party but appointed by that one individual. I do not think it would create a deliberative body, so I would look for, and again this will be discussed at committee, perhaps a better mechanism.

I would appreciate member's comments.

Mr. Joe Preston: Mr. Speaker, the member's remarks are very relevant. We are talking about term limits for senators. We have talked, through other debate here today, about how much experience a senator can gain over an eight year period of time.

In my speech I talked about the President of the United States who spent less than his six year term in the U.S. Senate before he became President. So we can certainly remove the thoughts of experience building. People come here with altruistic reasons and life experiences will help them become senators.

To the member's point of appointing new senators after an eight year term and the government of the day perhaps even over time making a full turnover in the Senate, I certainly find it refreshing that our Senate would turn over that often and bring in individuals with new, fresh ideas. That would be very refreshing to Canadians.

● (1620)

Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC): Mr. Speaker, I would like to thank the member for his kind reflections on how to improve our democratic institutions. The eight year term in context with our Senatorial Selection Act will empower people to select the nominees for the Senate. I wonder if that would address the previous member's concerns. I also wonder if the member could reflect on the integrity of newly appointed senators as they are putting their country's interests ahead of their own self-interest by agreeing to the term limits upon royal assent.

Mr. Joe Preston: Mr. Speaker, I would like to thank the minister for bringing the bill forward and for his good question on it today. The true answer is that it is a series of Senate reforms. If we take it in isolation, I suppose we could always poke little holes in it.

We are here today talking about the change to Senate term limits. I recognize that the minister has also put forward another piece of legislation that gives the provinces the ability, if they choose, to hold provincial-wide elections for Senate candidates. So that certainly would address the previous question of would they all be appointed.

Yes, I would expect that the Prime Minister would need to appoint the people who are successful in those provincial elections by putting people into the upper chamber. We have very few examples of it now. There is a senator from Alberta who was chosen by the people, but we need senators who really want to come here for altruistic reasons and for really good fresh reasons to try to help Canada be a better country.

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, it is certainly a pleasure to participate in this debate on Bill C-10, the Senate term limits bill.

Bill C-10 proposes a non-renewable term limit of eight years for senators. This proposal will be familiar to members as it is not the first time it has been considered by this House.

Bill C-10 would amend the Constitution using the amending procedures set out in section 44 of the Constitution Act, 1982, which authorizes Parliament to "—make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons".

Opponents of this bill have argued that section 44 is not the appropriate amending formula to affect change of this kind. They have suggested that term limits would affect an "essential characteristic of the Senate and its ability to give independent sober second thought in the parliamentary process". I wish to refute those objections today as there can be little doubt that this bill is constitutional.

During the last Parliament the constitutionality of term limits was studied by two separate Senate committees. The Special Senate Committee on Senate Reform concluded that Parliament could change the tenure of senators to an eight year term. In reaching the conclusion the special committee heard from some of Canada's most respected constitutional scholars, including Peter Hogg, Patrick Monahan and Stephen Scott. The opinion of these eminent legal experts was unanimous: the eight year term limit proposal is within Parliament's jurisdiction.

The bill was then approved by the Senate at second reading and referred to the legal and constitutional affairs committee. That committee ignored the aforementioned scholars and did not come to any definitive conclusion regarding the bill's constitutionality. Let us be clear. The committee did not conclude that the bill was unconstitutional. It simply said it was not sure.

To resolve the question the committee proposed to have the Supreme Court of Canada decide the matter. I believe that it is the responsibility of parliamentarians to use our best judgment on the constitutionality of proposed legislation and not hide behind the Supreme Court. That is why I wish to outline my rationale for concluding that the bill now before us is constitutional.

What is the relevant test for evaluating the constitutionality of the proposed term limits bill? On one hand, opponents argue that any change affecting the essential characteristics of the Senate cannot be enacted by Parliament acting alone. On the other hand, supporters maintain that only essential characteristics requiring more than Parliament's unilateral authority are those explicitly referred to in the 1982 Constitution Act namely, the powers of the Senate, the method of selecting senators, the residence qualification of senators, and the number of senators by which a province is represented in the Senate.

This debate essentially turns on a single question. Does the Supreme Court of Canada opinion in the upper house reference remain relevant today? Members may be familiar with that opinion.

In 1978 the Government of Canada referred a number of questions to the Supreme Court relating to the authority of Parliament to abolish or reform the Senate. A year later the Supreme Court unanimously ruled that it would be beyond the legislative authority of Parliament to abolish the Senate or to otherwise alter its fundamental features or essential characteristics. However, the court noted that by limiting tenure from life to 75 years of age, as Parliament had done in 1965, it "did not change the essential character of the Senate".

I reference the Constitution Act, 1982. It provides for various formulae to amend the Constitution, including specific references to the Senate. While opponents of reform argue that these formulae override the Supreme Court's opinion, the court's opinion remains relevant for interpreting the various amending formulae.

Some maintain that the upper house reference remains a guide to understanding the scope of Parliament's power to make constitutional amendments with respect to the Senate. Others, including Canada's best constitutional lawyers, contend that the upper house reference was a guide for amending our Constitution only before patriation in 1982. Since 1982, the Constitution itself, not the Supreme Court, outlines the procedures for amendment.

● (1625)

For example, when Peter Hogg testified before the special Senate committee, he said:

> It seems to me that the best interpretation of what happened in 1982 was that it overtook the ruling in the Upper House Reference. In other words, the 1982 amending procedures now say explicitly which changes to the Senate cannot be accomplished unilaterally by the Parliament of Canada;

This leaves other aspects, including tenure, within Parliament's jurisdiction.

In turn, when Patrick Monahan was before the same committee, he expressed the same view, that maintaining that patriation in 1982 "has superseded the Senate reference or indeed attempted to codify, to identify those matters that were found to be fundamental or essential...". As for other matters, he went on to say, "The Parliament of Canada...may enact changes to the Senate, including the tenure of senators".

Although this debate is of crucial importance to understanding our constitutional amendment procedures, it is not one that needs to be resolved in the context of our present debate. Not only does the bill before us today comply with the constitutional amending procedure authorizing Parliament to make certain amendments to the Senate, but it also proposes term limits of sufficient length to maintain the Senate's essential characteristics.

In other words, Bill C-10 passes both the Supreme Court test of 1979 by not affecting the Senate's essential characteristics and the Constitution Act of 1982 by not tackling any of the senatorial changes in section 42.

The proposal before us is for an eight-year term. Some have asked if this term is long enough to maintain the essential characteristics of the Senate. The simple answer is, yes. An eight-year term is within the range of terms for Senate chambers internationally and well within the range of terms contemplated by previous Senate reform proposals. Eight years is enough time to allow a new senator to acquire the necessary skills to maintain the Senate's role in providing an independent second sober thought in legislative review.

Hon. members may be familiar with the tenure of senators in the United States, which is six years. This is the same as the tenure for senators in Australia. Other upper houses have term limits as short as four years. France recently reduced its term from nine to six years. An eight-year term, which is what is being proposed in Bill C-10, would be among the longest worldwide.

Unless one is willing to suggest that the upper chambers of the United States, Australia and Europe are all ineffective due to limited terms, members must agree that eight years is long enough to maintain the essential characteristics of the Senate.

Another aspect of this bill that addresses concerns with maintaining the independence of the Senate is that the terms are non-renewable. Non-renewable terms assure Canadians that the senators will not have to curry favour with the government in order to preserve their seat.

The bill contains transitional provisions that will apply the eight-year term limit to all senators appointed after October 14, 2008. As with the rest of the bill, this transitional provision is on solid constitutional ground and can be enacted by Parliament alone pursuant to section 44 of the Constitution Act.

The bill before us today is a good one simply due to the fact that it would allow future Parliaments the opportunity to appoint, if necessary, senators for a limited term of eight years, which would certainly go far beyond the current status quo of 75 years of age. It would ensure, in my opinion, that senators being appointed in the future will bring a fresh set of eyes to all of the legislation coming through this chamber to the upper chamber.

I would also point out that, by the provisions contained in this bill of a non-renewable term limit, we would not have to worry about senators being reappointed time and time again. It would ensure that if Parliament changes, the Senate will change. I think that is in the best interest of all Canadians.

● (1630)

[*Translation*]

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, I listened to the speech by the Conservative member. A survey conducted in Quebec a few months ago indicated that only 8% of Quebeckers believe in the role of the Senate, that 22% would prefer an elected Senate, and that 43% would simply abolish the Senate.

During the election campaign, the Conservatives proposed real reform of the Senate. However, with this bill, it is evident that they have not consulted Quebec and the provinces about this reform, and have not questioned the very basis for the Senate.

I would like the Conservative member to explain to us how the will of Canadians is respected when the provinces and Quebec—where 43% of Quebeckers want the Senate to be abolished—have not been consulted.

[*English*]

Mr. Tom Lukiwski: Mr. Speaker, one of the reasons that Canadians in various regions of this country would like to see the Senate abolished is because of the abysmal record of senators in the past.

As we all know, senators have been appointed, in effect, almost for life. At one point in time, senators were appointed until they were 100 years of age. It was only recently changed to 75 years of age. However, because of the partisan nature of many of these appointments, we saw that many Canadians became disillusioned with the Senate as an institution, which is why we are taking steps to reform the Senate

I believe eight-year terms would ensure not only integrity, but it would ensure that senators not become complacent, and the non-renewable provision would ensure that the senators who are appointed to the Senate are there for a limited amount of time, ensuring they will absolutely be working in the best interests of Canadians.

With respect to the member's question about consultations, we are planning, through future democratic reform initiatives, that provinces will be consulted on the nature of the senators they elect. They will be providing their wish to the Government of Canada and the Prime Minister will then take their wishes into consideration when appointing senators in the future.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, on the question of the nature of the Senate and how it affects the decisions that we are making here today, I think the examples that have been used are a bit inappropriate. The U.S. Senate, of course, is an elected body. Perhaps the model that we should look to by which to judge the bill is the House of Lords, where appointed gentry for hundreds of years have held those positions for a very long time.

I come from a party that does not believe in the institution of the Senate. It does not believe that it has usefulness left in Canada. Certainly, to try to compare this institution today to an elected body like the U.S. Senate where senators hold very important positions in the democratic process there, is completely wrong. There is no comparison between those two bodies in their function and, ultimately, even if this Senate was elected, in its purpose to Canadians.

● (1635)

Mr. Tom Lukiwski: Mr. Speaker, I am actually very heartened to see members of the NDP engaging in this debate since, as the member opposite stated, they do not believe in the Senate to begin with. I also find it passing strange that they would actually try to make suggestions on how to improve the upper chamber when they do not want to see an upper chamber in existence.

With respect to the member's comments about unfair comparisons to the U.S. because the U.S. has a system of electing senators, I am not sure if the member heard me but I will repeat what I said for his benefit. One of our further initiatives on democratic reform is on the method by which senators are appointed to the upper chamber.

We plan to introduce legislation that would allow people in individual provinces to cast their opinion on who they would like to see provincially appointed to the Senate. In effect, there is a way that we could say that senators will be elected by the members of the regions that will ensure integrity from the members' perspective to the Senate itself.

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for St. John's South—Mount Pearl, Government Advertising; the hon. member for St. John's East, Hibernia Project.

[*English*]

Resuming debate, the hon. member for Charlottetown.

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I am pleased to rise today and participate in this debate.

This is an issue that is complicated. The whole issue of Senate reform has been discussed on many occasions since Confederation in 1867, but it is an issue that I am glad to see brought before the House and it is an issue that should be debated by Canadians. I congratulate the minister for introducing it.

I want to say at the outset that when the bill comes to a vote, I will be supporting it so that it will go to committee even though I have some very serious concerns with the whole issue of tenure, which I will get into.

I understand the gist of the legislation. We have a situation now, and it has happened, where technically a person can be appointed at the young age of 35 and can serve 40 years in the Senate. It does raise certain concerns of accountability and legitimacy. It is an issue that we should debate and perhaps correct, if it is possible constitutionally, which I believe it is. However, there is a need for discussion and, of course, it will then need to go to the Senate.

It is a good issue to have before the House but, as I indicated, I do not think there is any institution as complicated, complex and perhaps misunderstood as the Senate of Canada. The debate about the Senate cannot start today. It has to start back in 1864, at the time of the meetings when the discussion started to form this country. The original meeting was held in Charlottetown when the British colonies of New Brunswick, Nova Scotia and Prince Edward Island came together to discuss the possibility of forming a Maritime union because of their small size and other concerns, such as defence, et cetera.

Upper Canada and Lower Canada, now Ontario and Quebec, more or less invited themselves to this meeting to discuss the whole concept of a larger union and they were included to form the Dominion of Canada.

According to the historical annals, there was a lot of partying and drinking at this meeting. They did not form an agreement but they very much agreed to continue the discussions. The discussions did continue in a meeting in Quebec City and as are result of those two meetings, the country was formed in 1867. I should point out that Prince Edward Island, at that time, opted not to join the Federation.

Again, if we look at the debates, the Atlantic provinces, although they were smaller, were probably more mature because they had been settled earlier. To a certain extent, they did have a legislature. Responsible government came first to the colony of Nova Scotia. It had its own governors and its own legislature. There was a considerable degree of reluctance to get into this new union. They also had their own political issues back in their colonies because lot of time certain factions were against any kind of a larger union with Upper Canada and Lower Canada. A lot of times people did not appreciate what was going on or what the political climate was in that far off land.

Again, as we all know, the agreement was culminated and the country was formed, to its great credit, for which we are forever grateful. In the early 1900s the country expanded and in 1949 in the province of Newfoundland joined Confederation.

The point I am making is that during those discussions chips were put on the table, there were a lot of negotiations and discussions, if we read the debates of the delegates from the colonies, and one of the concerns of the smaller colonies was to be swallowed up by the larger colony of Ontario.

One of the concerns, of course, was the protection of minorities. We are not talking about the minorities as we view the concept in the House today. There was only one minority and that was French Catholic males. At that time the females and the aboriginals did not have a franchise and were not considered, or I did not see them considered too much in the debates.

● (1640)

The point I am making is that one of the significant chips that was put on the table, and the chip that got the country, was the Senate. The way they constructed the Senate was that each region would have 24. The Atlantic region would have 24. Quebec would have 24; that was what brought them on board. Ontario would have 24, and of course that expanded as the west was brought into the federation in subsequent years. That balanced the regions and it was also there to protect the minorities.

These are considerations we all should bear in mind. We should all bear in mind the chips that were put on the table during these very important discussions back in 1864, 1865 and 1866, concluding in 1867. In other words, the bottom line was that if we did not have the Senate, we would not have got the country.

I point to that for contextual purposes. I do not think there is any reason why this House should not discuss the possible reform of the Senate, but as the minister would know, it is a very difficult process because of the constitutional framework that was adopted then and that was changed subsequently but not a lot, not in any major amendment to the Senate. The way the senators are appointed, their capacities and the regions they represent require the consent of at least seven provinces, representing in excess of 50% of the population of Canada.

As every politician who has ever been elected in Canada knows, that is a very difficult and murky process. We got into that in Meech Lake. We got into that in Charlottetown. We all know how difficult that process is and I believe most politicians, if questioned, would say they really do not want to go there.

However the point I do want to make is that it is unfortunate that there was not a larger consultative process. The provinces, in this case and in this discussion, are the successors to the colonies. The Senate was put there for a purpose, with certain specific capacities to protect and enhance the interests of the colonies, especially the smaller colonies, and of course the minorities, which have expanded beyond that concept of the French Catholic male.

It is unfortunate that we did not have a more consultative process. We are having situations where certain larger provinces have publicly stated that this bill should not go forward. That is unfortunate, but I still think the debate should continue. There is a larger constitutional issue and many constitutional scholars have given opinions. By my reading, certainly the preponderance of the opinion seems to be that this legislation can proceed without the consent of the provinces. However, the previous member who spoke was talking about appointments made at the request of the provinces. We are into some constitutional problems there. It is a slippery slope, and there have really been very few substantial amendments made to the Senate since Confederation.

One issue I do have, which has been talked about by the previous two speakers and which can continue before the committee, is the whole issue of tenure. The previous two speakers compared it to other countries where they have a bicameral system with two political institutions, a lower house and a Senate. One speaker said the average tenure was 5.2 years and talked about the American and Australian experiences, but again these are all elected bodies.

Even if this legislation were passed tomorrow, we are going to continue with an appointed body. I am very troubled with the possibility that after eight years, we have a legislative and deliberative body that comprises 104 members, each and every one of whom are appointed by one individual. I would think they would be very compliant. I am not so sure they would be an institution of sober second thought and I am not so sure what purpose they would really serve.

● (1645)

If we go back to the previous Liberal government that was elected in 1993, by the year 2001 all 104 senators would have been appointed by one individual, resulting in no opposition in committees. I am not clear how that would serve the interests of democracy in the long run.

I do not have any specific suggestions, although I think it should be a longer term and there should be staggering. However, I believe there certainly has to be some debate on creating a viable opposition because I have seen with my own eyes what happens when a democracy is overtaken by one party. We have seen it more in provincial legislatures than in the federal ones and it is my opinion that democracy suffers in the long run. It may be a happy day when a government wins all the seats, but in the long run it is the people who suffer and democracy suffers too.

The legislative bodies that operate in the House of Commons, the Senate and the provincial legislatures work best with an effective, informed and hard-working opposition. That is a real question, but again it should not in any way stop the debate from continuing.

This matter has been before the House previously and there have been some slight changes based upon the debates. It is good that the matter is being brought before the House again, but there are a lot of other issues, which I will raise briefly.

There are democratic reforms that are extremely troubling and probably more important than this issue, one of which is the issue that has been before the House over the last six months about documents. There seems to be a movement to create a new concept in Canada that I would classify as executive or prime minister or government immunity. Instead of the traditional role that Parliament, the House of Commons and committees have delegated to them, the powers to send for persons, papers and records, if we accept the logic that is being put forward, the persons, papers and records that would be sent to the committees would be determined by the executive. Whatever is in the public interest would be determined by the opinion of the executive or cabinet.

That is a very unholy trend. I am pleased the Chair ruled that is not the case in this country. I agree with that ruling and hopefully we will move on with that. I am dealing with the very same thing in the public accounts committee, which did not raise a national security issue. It was dealing with another issue that had the very same response from the government. That particular case dealt with some tapes that are not that important to anything. We met with a lot of resistance but we finally got them.

First of all, members are probably not going to believe this, but the government would not provide them because the committee did not follow the Access to Information Act. When that was explained, the government said it would not give them to the committee because that violated the Privacy Act. We finally got them, but we can see the trend that is developing. I wish the Minister of State for Democratic Reform would get engaged in that issue because it is so important to democracy in this country.

It is good that this debate is taking place. I will be supporting this legislation. I have some concerns. The two biggest concerns deal with the consultation process and tenure, which is a major concern. We have to work on some mechanism to allow the institution to operate efficiently, effectively and in the best interests of all Canadians.

● (1650)

Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC): Mr. Speaker, a lot of the hon. member's comments were thoughtful and in a historical context. Of course, what we are here to talk about today is the eight-year non-renewable term.

My question to the member is quite simple. We know the constraints of the Constitution. We know that Canadians are demanding a more accountable institution. Will the member agree that a term limit that is non-renewable is critical? Is it the perfect solution? There are probably no perfect solutions, but is it better than what we have now? The answer is yes. I think that is what most Canadians would say.

Would the hon. member agree that non-renewable term limits are better than what we have at present?

Hon. Shawn Murphy: Mr. Speaker, it would depend on how we solve that issue. I really feel strongly that this concept of a non-renewable eight-year term would not work. I gave the example that after eight years the Prime Minister would have appointed all 104 members. There would be no opposition. They would go to a committee and it would be all one party.

Not only that, but there is another very important point I want to raise. I have noticed over the years that the members of the same party who were appointed by a previous leader are less compliant. I believe that the Conservative members who were appointed by Mr. Mulroney are less compliant than the ones appointed by the present Prime Minister, and I have seen that in both political parties.

We would have a situation where a democratic institution, a House, comprised 104 members from one party, all appointed by one individual. I am troubled with that. I do not think it would work. We have to work on other solutions. I am sure there are experts out there who would give us all kinds of ideas, but that particular solution would not work for democracy and it would not work for Canadians.

● (1655)

Hon. Steven Fletcher: Mr. Speaker, regarding the issue the member spoke about, perhaps I can strongly recommend that he encourage senators in the other place to support our Senate selection act, by which the people in the provinces would be able to select the nominees to the Senate. That would address the member's concern.

Can the member confirm that he will be supportive of the Senate selection act and encourage a more democratic process in the selection of the appointments to the Senate?

Hon. Shawn Murphy: Mr. Speaker, to repeat, I indicated when I first rose that I will be supporting the bill. I see the bill going to committee. I believe it will be a healthy debate. I am hoping members will come up with a better solution than the eight-year non-renewable tenure. I do not have the solution in front of me, but I am sure it can be worked out if we put enough good people in a room.

The minister asked me to issue some control over the senators in the other House. I want to remind him that I have absolutely no control over anyone in the other House. It is my understanding that the Conservatives have a majority there now. We will see how the debate goes in the other House, but I will not be participating. I have no control over how that debate goes.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, my question for the Liberal member is simple: does he believe that Parliament can change at will anything to do with the Senate without consulting the provinces?

[*English*]

Hon. Shawn Murphy: Mr. Speaker, with all due respect, that is not a simple question. That is a question that has been debated for 143 years. I do not have the answer. I have read many of the articles.

Parliament cannot amend a lot of the more fundamental issues regarding the Senate without amending the Constitution, which would require consent of at least seven provinces, representing at least 50% of the people. But then when we boil it down to the issue of tenure, there are opinions on both sides of the issue. It is unfortunate that it has not gone to the Supreme Court first. It will probably end up in the Supreme Court at some point in time for a definitive opinion. It is unfortunate that the Supreme Court did not opine on it when it had the opportunity several years ago, but again, I cannot answer that question. It appears that the preponderance of the legal scholars are of the view that we can.

[*Translation*]

Mr. Jean Dorion (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, I have a question for the member who just spoke.

This bill does not take the Quebec nation into account at all. The Conservative government claims to have recognized the Quebec nation, but in reality, is it not disregarding the constitutional aspect of this national issue?

As other speakers have already said, in a federal system, this Senate reform cannot be passed without going through the constitutional amendment procedures.

Quebec was not consulted on this issue. The former Quebec minister for Canadian intergovernmental affairs, Benoît Pelletier, stated Quebec's position in 2007. He said:

> The Government of Quebec does not believe that this falls exclusively under federal jurisdiction. Given that the Senate is a crucial part of the Canadian federal compromise, it is clear to us that under the Constitution Act, 1982, and the Regional Veto Act, the Senate can be neither reformed nor abolished without Quebec's consent.

That same day, the Quebec National Assembly adopted the following motion:

> That the National Assembly of Québec reaffirm to the federal government and to the Parliament of Canada that no modification to the Canadian Senate may be carried out without the consent of the Government of Québec and the National Assembly.

Is the Canadian government not being quite arrogant by completely ignoring the will of Quebec and avoiding any consultations with it on this issue?

● (1700)

[*English*]

Hon. Shawn Murphy: Mr. Speaker, the member made one statement that I will agree with 100%. The Senate is at the heart of the Canadian federalism. I pointed that out in my speech.

When we go back to the original debates, the chip on the table was that 24 senators would be allocated to the region of Quebec, which we can call the Quebec nation quite appropriately. Again, if there is any change to that formula, any change to the way they are appointed, to their capacities, to where they have to live, I think it would be tremendously difficult to do that without the consent of Quebec.

However, we are dealing with a tenure issue. I do not have the final legal say in that. There are opinions going both ways. It is unfortunate that we do not have a Supreme Court ruling. There is no question in my mind that one of the aggrieved provinces will probably take this to the Supreme Court at some time. However, again, that is a situation that has to be. All I say is let us get it to committee and have a debate. There is no question that eventually it will arrive at the Supreme Court of Canada for a legal opinion at some point in time.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to speak to Bill C-10, which would limit senators' terms to eight years.

The Bloc Québécois will oppose this bill.

As my colleague from Longueuil—Pierre-Boucher commented, the Conservative government has once again chosen to tamper with institutions and make changes that could offend Quebec, without consulting it. The big news today is that it has found allies. The NDP and the Liberals are prepared to go along with the Conservative proposal.

It is clear that the Conservative government is trying to be divisive. It is trying to change the Senate by introducing bills in the House of Commons and the Senate, to avoid having to abide by the 1982 Constitution.

The position of the Government of Quebec has always been clear. It was stated in 2007 by Benoît Pelletier, a minister in the Liberal Government of Quebec who was a constitutional expert and a federalist. He was not a sovereignist, far from it. Once again, the National Assembly of Quebec, through the premier, who is a federalist Liberal and the former leader of the Conservative Party, is asking that the government make no changes without consulting Quebec and the provinces.

This is very surprising. The government is trying to do everything in its power to alter the very foundation of the Canadian Constitution without Quebec's consent. I am shocked at that. We are sovereignists, and we dream of having our own country. But when we have our own country, I hope we will never make the mistakes the Conservatives are making in trying to do everything they can to prevent the country's constituent parts from having a say, because they do not want to touch the Constitution or something else.

It is amazing to see the Conservatives in action. It helps us sovereignists see why we have to leave this country, but they are not setting a very good example for everyone else.

I can understand them to a certain extent. The Senate is a problem. I say that in all kindness. I have been in federal politics since 2000. Before 2000, I never ran into any senators. In Quebec, the upper chamber was abolished in 1968. I was born in 1957. I was 11 years old when it disappeared. This is not a problem in Quebec. I took a tour of the National Assembly of Quebec and was told there was a red room and a blue room where people used to sit. It disappeared a long time ago because it simply was not needed.

What I am saying as a federal parliamentarian is that I have never run into a senator in my riding. I know that there are some and I have to be careful not to name them. As I do not want to be in a position where I have to apologize, especially to a senator, because I named him or her here, I will refrain from doing so. I would not want to lower myself to apologizing to a senator. Personally, I have only seem them during election campaigns.

In 2004 and 2006, a Liberal senator attended a few events. I have a beautiful riding that includes Mirabel and part of the aerospace industry. Accordingly, senators like to be seen there during election campaigns. I knew there was a senator there. I saw her in every election because she would drop by to support the Liberal candidate. To me the Senate has always been a partisan stronghold. It is all about politicking, as far as I can tell.

I have a new Liberal opponent who is the son of a senator. Now, his father, the senator, has begun coming around. I can honestly say that, up until 2009, I had never seen him. However, he came and attended some events and told us that he had been a Liberal member in part of my riding, in Deux-Montagnes. He discovered matters of interest there because he does not live in the riding.

● (1705)

That amounts to political partisanship; they are partisan appointments. Bill C-10 proposes appointing senators for eight years rather than life, to age 75. The bill proposes nothing more than partisan appointments. It is an aberration and we cannot support it.

I know that the Minister of State for Democratic Reform explained that another bill before the Senate will ensure, one day, that they are no longer appointed. However, we still cannot support this bill.

The Conservative government combed the Constitution, together with experts, to determine what it could do. Lawyers said that if the government changed the length of the term, it might be able to do through the back door what it could not through the front door. They have forgotten an obvious principle of law: you cannot do indirectly what cannot be done directly. I am a notary and not a lawyer, but all lawyers understand this principle.

When I asked him the question, the Liberal member answered that the Supreme Court should have examined this issue. When the issue was before the Supreme Court, we should have asked if we could split up. We know already that the Government of Quebec will be opposed and that the issue will go to the Supreme Court.

So why is the government doing this? To keep a partisan stronghold. That is terrible. If the government had the courage to follow through on abolishing the Senate, it could work. The deficit is going to hit close to $50 billion. We could at least cut part of this spending that serves no purpose, other than partisanship. But instead they have decided to reinvest in this part of Canada's political evolution.

Ontario got rid of its upper chamber in 1867, and Quebec did the same. I do not understand. A number of my fellow politicians have a backwards attitude, and that will not change. I see that Parliament will be living in the past for a long time.

It is deplorable, because it is not as though this is something new. Other colleagues have already mentioned this, but I think it is worth repeating what minister Benoît Pelletier said in 2007 regarding Quebec's traditional position:

> The Government of Quebec does not believe that this falls exclusively under federal jurisdiction. Given that the Senate is a crucial part of the Canadian federal compromise, it is clear to us that under the Constitution Act, 1982, and the Regional Veto Act, the Senate can be neither reformed nor abolished without Quebec's consent.

This press release was issued by the minister on November 7, 2007. That is a great date, since it is also my birthday. But I am sure that is not why he issued the press release; it was not just to make me happy.

That same day, Quebec's National Assembly unanimously passed the following motion:

> That the National Assembly of Québec reaffirm to the federal government and to the Parliament of Canada that no modification to the Canadian Senate may be carried out without the consent of the Government of Québec and the National Assembly.

This stance has been known since 2007. Once again, the Conservative government probably wants to please its electors. Why else would it do this if not to show off its backwards ideology? I do not know who the government is making these amendments for. The polls are clear. In March, an exclusive Canada-wide poll of 1,510 adults by Léger Marketing for QMI Agency showed that 35% of Canadians believe that the Senate can only be effective if senators are elected and not appointed.

● (1710)

The bill before us today is not about electing senators, but about appointing them for eight years. Meanwhile, 25% of people, one quarter, believe that the Senate should be abolished; 12% are in favour of appointments based on gender and regional balance. In Quebec, only 8% believe that the Senate plays an important role and that the system for appointing senators works well; 22% want an elected Senate and 43% want the Senate abolished. I am part of that last statistic, but I was not polled. That does not include the 31% of people who have no opinion because they do not know what the Senate does. Approximately one third of the population does not know what the Senate does.

In my experience, senators create partisan politics. The Senate is a stronghold of partisanship and political organizers. They have a nice salary, an office and staff to do that work. My senator gets around, taking his son by the hand, and participates in every event at government expense. He will be my next opponent. That has always been the Liberal way of doing things. They always find a way to take taxpayers' money to pay for their election campaigns. It happens to me, but it does not cause me any problems. It makes me laugh, but today, I am trying to understand why we would be trying to save this partisan stronghold at the expense of the actual constituent members of the federation.

In 2007 the government of Quebec said that there would be no amendments without constitutional negotiations. That is simple. The request was made by a federalist premier of Quebec who said not to change anything without consulting the provinces. Today, the Liberal Party, the NDP and the Conservative Party are hand in glove to try to amend it piecemeal, bit by bit. We can change this but not that; there is the Supreme Court judgment, and so on. This issue is going to end up in the Supreme Court. That is what will happen.

Quebec has not agreed from the outset. I will explain again that you cannot do by the back door what you may not do by the front door. In law, you cannot do indirectly what you may not do directly. But that is how the Conservatives do things. What surprises me is that the Liberal Party and the NDP are playing the game and trying to work behind the backs of Quebec and the provinces. Some provinces may agree. In that case, we should immediately initiate constitutional negotiations on the Senate. The provinces that are for this reform will say so and those that are against it will also say so. There will be debate and negotiation.

But they want to do it all by getting confirmation that everything is fine from lawyers who are probably being paid fat fees. The Conservatives pay their constitutional lawyers. The lawyers give them reports explaining that this or that will be allowed and that you can divide it up into several bills scattered around the Senate and the House of Commons. They will try to get it all passed without having to amend the Canadian constitution, because they do not want to do that. The way the Conservatives do things is intolerable.

In Quebec, the Conservatives are at about the same level as Quebeckers' interest in the Senate. If that is what they want, they should keep on doing this kind of thing. Only 8% of Quebeckers think the Senate is good for anything. I will refrain from mentioning the percentage of Conservatives from Quebec. I know what it is and they do too. The harder they work on it, the closer they get to the 8% of Quebeckers who are satisfied with the Senate.

The Liberals and NDP want to go in the same direction. It is a thing of beauty to see them at work, defying the wishes of Quebeckers. I know it has been tough for Quebec in the House of Commons over the last few weeks. The other parties are trying to crush it by reducing its political weight in the House. Another bill is attempting to add an additional 30 members. They are trying to crush Quebec because, with the reforms in the bill the minister has introduced, it will have fewer members than it deserves given its population, although it had more until 1976. But the Conservatives have decided otherwise. That is their way, but it cannot go on forever. Things cannot continue like this forever without provoking a strong reaction in Quebec.

● (1715)

In regard to the Senate, Quebec's reaction has been known since 2007 and it is strong. There was the unanimous resolution adopted in the National Assembly, and it is clear that Quebec will go to the Supreme Court to defend its interests.

The Conservatives might like to wait for the Supreme Court decisions. That way they can please somebody or other. I am trying to understand whom they want to please. More than a third of Canadians would like to see the Senate abolished, so they are certainly not the ones the Conservatives are trying to please. Maybe there are people they are trying to please, senators whom they promised a chance to get elected, but I do not know how that will work. I really do not want want to discuss the other bill to change the law so that senators are not appointed but elected. There is even a list that could be provided by the provinces, although the Prime Minister would not be required to abide by it.

In the end, they wish to retain control of this political instrument, even though the real politics should take place here, in the House of Commons. That is understood by the people. If one third of the population does not even know what the Senate does, it is because they realize that the real politics take place in the House of Commons. We should get rid of this instrument, which is expensive and a stronghold of partisan players and political organizers.

I realize that the Conservatives and the Liberals who appointed senators over the years do not wish to deprive themselves of this political arm that they can use. However, it would be a good way to show the people, who are growing increasingly cynical about elected politicians, that they have listened and that the senators have not managed to prove their usefulness over the years. We should be talking about abolishing the Senate, and discussing it with the provinces once again. The Bloc Québécois does not intend to participate in any debate about the Senate if the Constitution is not respected. When we have our own country, we will want everyone to respect our constitution and, as long as we are part of Canada, we will respect the Canadian Constitution.

We believe that any debate on the Senate should involve constitutional negotiations and must include Canada's partners, the provinces. If they have decided that the provinces are no longer partners, they should say so. The Conservatives should have the courage to say that they do not want to hear anything more from the provinces and that they will go it alone. This might be an intelligent way of setting out their strategy but they will not do it. For that reason, it is becoming increasingly difficult for them to win the approval of Canadians. In Quebec, as I was saying earlier, the Conservatives's polling numbers will soon match the 8% of Quebeckers who think the Senate is important.

Therefore, it is obvious that we will be voting against Bill C-10 because, although the bill limits senators' terms of office to eight years, they will still be appointed. As long as senators are appointed and as long as the Senate remains a partisan stronghold, the Bloc will never support it. This bill does not mention another means of Senate reform. It states that senators will be appointed for eight years. Therefore, we will be voting against this bill, especially because the Quebec National Assembly has been telling the federal government since 2007 that no changes should be made to the Senate.

I will not reread the government position drafted by Benoît Pelletier, a renowned Liberal constitutional expert who was a federalist Quebec government minister. This position was backed by a unanimous National Assembly resolution against negotiations about the Senate unless Quebec was an active participant in such negotiations. We will always stand for that because we are the only party in the House that stands up every day to defend Quebeckers' interests even when the party advocating those interests is a federalist party. We are always logical. We stand up for Quebec. That is what we have always done and will always do. That is why, no matter what happens, there will be more and more of us here in the House of Commons.

● (1720)

[*English*]

Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC): Mr. Speaker, the member comes from a great part of the world. We all live in the greatest country in the world at the best time in human history to be alive. I think everyone in this chamber understands that.

We are trying to improve our Parliament, a federal institution. That is why all federalist parties support the bill. There may be differences, but everyone in this chamber, on the federalist side, wants to make our country better, and that includes improving the Senate. We have heard today that some sort of term limit, non-renewable, will make our country better.

Will the member be straight up with us and say what is really happening here, and that is Bloc members will, for ideological reasons, oppose anything that will make Canada a better place?

[*Translation*]

Mr. Mario Laframboise: Mr. Speaker, hearing that kind of thing always makes me smile. The Bloc Québécois did support two Conservative budgets in 2006 and 2007 because the government said that it wanted to correct the fiscal imbalance. The National Assembly passed a unanimous motion in support of that approach. We have always been consistent. The National Assembly passed a unanimous motion against reforming the Senate without consulting the provinces.

All federalist parties have the right to join forces against Quebec. That helps me because I am the Bloc Québécois' chief organizer in Quebec. The more they do that kind of thing, the better off I am. In fact, I should just let them do their thing and keep my mouth shut. They are all working for me. I have no problem with that. What I have a hard time understanding is why they would attempt an indirect approach to changing something that cannot even be changed directly without negotiating with the provinces. If the federalists think of the provinces as a kind of ball and chain, they should say so and see what kind of reaction they get.

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, I would like to congratulate my colleague on his excellent speech concerning the Senate and all the issues in the bill that affect Quebec.

When I was first elected to the House of Commons, I saw there was a chamber next door called the Senate. I wondered what those people did in there. I soon realized it was a little like *Groundhog Day*, a movie I am sure we have all seen many times. The Senate carries out the same activities as the House of Commons. The same committees are duplicated there. It only slows the process of introducing and passing bills.

There is one aspect my hon. colleague did not address. The costs associated with the Senate are enormous. The cost to run the House of Commons is already considerable. Many witnesses come to testify before House committees. The same thing is repeated in the Senate, which is very costly in terms of time and money.

This money could be used to reform the employment insurance system and to help people in need, instead of being wasted. According to surveys, 43% of Quebeckers oppose the Senate. Quebec is being trampled on; the Quebec nation is not being respected. I am convinced that all the other provinces oppose this Senate reform.

I would like to hear my colleague's thoughts on this.

● (1725)

Mr. Mario Laframboise: Mr. Speaker, I want to thank my colleague from Berthier—Maskinongé for his excellent question. He is right. At a time when money is tight and deficits are enormous, we could be taking this opportunity to save a great deal of money. The Conservatives have gone from a $17 billion surplus, which they inherited from the Liberals, to a $50 billion deficit. Of course they will tell us there is a global crisis and so forth.

My colleague is doubly right when we see how the parliamentary system works. A bill is passed and sent to the Senate where senators can make amendments to it. However, if we are not happy with those amendments, we can bring the bill back to the House of Commons and reverse the Senate's decision. That is what happens. In theory, there should not even be a Senate. We should pass legislation and that is where it should end.

The Senate did a study on safety, noise, nuisances and so on in the railway system. When it looked at the bill passed by the House of Commons, the Senate only called in the railway companies because it did not want to hear from those who were reporting the problems with the railway in the first place. The Senate ended up changing our bill because the Conservatives convinced the Liberals to do so. They were already lobbying then.

When we saw the senators engaging in such partisanship and listening only to those they were interested in, we should have stood up to them and passed the bill as it was. The House of Commons has priority. In the legislative system, the Senate serves no purpose.

[*English*]

Hon. Steven Fletcher: Mr. Speaker, the member said that he will respect the Canadian Constitution. Therefore, he knows that this measure falls within the purview of Parliament.

The member talked about the representation of Quebec in the Senate. This bill would improve Quebec's representation in Parliament because it would help to renew the senators from Quebec in this great institution.

Again, I come back to my previous point with the member. The reason the Bloc is opposing this bill is that the Bloc opposes anything that would make Parliament better, including improving the representation of Quebec in Parliament through the Senate. The Bloc is just being negative because it is against the Bloc's philosophy to improve federalism and improve Quebec's representation in Parliament. It just goes against the Bloc's reason to be. It is very disappointing.

I wish the member would just be honest. The reason he is opposing this is that he does not want to strengthen Quebec's role in Parliament. He just wants his own disappointing end.

We live in the greatest country in the world. I wish the member would support that and help make Parliament better.

[*Translation*]

Mr. Mario Laframboise: Mr. Speaker, Canada will make an excellent neighbour. I have no problem with that.

For the rest, I will try to explain why we are opposed to this bill. I will re-read, nice and slowly, the unanimous motion passed by the Quebec National Assembly on November 7, 2007:

> That the National Assembly of Québec reaffirm to the federal government and to the Parliament of Canada that no modification to the Canadian Senate may be carried out without the consent of the Government of Québec and the National Assembly.

We will rise every single day to defend the interests of Quebec. That motion was adopted in 2007 by a federalist government. Its Liberal Party leader was the former leader of the Conservative Party.

The Government of Quebec adopted this motion because the Supreme Court rendered a decision in 1970 after examining Parliament's ability to unilaterally amend the constitutional provisions concerning the Senate. The Supreme Court found that Parliament could not unilaterally make any changes to the essential characteristics of the Senate. This is why the National Assembly adopted that unanimous motion, and this is why we are once again defending the interests of Quebec in this House.

● (1730)

[*English*]

The Acting Speaker (Mr. Barry Devolin): It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

EMPLOYMENT INSURANCE ACT

Mr. Christian Ouellet (Brome—Missisquoi, BQ) moved that Bill C-241, An Act to amend the Employment Insurance Act (removal of waiting period), be read the third time and passed.

He said: Mr. Speaker, it goes without saying that this bill must be accepted by the current Conservative government. I begin my remarks with that comment because we have been talking about this for a long time. The two-week waiting period is a critical issue. This is not a minor bill designed to keep senators in the red chamber for a longer or shorter period of time. It is an act that can help all workers who lose their job.

That injustice has been around for too long. I am going to give some numbers. In 1989, 83% of Canadians and Quebeckers were eligible for employment insurance. Now, it is less than 50%.

What did the government do? It passed a law to add five additional weeks at the end of the benefit period. And how many people benefit from this initiative? Currently, it applies to 28% of those who are eligible for EI benefits. However, 28% of 50% does not make for a large number of people. The fact is that few workers are entitled to these five additional weeks.

If the two-week waiting period was waived, all workers who lose their job would benefit. I am not talking about workers who resign or who lose their job because they failed to perform, but about workers who are laid off because their plant shut down, because there are fewer orders in the books, because the plant is relocated, or because of a bankruptcy. These people are laid off through no fault of their own. They are the most affected by these two weeks without benefits.

Waiving the two-week waiting period would have a much greater impact on financial security than the five additional weeks at the end of the benefit period. Indeed, this situation affects the most vulnerable workers in our society. The two-week waiting period is a glaring injustice: these people lose their job through no fault of their own, yet they are penalized. It seems as if the Conservative government likes to punish workers who get laid off. I just cannot understand that.

In Quebec, this situation puts pressure on the Quebec government when these people turn to social assistance. Social costs increase, even though the federal government is responsible for looking after those people who lose their job through no fault of their own.

There is an urgent need for action, but the government does not seem to understand that, and it would appear that the Conservatives are not going to let us get this bill passed. Abolishing the two-week waiting period would not mean extending the employment insurance benefit period. All it would do is allow people to receive their EI benefits two weeks earlier, so that they would not have to go without money for two weeks.

Often, people do not even know they are going to lose their jobs. They get a warning and lose their jobs the same week, because the employer did not want anyone to know in advance. What is more, most of the time, these people do not have any money set aside. They even have debts. Liberalism encouraged people to go into debt in an excess of consumerism.

● (1735)

These people are just like everyone else. Workers also have a culture of borrowing. Then, suddenly, they have no money coming in for two weeks, so they go deeper into debt and they cannot afford to pay the mortgage or rent or feed their families. It is that serious.

If the waiting period were eliminated and the five weeks at the end left intact, the cost to the EI system would not be much more. In any case, only 28% of people receive the five weeks of benefits at the end of the period. Presumably, everyone would receive the two weeks at the start.

These two weeks are a question of dignity for our workers. It is scandalous that people who lose their jobs cannot get help from employment insurance right away.

Does the government want to punish workers for losing their jobs? We have to wonder. We could even say that that is what the government is trying to do. It is trying to punish workers for losing their jobs through no fault of their own. They will have to spend two weeks without benefits.

Generally speaking, the government is not criticized very much. It thinks that, as with every type of insurance, a premium must be paid. However, employment insurance is not a public or private insurance. It is a social measure that should apply to everyone, and people should not be punished unfairly.

Unfortunately, this unfair punishment has been around since 1971, and it is high time to abolish it. The current government should realize that it will not be defeated tomorrow if it eliminates this injustice. On the contrary, we will appreciate it more.

This measure is supported by all Quebeckers and Canadians. Unions, community groups, women's groups, anti-poverty groups, food banks, retailers, all support this measure, except the people that the government consulted. These people include business leaders, economists, banks and probably some hand-picked professors, who are at the source of this neo-liberal ideology.

The Bloc Québécois believes that this bill is necessary. It should be looked on favourably by the government, and I am asking it to reconsider its position.

● (1740)

[*English*]

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I appreciate the member is of the view that the two-week waiting period should be eliminated. Of course, it would have a cost.

If the member is really concerned about helping those who are vulnerable, those who are unemployed, why is it that he voted against the extension of the EI program, the addition of five weeks for those who were unemployed? Why is it that he voted against the extra weeks of benefits for long-tenured workers? Why is it that he voted against the program that allowed people to maintain their jobs, the work-sharing program that helped thousands and thousands of people? Why is it he voted against that?

Indeed, I am not sure what the Bloc members would have against older workers, but when there was a special provision for older workers, they voted against that too.

Those are millions of dollars of expenditures including millions of dollars to help people upgrade their skills to be able to find new jobs. How in good conscience could the Bloc members have voted against all of that and be fixated on one particular issue of the EI program?

[*Translation*]

Mr. Christian Ouellet: Mr. Speaker, I am hearing the propaganda from the member opposite to the effect that we voted against certain things. But does he tell us in which document the government hid that measure? We agreed with the five additional weeks, but the government included that measure in a budget that we could not support. The member does not mention that, even though he is well aware that it is the case. He knows full well that we supported the idea of providing five additional weeks. We did not vote against those five weeks: we voted against the rest of the budget. You know that. You are almost being dishonest when you say that to the House. You know why we voted—

The Deputy Speaker: I must remind the hon. member to address his remarks to the Chair, not directly to other members.

The hon. member for Madawaska—Restigouche.

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, I think that there is a difference between what the member was talking about with respect to the bill and what the parliamentary secretary was talking about. The Conservatives are not telling people the whole truth when they talk about extending benefits. When the time came for the government to provide 20 additional weeks, seasonal workers got nothing. According to the government, they did not deserve extra benefits. The government does not consider them to be long-tenured workers. I will never forget what the Parliamentary Secretary for Multiculturalism said:

[*English*]

"We will give it to those who really deserve it".

[*Translation*]

Shame on her for saying that. There is a big difference between what the Parliamentary Secretary to the Minister of Human Resources was trying to say earlier and the truth. The truth is that they did not want seasonal workers to benefit from additional weeks of employment insurance.

I would like my colleague to respond to that. I also wonder whether the parliamentary secretary will continue to question the way we vote in the House.

Mr. Christian Ouellet: Mr. Speaker, I would like to thank my colleague for his extremely interesting question. We have never been against the five weeks. In fact, we should add even more. Five weeks is not a lot.

The waiting period is hard on the unemployed. The government does not want to eliminate it. It will not agree to this because, as my colleague said, seasonal workers would have immediate help. Consequently, the government does not want to do that, even though we feel it would be fair and reasonable. I do not know what kind of morals they have, but we believe that, morally, it is fair and reasonable that workers who lose their jobs, seasonal workers or otherwise, can have their two weeks as usual and not go hungry just when they need immediate help.

● (1745)

[*English*]

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I know those hon. members have a difficult time accepting the truth, but the fact is the items I outlined appeared before the House. Some appeared in the budget, as they said, but some appeared individually. The long-tenured workers and the extension for them appeared in its own bill. When we talked about benefits to the self-employed, it appeared in its own bill. They had a choice to stand up for it or against it and they had to make that decision.

I will highlight the many actions our Conservative government has taken over the past year and a half to help Canadians who were unemployed during the recent economic downturn. It is important to highlight these measures, especially when we are debating opposition attempts to shoehorn their pet projects into systems that, by and large, are working well for Canadians and that they have chosen, for one reason or another, not to support.

It is important to highlight what our government is doing for Canadians. The party proposing the bill voted against the economic action plan that we crafted to help Canadians. There is no question about that. It is also especially important to do this when the actions this Conservative government have taken have been so thorough.

The bill is not consistent with our government's approach. It is—

[*Translation*]

Mr. Christian Ouellet: I rise on a point of order. I would like the member to have the courage to talk about Bill C-241 and not about what else they are doing. He should be talking about the bill, please.

The Deputy Speaker: The hon. member would like the hon. parliamentary secretary to talk about Bill C-241. Because it is third reading, the rules on relevance are very strict. The House would appreciate it if the hon. parliamentary secretary would speak about the bill in question.

[*English*]

Mr. Ed Komarnicki: Mr. Speaker, of course it is relevant and I think there are some issues that the member can learn. The issue he raises affects unemployed Canadians. The issue he raises is a narrow one that is shoehorned into a bigger picture.

We are talking about the unemployed. We need to know the full picture, how this fits in the context and whether people should oppose it or not. I am saying this bill is not a good bill when put in the context of what is happening everywhere.

Let us go back to December of 2008, more than a year ago, during the first difficult months of the global economic recession.

On December 18, 2008, CTV Newsnet's *Mike Duffy Live*, someone we all know quite well, welcomed Mr. David Dodge, the former governor of the Bank of Canada. He was asked whether eliminating the two-week waiting period for EI was an expenditure worth making. It was a very specific question, which deals exactly with this bill. He was asked whether it would be effective, whether the expenditure was worth making. Mr. Dodge responded unequivocally and without hesitation. He said:

The answer is no. That would probably be the worst waste of money we could make...because there's a lot of churn in the labour market.

His message was that this was understandable and that it was prudent to retain the waiting period, simply from an operational and a practical standpoint. He said, "that two weeks is there for a very good reason". Mr. Dodge went on to say, "the real issue is that some of these people are going to be off work for a rather long period of time".

We are focused on what matters to Canadians, creating and preserving jobs, investing in training and helping those hardest hit. How did we know this? Because we asked and Canadians told us.

Our government engaged in the most comprehensive prebudget consultations in Canadian history, leading up to the release of Canada's economic action plan in budget 2009. During those consultations with Canadians, and the member would do well to listen, they told us they wanted EI to be extended to help unemployed Canadians who were having difficulty finding a new jobs or who needed more comprehensive skills upgrading. That is what Canadians told us. That is also what experts like David Dodge told us. That is what we did.

Through the economic action plan, we provided an additional five weeks of EI benefits to all Canadians who needed them, to help them get through the tough economic times. Over 500,000 Canadians have benefited from that measure alone. I wonder what the member would say to those 500,000 Canadians, whom he did not stand and support in the action that was taken by the government.

However, we were not finished. We kept a sharp eye on the situation and we acted again when the need presented itself. This past fall, we introduced and passed Bill C-50, a stand-alone bill, acting further to ensure that the EI program remained responsive to the needs of Canadians. That bill provided fairness for Canadian long-tenured workers. There are Canadians who have worked for many years, who have paid EI premiums for many years and who have rarely, if ever, used the system at all.

● (1750)

[*Translation*]

Mr. Christian Ouellet: Mr. Speaker, I would like to raise a point of order. The member is starting up again. He is not speaking on topic. He should be talking about Bill C-241 and not another bill that has already been passed.

[*English*]

The Deputy Speaker: I know the hon. parliamentary secretary is discussing other aspects of EI and changes that have been done. However, with respect to third reading, the practice of the House is that remarks are supposed to be constrained, not in terms of generalities or other peripheral issues, but specific quite strictly to the bill itself.

If the member likes, I can read that part of the *House of Commons Procedure and Practice* , but the members have asked him to speak to the bill at hand and I think the House would appreciate it if he did so.

Mr. Ed Komarnicki: Mr. Speaker, some members appreciate, and to put this in appropriate context, that if one has to look at this bill, one has to look at it in context. It is taking one aspect of the employment insurance program and saying that this is what we need to do to make employment insurance better.

That is a simplistic point of view. We cannot cherry-pick one item and say we want the House to support that one item, when the fact is that they have not supported other items that benefited more people.

[*Translation*]

Mr. Yves Lessard: Mr. Speaker, indeed, I am going to ask you to read the Standing Orders to the parliamentary secretary, because he is doing what the Conservatives often do, which is to bend the rules of the House to send messages that are false and that do not respect the rules of this place.

The hon. member for Brome—Missisquoi is absolutely right on this point. I am asking that the member opposite deal strictly with Bill C-241. We have done that, and we are going to continue to do so.

For once, could he comply with the rules of this House?

[*English*]

Mr. Ed Komarnicki: Mr. Speaker, I am saying when one looks at the bill in the context of what the Bloc is trying to do, it is a shoehorn or cherry-picking approach that is not acceptable.

This bill is exactly what we do not need to do. It is unwise for the EI program. It results in an inefficient and very costly program change. It is unwarranted in the economic circumstances. It is unnecessary in significant new spending. The department in charge estimates that the bill would cost approximately $1.3 billion per year. That would result in either a deficit or higher premiums, something those members should not be supporting—

The Deputy Speaker: The hon. member for Madawaska—Restigouche.

[*Translation*]

Mr. Jean-Claude D'Amours: Mr. Speaker, I would like to remind you that the parliamentary secretary continues to talk about all sorts of things, but not about my colleague's bill.

While a bill can be very thorough, a member always has the opportunity to improve it and to take it to another stage.

In all due respect for my colleague's bill, the parliamentary secretary should only talk about this legislation and stop raising other issues. He should stop saying that the act already does this and that, and he should stop proposing improvements that have already been made. We have to see how the bill can be improved.

That is what my colleague is trying to say, but the parliamentary secretary refuses to hear anything.

Mr. Speaker, it is time for you to make it clear. If the parliamentary secretary does not have the right speech with him, then he should get another one to make sure he is dealing with the bill.

The Deputy Speaker: The hon. parliamentary secretary only has one minute left to conclude his remarks. For the benefit of the House, I am going to read an excerpt from page 626 of the *House of Commons Procedure and Practice*, regarding the issue of relevance at third reading.

> Debate on third reading is intended to permit the House to review the legislative measure in its final form and is therefore strictly limited to the contents of the bill.

● (1755)

[*English*]

There is one minute remaining for the hon. parliamentary secretary. I know some of his remarks are leading him to the subject of the bill and I trust in that minute, he will address the contents of the bill and we will move on to the next speaker.

Mr. Ed Komarnicki: Mr. Speaker, I have been addressing the contents of the bill. I do not know where the members were. I do not know what they have listened to, but I have been pretty clear that the bill is exactly what we do not need. What do they find so hard to understand about that?

The bill is unwise for the EI program. It is inefficient, very costly, unwarranted and unnecessary. When we look at the cost, it will be $1.3 billion per year as a result of the bill, which will have unacceptable consequences. The bill is exactly the kind of reckless spending proposal that is harmful to our country's fiscal and economic health, but which the opposition is all too fond of these days. This will not help us in that regard.

The bill is expensive and contrary to the good work that we have already done. A number of economists have said that removing this two-week waiting period is not the right way to go. They say that it is there for a reason, it makes the system efficient and there are other ways to spend the money. Members need to understand that.

The Deputy Speaker: I should point out that if the member is addressing whether the bill is worthy of support, that is in order. If the member is talking about the consequences of the bill, that is in order as well. The members were pointing to other parts of his speech, but I appreciate the hon. parliamentary secretary for coming back to the bill.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, it is great to have an opportunity to speak to Bill C-241. I want to congratulate my colleague from Brome—Missisquoi for bringing the bill this far. We did discuss this before Parliament was prorogued and it was passed at committee. I am hoping this time it will not be such a close vote in order to get it to committee where the member for Chambly—Borduas and I, and others can have a look at it.

There has been a lot of activity, advocacy in particular, on the employment insurance issue over the last little while. Employment insurance at a time of an economic downturn is a particularly important piece of our social infrastructure. The idea of the two-week waiting period has been discussed quite a bit. My colleague from Madawaska—Restigouche has talked about this a lot within our Atlantic and our national caucus. This affects people in his riding in a very significant way.

The idea of even calling it a two-week waiting period is not correct. It really should be called a two-week "out of luck period", or a two-week "too bad for you period", or a two-week "no money for the family period". That may sound funny, but it is a fact of life that many people lose their jobs. Unlike many Canadians, we sit in a very privileged place, do a wonderful job, and members of Parliament work hard, but we are well treated for that work.

Most Canadians really do not live much more than paycheque-to-paycheque. To lose a paycheque all of a sudden and be told at the very least they have to wait two weeks on top of the processing time, which lagged in late 2008 and early 2009, is most unfortunate. So this is a very important piece of our social infrastructure. When people need the money, they need it right away.

There are a number of ways we can improve EI. We have gone through these in the House before. An increase of the benefit percentage is another way of improving EI. We could increase the number of weeks. The government added some weeks in the last budget and then further in the fall added a specific group of people. We could look at what percentage of income people can make while they are on EI. There is a whole host of ways of looking at the difference between re-entrance and regular users of EI, so this is one period that is particularly important.

It is important to understand that there will be a cost. It is hard to identify the cost specifically, but the Library of Parliament indicates that there are three ways that the bill would increase costs. First, periods of unemployment lasting two weeks or less would then become insured. Second, extending the duration of the benefits of some people who find a job before their maximum period ends would impact on this. Third, it would increase costs because benefit deductions are calculated differently during the waiting period than during the other weeks of unemployment. So there is a cost, but we do not know what it is.

HRSDC has given us some different costs. The Canadian Centre for Policy Alternatives supports the elimination of the two-week waiting period. It has suggested a costing of $765 million. We had a cost that was provided by TD Economics which suggested it might be $1 billion. I do not know exactly what the cost is, but the question for us is, is that cost worth it and more importantly, do we need to send a message to the government that at a time of economic difficulty was its response last year enough?

I clearly do not think it was. I want to quote from this year's alternative budget on employment insurance. It states:

> The economic crisis, the first since major cuts were made to our EI program in the mid-1990s, has been an extreme "stress test" for Canada's EI program. The program has failed and needs to be fixed.

There is no question that changes were made to our EI system starting in 1990 when Prime Minister Mulroney made the first changes to EI. That was the point in time in which the government no longer became one of the contributors to the fund. It was then left to employers and employees, and further cuts came later. We were in a time of economic distress where the needs were much different than they were at this economic downturn. Back then the issue was getting rid of the debt. This time the issue was making sure—

● (1800)

The Deputy Speaker: Order. The hon. Parliamentary Secretary to the Minister of Natural Resources on a point of order.

Mr. David Anderson: Mr. Speaker, I am very surprised that the Bloc members have not risen several times already in the middle of the member's speech because certainly he has drifted much further away from the content of the bill than the parliamentary secretary ever did. I thought the Bloc members, in all their moralistic approach to this before, would have been up on their feet. I am glad to see that a couple of them are finally getting to their feet. Perhaps they were not listening, but hopefully they will ask you, Mr. Speaker, to bring the member back to the content of the bill as you reminded us he has to do.

[*Translation*]

Mr. Yves Lessard: Mr. Speaker, I feel concerned by this reminder. Mr. Speaker, the reason I did not rise is that, like you, I saw the relevance of putting the waiting period into the context in which it was set, along with other measures that were also implemented.

In fact, I want to congratulate the member for Dartmouth—Cole Harbour for the relevance of his comments on Bill C-241.

[*English*]

The Deputy Speaker: Perhaps I will just say that the rules regarding relevance at third reading are stricter than the rules at second reading. That being said, it is normal, in my time here, that MPs, from time to time, give a little bit of background.

As was mentioned to the hon. parliamentary secretary, at third reading those departures from the actual subject of the bill are to be a lot fewer and remarks should be very closely constrained to the actual contents of the bill that is before the House.

I will make that observation to the member for Dartmouth—Cole Harbour and ask him to keep his remarks, as strictly as possible, constrained to the contents of the bill.

Mr. Michael Savage: Mr. Speaker, I certainly have done that and will continue to do that. I thank my two colleagues for their interventions. I found the latter one much more relevant and sensible.

We are talking about EI and how we fix EI. That is why we are looking at this two-week waiting period issue that members in our caucus, including the members for Madawaska—Restigouche, Beauséjour, Cape Breton—Canso, have talked about for a long time.

There is a view on the government side, as has been said directly by the minister herself, that EI was too generous. We heard that. My colleague from Madawaska—Restigouche mentioned in the fall how members of the government side started to pick and choose who should get the extra weeks based on who deserved it more, which is an affront to people who need EI and are unable to get any particular benefit from the government.

If this is indeed the case, what is Canada doing versus other countries? If, as the government believes, we are way too generous in our EI system, let us look at this waiting period of two weeks. Canada has a two-week waiting period; Denmark has no waiting period; Finland has seven days; France has eight days; Germany has no waiting period; and Sweden has five days. That is what some of our contemporary comparators are doing.

On benefit duration right now, it is 14-45 weeks in Canada before the extension. In Denmark benefits may last for up to 4 years; in Finland, it is 500 days; in Germany, it is 6-18 months; and in Sweden is 300 days with a possibility of an extra 150 days.

When we talk about social infrastructure, we cannot look at EI and say it is too generous. The minister has said it, but she is wrong. She tells us a lot about how she runs her department, and how the government looks at EI when it thinks it is too generous and does not want to risk making it even more generous.

Other countries that we should compare ourselves to are doing a whole lot more. If we look at and say that our social infrastructure is way better than the United States, it turns out that Obama had led the charge on EI to extend way beyond 5 weeks or even 15 weeks. In the United States the federal government actually took a leadership role on employment insurance and said this is where we need to go.

At the very beginning of this debate we need to understand that we do many things right in Canada, but we are not the leaders on things like employment insurance, just like we are not the leaders on issues of disability. I congratulate the government on finally ratifying the UN Convention on the Rights of Persons with Disabilities, but we have a lot of work to do.

I want to congratulate my colleague from Brome—Missisquoi for getting the bill here. I hope that we have a less close vote. I hope we do not have to rely on the common sense of the Speaker to send this back to our committee where we can have a look at it.

Employment insurance is a critical piece of our social infrastructure. It has evolved over the years and we can all argue about the reasons. We can all look at it and say that this should not have been done, that should not have been done. We have done that in committee and we have done that in this House, and we have done that outside of this House.

The point is that when employment insurance was most needed, when the country was in a tailspin, when manufacturing was going down, when provinces simply could not keep up with the social assistance payments because people were being offloaded from things like EI, when we needed help, when we talked about stimulus, the government did not respond in the way it should have. It just did not come close.

Employment insurance is as good a form of stimulus as is possible because people need it and they spend it. This bill is well worthy of consideration. I intend to vote for it and I hope all members of the House do likewise.

● (1805)

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I am glad to join in the debate on an issue that means quite a bit to not only those I represent in Sudbury but Canadians across the country, Bill C-241.

If passed, the bill would put in place something the New Democrats have been calling for, for quite some time: an end to the two-week waiting period before an EI claimant can receive employment insurance benefits.

Let me first discuss why the bill is so important, not just to my riding but Canadians across Canada. As I stated, the bill is important to all Canadians who will be forced to apply for employment insurance, an action that is much too common these days. When workers lose their jobs or are laid off, the absolute last thing they need is a gap in their income.

When Canadians lose their jobs, not only is their usual source of income gone, but also their personal work relationships, daily structures and sense of self-purpose. Unemployment can be, and often is, a shock to the whole system. People can experience some of the same feelings and stresses that one would feel when they were seriously injured, going through a divorce, or mourning the loss of a loved one.

Dealing with the devastating news of losing one's job should not be worsened with a break in income. Unfortunately, this is exactly what happens. Canadians who have lost their jobs, and in many cases their self-worth, must then wait two weeks before they are eligible to receive a stipend from employment insurance, the same insurance they paid into in good faith for the term of their employment.

The waiting period is an unnecessary hardship. Out of work Canadians do not need more adversity when they have just been dealt one of the biggest hardships they will ever experience in their lifetime.

Let me illustrate this point with a local example from my constituency of Sudbury. My riding of Sudbury is familiar with hardship. My community has endured a great deal in the past year. About a year and a half ago, Xstrata laid off 686 workers, months before the three year agreement the government signed under the Investment Canada Act expired. Xstrata is also closing down its copper refinery in Timmins. For its part, Vale Inco laid off over 400 workers. Those who were not laid off, well over 3,000 workers, are about to enter into the 11th month of their strike.

These layoffs and the ongoing strike are also affecting the mining supply and services sector, meaning that 17,000 employees in Sudbury have gone from about 40 hours a week to about 20 hours a week.

The families in my community have endured enough hardship: layoffs, a strike. If we had the ability to do away with one hardship, it would be the two-week waiting period before one qualifies for EI benefits. It would go a long way toward helping these families stay on track.

Thus far, the Conservative government has not been interested in any measures that would help Canadians through these tough times. In fact, the Conservative government has repeatedly let down northern Ontario. This past year, when multinational mining giants Vale Inco and Xstrata violated their agreements with the Canadian government under the Investment Canada Act, the government did nothing. When these companies threw hundreds of workers out on the street contrary to the agreement they signed with the government, the Conservatives failed to act.

Now, as we debate the bill, a bill that would bring immediate relief to those Canadians who are at the front lines of this economic crisis, the government is once again leaving workers and families to fend for themselves. In fact, the Minister of Human Resources and Skills Development revealed her contempt for the unemployed by stating that EI is too lucrative.

Comments like these are not only downright shameful, but also a window into how the government views the unemployed. I invite the minister and any other member of the Conservative caucus to come to Sudbury and meet some of the people I have: fathers who are worried about their mortgage payments and how they are going to be able to keep up, and single mothers who are resorting to food banks to feed their children. The list can be endless.

The government will argue that it has done enough, more than enough, by tacking on a few weeks of EI. Let us set the record straight. The Conservatives think that if they add five weeks at the end, by that time it is their hope that these people will have found a job. As such, it is their hope that these workers will never benefit from these additional five weeks. What it truly comes down to, for the Conservatives, is that those extra five weeks will be of no cost to the government.

The government seems to have all kinds of money for tax breaks for corporations, except when it comes to the unemployed. This is just plain unacceptable. What makes the government's approach even more inexplicable is the fact that unemployment insurance makes monetary—

● (1810)

Mr. Ed Komarnicki: Mr. Speaker, I rise on a point of order. I hesitate to disturb the Speaker but the member has strayed for a considerable period of time from the essence of the bill.

We seem to have two standards here. It would seem that the member should be brought to the place where he somehow connects the bill to what he is saying. He has ventured off to talk about a whole number of things that are not specific to the bill and perhaps should be cautioned as well.

The Deputy Speaker: I think we are all getting an education in the rules of relevance at third reading.

[*Translation*]

The hon. member for Chambly—Borduas raises a point of order in the same regard.

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, with all due respect for my colleague, I do not think he really understood what the hon. member for Sudbury was saying. The hon. member correctly gave the example of Vale Inco in regard to the waiting period. He was giving specific examples of people who were unable to take advantage of the two-week period. That is what he was talking about.

[*English*]

The Deputy Speaker: The hon. member for Sudbury has about three minutes left in his speech. As I have reminded two other members this evening, the rules at third reading do call for more strict attention to relevance to the actual contents of the bill. With his remaining time, I think the House would appreciate it if he kept that in mind.

Mr. Glenn Thibeault: Mr. Speaker, it was very clear that I was speaking to this bill because this bill is about actually helping unemployed Canadians and I was talking about how the Conservatives are choosing not to help unemployed Canadians. So that is very relevant. I will continue on with my statement.

It is true that unemployment insurance is by far the best short-term economic stimulus available to the government. This way, EI has the single best multiplier effect out of the stimulus tools available to the government. It has a multipler of $1.64 for every $1 the government spends on it. Therefore, basically, when people receive EI sooner rather than waiting for that two-week period, they are not the ones who will be taking big vacations. They are out there spending money in their communities, hence, the economic stimulus is even greater. Employment insurance, bar none, has the best bang for the buck.

What is more, we are not the only ones calling for these changes. This bill has a great deal of support with communities and organizations across Canada. Among them is the Bloc, of course, which recognizes, like we do, that the two-week waiting period for employment insurance should be eliminated. We also have the Canadian Labour Congress, le Fédération des travailleurs et travailleuses du Québec. le Confédération des syndicats nationaux and le Centrale des syndicats du Québec. Those whose lives would be changed the most with these changes, unemployed workers themselves, are also asking for these changes.

Those groups see the benefit in keeping our unemployed workers in their communities, allowing stores to stay open and rent and mortgages to be paid. They see the real difference a few weeks of EI benefits can make in earlier access and so do we. That is why our party will support the bill when it comes to a vote and why I hope the government will recognize the need for this measure and support it as well.

● (1815)

[*Translation*]

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, I would like to congratulate my colleague from Brome—Missisquoi for introducing Bill C-241 and framing his arguments so well in regard to its main purpose.

Our colleague from Sudbury was exactly right. He showed very well what this measure is good for when people lose their jobs. He gave the example of the employees at Vale Inco, who have been in a labour dispute for a number of months now. Previously, there were job losses that had a domino effect on companies in Sudbury and caused further layoffs. Often these people do not earn big salaries, especially those working in retail. They were deprived from the outset of two weeks income. My colleague from Brome—Missisquoi did a good job of describing the impact of such an income loss.

These families still have financial obligations at month's end, but they have two weeks less income. People who lose their jobs do not have any time to make financial adjustments. They have to start looking for a job and do not receive an income right away.

It is incredible to hear what our Conservative friends have to say about this. The parliamentary secretary quoted David Dodge, who was the long-time governor of the Bank of Canada and earned between $1.5 and $3 million. I do not know how many millions he got when he left his position and received a huge separation allowance.

He went so far as to say that giving employment insurance benefits to people who have contributed to the system—it is their money—could well push Canada into bankruptcy. It is incredible to hear such things. There are shows like *Just for Laughs* where people imitate what happens in the House of Commons and say things like that. It makes me laugh, but they could make similar arguments. They quote rich people to say how little the poor deserve what belongs to them. But this is their insurance, to which they contributed the whole time they were working.

They say that the government cannot pay for it. Well it is not the government paying, because only employees and employers pay into employment insurance. The benefits are paid with that money. They also say that the fund will go into deficit, but that is not true.

My colleague the parliamentary secretary, talking about the budget, acknowledged that $57 billion in surplus over the last 14 years was taken from the fund and used for other purposes. Over the next three years, from 2012 to 2015, an additional $19 billion in surplus will also be used for other purposes. They tell workers who lose their jobs they are going to bankrupt Canada. It is wrong to mock people like that. That money belongs to the workers.

Yesterday, in committee, a witness was asked whether workers are going to agree to having their premiums raised. They do not have anything to say about it, because the government has already decided it will increase premiums by 15¢ per $100 in earnings each year for the next five years. There is a $19 billion surplus. Are workers going to agree to that increase? They have no choice because it has already been decided.

Is there enough money to pay for it? Of course, it is being used for something else. This is a serious economic crime, committed against workers who lose their jobs, against their families, against the regions and provinces affected. Those people find themselves with no income, and it is the province in question that has to cover the cost. It is the Quebec nation that covers the cost, even though there is money in the bank.

● (1820)

It has to be said. The issue has to be debated in its proper context.

The waiting period was set nearly 39 years ago, as my colleague said. It was set because there were jobs at that time. Employers could not find workers. There was a lot of work and you could change jobs virtually every week if you wanted.

They decided they were going to punish people who did not want to work by imposing a two-week penalty on them. That was the reason at the time. It no longer exists. When people who have the misfortune to lose their jobs do not find a job overnight in their region, it is because there are no jobs. That is the reason why.

That measure has become antiquated and regressive over time. It applies to a situation that existed 39 years ago but no longer exists. Let us get to 2010, and let the government join us in voting for this bill. To do that, let it stop invoking the royal recommendation. That is a ploy to fool people. This bill is not asking that charges be made on the consolidated revenue fund. It does not cost a penny. The yes-people on the other side, particularly from Quebec, are not standing up for the people in their ridings. Let them show some backbone for once in their lives. The member for Roberval—Lac-Saint-Jean admitted it himself today. He said he was proud of the token role he was being asked to play. So let him stop—

[*English*]

Mr. David Anderson: Mr. Speaker, I rise on a point of order. The member opposite was one of the people who wanted other speakers to be relevant here but he has insisted on launching ridiculous personal attacks on members of Parliament on this side of the House who have been doing tremendous work for the people of Quebec, while he in turn would divide the country rather than bring it together.

I think the member should probably get back to discussing the bill and, if not, perhaps you, Mr. Speaker, could read the standing orders to him, which he wanted to hear so much earlier.

The Deputy Speaker: I do not think that will be necessary because we have come to the point of debate where I must stop the hon. member and return to the hon. member for Brome—Missisquoi.

● (1825)

[*Translation*]

I must interrupt the debate because the hon. member for Brome—Missisquoi has a five-minute right of reply.

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, it is very unfortunate that only five minutes remain for a bill that is so important for workers throughout Canada and Quebec.

When the government, through the parliamentary secretary, said that people will not accept the truth, what truth was it talking about? Was it talking about its own ideological truth that fails to help workers? Eliminating the two-week waiting period has nothing to do with ideology; it has to do with necessity and need.

I very much appreciated the fact that my colleague spoke up and pointed out that David Dodge is not someone who needs money. What does David Dodge have to do with it? No one asked the unions; no one asked the food banks. Instead, they asked David Dodge.

The Conservatives are saying they conducted prebudget consultations. Who did they consult? The minister told us: they consulted heads of banks. They did not conduct any prebudget consultations with grocery store owners or the people who would receive that money.

If we were to eliminate the two-week waiting period, people would not be saving that money for a rainy day. That money would return to the economy immediately because those people need it. That money would generate GST and other taxes.

The parliamentary secretary is saying that this measure would cost $1.3 billion. He increased his estimate, since last time he said it would cost $1 billion and now he is talking about $1.3 billion. We better hurry up and vote on this bill, or soon he will put the cost at $1.6 billion.

Our researchers old us that it could cost nearly $900 million. But most of that money will come back to the government.

He says that this is inefficient. Inefficient compared to what? We think it is efficient for workers. It may not be good for their reputation. He says that this is unnecessary spending. What does he know? Has he ever been unemployed? To say that this is unnecessary spending is an insult to people who lose their jobs. These people need this money. As my colleague said, they are the ones who paid into the program, not the government.

We cannot really expect the Conservatives to change their ideology, because there will be no royal recommendation for this bill. But as my colleague said, this money does not come out of the government's budget. I want to say that again, because it is important. It is important for the unions to hear and for the workers to hear. We will refuse the royal recommendation for this bill if the government should ever decide to grant it, because it should not apply. I believe that the government should listen to us and not apply the royal recommendation.

I therefore call on all parliamentarians to do the right thing and be sensitive to workers who fall victim to the neo-liberal crisis and globalization. That is why plants are closing without notice. We must correct this injustice.

The Conservatives are saying that this measure will not fix everything. We know that. We want to put forward a whole slew of measures to make employment insurance more equitable, and I used the word equitable deliberately. This measure may be modest, but it is very important to workers who lose their jobs without notice. This is something very real we are asking for.

The Conservatives still have time to think about this and admit that they had not realized how much workers across Canada needed this, even workers in Alberta who sometimes lose their jobs. They had not realized why people lose their jobs or how great their need was. I hope the Conservatives will come to this realization tonight and agree with us tomorrow morning.

● (1830)

The Deputy Speaker: It being 6:30 p.m., the time provided for the debate has expired.

It is my duty to inform hon. members that the requirements for printing royal recommendation in accordance with Standing Order 79(2) have not been met. The question on the motion for third reading of the bill will therefore not be put.

[*English*]

Accordingly, the order for third reading is discharged and the item is dropped from the order paper.

(Order discharged and item dropped from order paper)

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

TRANSPORT, INFRASTRUCTURE AND COMMUNITIES

The Deputy Speaker: Pursuant to Standing Order 97.1(2), the motion to concur in the first report of the Standing Committee on Transport, Infrastructure and Communities, recommendation not to proceed further with Bill C-310, An Act to Provide Certain Rights to Air Passengers, presented on Wednesday, March 31, 2010 is deemed to be proposed.

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, this government certainly supports consumer protection measures and in September 2008 we launched Flight Rights Canada, an initiative that informs the travelling public of Canada's consumer protection regime and their rights under the regime.

The foundation for Flight Rights Canada already existed in Canadian legislation as the Canadian Transportation Act requires that terms and conditions of carriage, which are the elements of the contract between an airline and its clients, be made readily accessible to consumers. WestJet, Air Canada, Jazz and Air Transat incorporated Flight Rights Canada in their terms and conditions of carriage for international and domestic travel. We are encouraged by such positive action taken by the industry leaders.

The member of Parliament for Elmwood—Transcona introduced Bill C-310 in February 2009, just over a year ago. The bill passed second reading and was referred to the Standing Committee on Transport, Infrastructure and Communities for review. Through the parliamentary process, industry and consumer stakeholders were given an opportunity to share their views on the bill as, of course, they would have the best perspective.

Although the bill's intention to improve airline customer service and ensure appropriate compensation was well received by all witnesses, industry stakeholders highlighted how this bill was structurally flawed. After hearing the detailed testimony, the Standing Committee on Transport, Infrastructure and Communities recommended that Bill C-310 not proceed further for several reasons that I will share with members now.

During the committee meetings, industry witnesses raised many concerns. In fact, the National Airlines Council of Canada, an industry association comprised of Canada's four largest passenger airlines—Air Canada, WestJet, Air Transat and Jazz—argued that while the bill's intent was commendable, it actually penalized airlines for situations that were simply beyond their control.

Although the National Airlines Council of Canada's president reiterated the industry's commitment to quality service, he noted that the bill's excessive penalties on matters external to the airlines' responsibilities would substantially increase their business costs. We know when business costs increase, those costs are put directly on consumers. In doing so, this extra financial burden would simply be passed on to them in the form of higher priced tickets and would also risk reducing services to remote Canadian communities.

I come from a constituency with several remote communities, including Fort Chipewyan. The expert testimony in the committee greatly concerned me and many of the other members on that committee. This reduction in service also includes rural areas in Atlantic Canada, including Newfoundland. I spoke with one industry representative who simply said the airline would stop flying into some of these communities if this bill were passed. Northern Connect also goes to some very remote communities as well.

The most important concern raised by witnesses, however, is that Bill C-310, by imposing such harsh penalties for circumstances that were simply beyond the control of the airlines, could compromise passenger safety. In order to avoid paying high levels of compensation to jilted passengers, pilots may be inclined to fly in unsafe conditions. Pilots may simply put the issue of safety behind them and worry more about the monetary penalty that may be assessed to the airline and ultimately, their jobs. Although the government is committed to consumer protection, as we have seen in many pieces of legislation that this Conservative government has put forward, safety of Canadians is always our ultimate, number one priority.

Bill C-310 does not mandate any enforcement agency to implement most of its provisions, many of which are unclear. As the National Airlines Council of Canada testified to the committee:

> Because Bill C-310 employs Canada's court system as a dispute resolution mechanism, and because imprecise terms...are sprinkled through virtually every major provision of the Bill - no one...can determine with any certainty at this point how C-310 will actually be applied - and no one will know until a series of protracted and costly legal battles take place.

The National Airlines Council of Canada also highlighted the fact that Bill C-310's exclusive focus is the airline in question and not other organizations. As one can imagine, the airline industry itself has many aspects within the chain of travel.

● (1835)

Following is a direct quote from expert testimony that we heard at committee:

> Federal agencies or entities such as NAV Canada, CATSA, [Canadian Air Transport Security Authority], CBSA, [Canada Border Services Agency], and Canada's Airport Authorities are not contemplated and there is no consideration given to any foreign entity or legal framework, despite the complex and vital roles those organizations play in every trip Canadian passengers make.
>
> By ignoring these obvious connections, C-310 fails in any meaningful way to address the problems it identifies—instead leaving it to airlines to deal with circumstances beyond their control, or face excessive penalties.

That certainly raised a lot of alarm bells with our members.

In addition to being held to account for the actions of other entities beyond the airlines' control, under Bill C-310 airlines are also taken to task and would be required to provide food and other compensation in the event of unfavourable weather conditions that simply delay flights.

We do not have control of the weather. I know members on the other side think we do have control of the weather because we are doing such a great job in keeping Canada's economy on track, but the reality is that as a government, we do not have control of the weather. It would be unfortunate to hold airlines to account for things that are simply beyond their control.

The committee also invited Mr. John McKenna, president and CEO and Tracy Medve, a member of the board of directors for the Air Transport Association of Canada. Like the National Airlines Council of Canada, the Air Transport Association of Canada also reiterated that the bill's high fines could put passenger safety at risk. We are not prepared to take that chance. They said that this would be a result of taking away the pilot's ability to decide whether to fly during dangerous weather conditions in order to avoid facing penalties.

They also stated that tarmac delays are usually the result of bad weather. Let us face it, in Canada we have excessive snowstorms from time to time and other weather occurrences that are simply beyond the control of Canadians and beyond the control of this government and the airlines themselves. These should not be blamed on airlines whose flights may be delayed because of the need for de-icing.

The Air Transport Association of Canada actually argued that compensation under the bill should not exceed the cost of the original airline ticket. To do so obviously would be bad business and could hurt the financial bottom line of the airlines. Ultimately, that cost would be passed on to consumers. It penalizes airlines but the cost would be borne by Canadians all across this country.

By imposing such harsh conditions on airlines, the bill neglects to take into account, and I quote again from the organization, that:

> Some small airports don't even have a terminal building. If an airline flying to and from such a location takes a look at the financial risk that Bill C-310 engenders against a smaller return to flying the route, it is possible that the air carrier will not service these locations, or, alternatively, will provide service on a reduced basis.

There are many northern communities, many aboriginal settlements, many communities in Newfoundland and Labrador and other parts of the country that simply cannot afford to be isolated without airline travel on a regular basis. The government, as a result, cannot support legislation that would contribute to a reduction in the number of flights serving remote locations throughout the country, especially in our north.

Another key industry stakeholder present at the committee was Mr. Marco Prud'homme, president and general manager of the Quebec Air Transportation Association. I actually heard from him today on another matter. The association is a non-profit organization whose mission is to serve and work in developing Quebec's air transport industry.

Mr. Prud'homme's main concern with the bill was that it does not recognize the inherent complexities of the air industry and the particular issues for various regions in Quebec. For example, the bill's high fines would have a particularly great impact on smaller, regional carriers like Air Inuit, which primarily services the province's northern community. This would not be acceptable.

I would like to conclude by emphasizing this government's support for consumer protection legislation in the aviation industry especially, and our objective to create a balance in protecting passengers, the safety of Canadians, and ensuring a competitive industry.

Our Conservative government supports passengers and will continue to look at all possible practical ways to protect them while not punishing Canadian businesses or services to remote areas that rely on air transportation.

● (1840)

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, after having heard that and the government's position, I can only suggest to you and to anybody who is watching that one can craft words in order to deprive consumers of their rights. One can shape arguments so as to prevent them from moving forward. Indeed one can fabricate facts to support those who are in a position of authority and power against those who would be served by the companies that are mandated to provide a service.

This bill is about protecting consumers against unscrupulous behaviour by service providers who care not a whit about them, and more importantly, it is about reflecting the will of this House.

Keep in mind, and you were here, Mr. Speaker, that on June 12, 2008, by a vote in this House of 249 to 0, there was unanimous acceptance of a motion by the member for Humber—St. Barbe—Baie Verte, which mandated the government to come up with a list of rights for passengers not only on scheduled flights but on chartered flights. The House will recall as well that this concern had been raised as a result of some unscrupulous and rather dismissive behaviour by some operators that kept passengers on a plane, on a tarmac, for 12 hours.

We are trying to work with the airline companies to provide a service that would be acceptable, and indeed I say humane, for all those who pay for the privilege of flying from one place to another. All this business about the weather in Canada and the business model of all of these companies is mere hogwash, because the government members accepted, as part of that 249-to-0 vote, that the government would be obligated to come up with a bill of rights, not legislation.

We were all in the mood to work with the companies, and the government took until September of 2008 to come up with a flights rights bill. It was nothing more than a recounting of all the rights that a consumer has when he or she buys a ticket, and it referred to the websites of the appropriate companies. It was laughable. The only reason the government was not laughed out of this House is that it prorogued Parliament and went to an election.

Subsequent to that election, to his credit, the member for Elmwood—Transcona introduced Bill C-310 in February of 2009. He did it following what that motion indicated, that the will of this House was for the government to come up with a model. It was not that difficult. It was provided by legislation in the European Union and in the United States that said these are the rights a passenger acquires once he or she buys a plane ticket, elementary service considerations. We want those for our Canadian passengers on Canadian routes and on routes that go from Canada to elsewhere.

Every single consumer who embarks upon one of these flights in Europe already has the protection of legislation that has been operative in the European Union for 10 years, by the same companies that came before the committee. No, I am sorry, they did not come before the committee. They went first to the minister's office and said that he could not do this to them. It would destroy their business model. It would make them less competitive. It would increase their costs. They could not operate in Canada because they would not be able to offer service to those remote communities. All the members of his caucus who come from remote areas would never get another flight there again. They begged him to understand what this meant.

● (1845)

The government understands the word "fear" really quickly. We heard the parliamentary secretary say that the government was concerned about security. Notice that he did not say "service". He said "security", and then he said "safety", because now the fault is all about those pilots, who might do something irrational like take off in the middle of a situation that clearly calls out danger. For example, in the last several weeks, a cloud of ash came out of volcanic eruptions in Iceland. Pilots said they could not travel, that they would not put passengers at risk.

The government is going to blame pilots, then an economic model and then consumers for wanting the service they paid for. The airline companies went to the minister's office and asked the government to fight back against this thing because they would come up with something. They said they would come up with some sort of accommodation in their tariff structure. They promised that, as long as this bill would not go forward.

Imagine a private company going to the Government of Canada, thanks to the minister, and saying it does not matter what Parliament comes up with and it does not matter that there is a piece of legislation that could be improved. It said nothing good could come out of this legislation or the process of debating, second reading, going to committee, garnering some amendments, trying to reach a compromise, making accommodation and trying to see the interests of business and how they are coincident with the interests of consumers. The companies came to the government and asked it not to do that, and the government said yes, aye aye, ready.

That being said, this bill still passed second reading and went to committee, where we were looking for amendments. Then the companies, especially Air Transat, said we could not do this. I have to mention names because the parliamentary secretary started to name some. They said we could not do any of this because it would be unfair to the companies. Imagine this, that the companies and the Government of Canada are now in bed together to destroy any chances of service the consumers might have. That is great.

We had an opportunity to present some amendments to address their issues. For example, notwithstanding section 1, the amount of compensation under the section would never exceed the total amount paid by the passenger for the flight in question. That means that, no matter what happened, the company would be off the hook beyond the actual cost of that flight segment.

We also wanted to propose amendments that would keep the companies safe, harmless, in the event that conditions were precipitated by circumstances beyond their control, such as decisions by the airport authority or by NAV Canada, or the weather. It is the same sort of things Europeans abide by. It is the same sort of thing these same companies abide by when they travel to Europe or the United States. But no, they could not have it in Canada because consumers in Canada who are using Canadian product do not deserve the same level of service as consumers in Europe and in the United States from those same Canadian companies.

Imagine the audacity and the insolence of those companies and the subordination of the Government of Canada to those kinds of presumptions. We were deprived of the opportunity to present amendments that would strengthen the bill, because the government accepted lock, stock and barrel the position of the companies that said this bill should not go forward because it was unacceptable to them. The companies said that we could not amend it or make it better and that the only people who could make it better were the companies.

They went on to promise that, if we killed this bill, they would do something. They have not done anything for a year and a half. The Government of Canada is aiding and abetting the total insolence of companies that hold consumers to ransom and then deny them the rights to the service that they should have and that they do enjoy everywhere else those companies operate except in Canada. Shame on the government for accepting such tripe as that which was enunciated a few moments ago by the parliamentary secretary on behalf of the companies and against Canadians.

● (1850)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, over the next 10 minutes, I will try to explain the position that the Bloc Québécois took in committee on Bill C-310.

I will take a moment to reread the motion before us today. The committee report reads as follows: "That, pursuant to Standing Order 97.1, and, after some hearings on Bill C-310...the Committee recommend that the House do not proceed further with Bill C-310 —" because it makes air carriers solely responsible.

This is important because our position has always been as clear as day. I think that airlines should be held responsible for what they do, but I will never agree that they should be held responsible for actions that may have been or may yet be taken by other air industry participants, such as airport authorities like ADM in Montreal or the Toronto or Ottawa airport authorities. They are responsible for, among other things, de-icing planes. I could say much more on the subject. CATSA, the Canadian Air Transport Security Authority, which conducts searches, could also be responsible. I would not want companies to have to pay for delays. NAV CANADA is responsible for flights, and its air traffic controllers make sure that planes are always safe. I would not want companies to have to pay if ever there was a problem and NAV CANADA grounded flights or if the Canada Border Services Agency, Customs and Excise, delayed a flight for safety or security reasons. I would not want airlines to be held responsible for that.

This has always been the Bloc Québécois' position. I agree that airlines should be held responsible for their mistakes and their actions, but I do not think that they should be responsible for the actions of other parties.

The Bloc Québécois submitted a proposal. The Bloc examined Bill C-310. The problem with private members' bills is that we do not have unlimited options. A government bill can be amended with the consent of the government, but the nature of a private member's bill cannot be changed. In this case, the bill introduced by the NDP member holds airlines accountable. I will read the amendment that we proposed for clause 4 in particular, but it was always the same amendment. The Bloc Québécois proposed adding the following to all the clauses:

> If the air carrier required to provide services or compensation under subsection (1) is of the opinion that the flight cancellation results from a measure or decision taken by an airport authority, the Canadian Air Transport Security Authority (CATSA), NAV CANADA or the Canada Border Services Agency, it may submit the matter to the Department of Transport, which shall determine the responsibility of the organization in question and its obligation to refund the air carrier the amounts it had to pay out under this subsection.

The goal was to make whoever was responsible pay, if it was not the airline that was responsible. Transport Canada would have to investigate and make whoever was responsible pay.

I think it was logical and useful, except that it was deemed to be out of order because the amendment concerned a private members' bill and would change the nature of it. Consequently, the House of Commons law clerks said that the amendment was out of order.

Once again, I was prepared to improve this bill, but I could not because the amendment was out of order. That is fine, that is how things work. That means that the bill from our NDP colleague could not do what I was hoping it could. I had the opportunity to tell him that it was not a good bill because it only held the airlines responsible.

I am not the only one. I heard the Liberal member and I will probably hear our NDP colleague, but we heard from more than just the airlines in committee. The Canadian Bar Association offered its conclusion about Bill C-310.

● (1855)

> The CBA Section does not believe that Bill C-310 is required in the public interest. Passengers have established avenues for redress that appear to be functioning well. Bill C-310 imposes a universal standard of conduct that cannot necessarily be met – at all or without costs that may not be appropriate for the benefit obtained. The Bill's scheme of compensation and penalties is arbitrary to the point of unfairness.

The Canadian Bar Association came to tell us that this bill is unfair and I agree. It is unfair to the airlines that would have to pay for damages they did not cause.

My colleague touched on what happened in the Cubana case. Planes stayed on the tarmac for more than 12 hours. During the holidays, the Cubana company had to divert planes from Montreal because of the weather. There were Quebeckers on board those flights.

In Ottawa, they were not allowed to deplane and go into the airport. They stayed for 12 hours without food, water or toilets until a passenger called the police to say that it made no sense to be held like prisoners in a plane on the tarmac in Ottawa. They managed to resolve the situation. The airline had had to reroute the plane to Ottawa because of the weather. Again, they were exempt because of the weather.

I wrote to the Ottawa Airport Authority, Cubana and Transport Canada. Two years later, I still do not know who is responsible. At first, the Ottawa airport said that Cubana had not paid its fees and that was why the airport did not open its doors to let the passengers off the plane. Cubana told us that it did pay its fees. Was the person in charge of collecting the fees at the Ottawa airport away on vacation? Probably. Someone made a mistake, but it seems it was not necessarily the airline. It was exempt because of the weather.

We cannot solve everything with one bill. That is what our NDP colleague hoped to do. Someone is trying to play politics with a bill that would penalize airlines for things that are not their fault in many cases. The Canadian Bar Association said as much. We have analyzed the situation. After what happened with Cubana, the government asked that all Canadian airlines at least be able to regulate this.

That is when the famous flight rights Canada program came into being, referring to the rights we have when we buy a plane ticket. During the recent events in Europe, Canadian airlines were able to accommodate their passengers, at least.

I have been trying to follow what is being said in the media to see if any official complaints have been filed. I have contacted some airlines. They seem to have been able to accommodate people. They did not punish people who were unable to fly to Europe because of the volcano. They tried to transfer flights and reservations. These accommodations are included in passenger flight rights. They are included in the plane ticket.

These companies agreed to do so at the request of the government. It is a step in the right direction. Obviously, if there ever were a public outcry about the behaviour of airline companies, I am convinced that we would amend the law. When the Canadian Bar Association says that there is no need to amend the law, we must listen.

In Quebec, the consumer protection act gives passengers many rights with respect to reimbursement and other things.

I have always had the same focus: I want justice to be served. If the airline company is responsible for damage suffered by a passenger, I want the latter to be compensated. However, it if is not responsible, it should not be blamed. The financial situation of airline companies is fragile. Two companies have shut down in the past six months.

● (1900)

Can we impose an additional burden on the airline industry when the Canadian Bar Association has said it is not necessary? It is simply being done for political gain. In addition, it is good politics to offer this up against an industry that has shown interest by voluntarily participating in the government's suggestion of passenger rights.

Once again, we will support—

The Deputy Speaker: Resuming debate.

The hon. member for Elmwood—Transcona.

[*English*]

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am very pleased to speak today to the bill.

At the outset, the member for Eglinton—Lawrence made a spectacular speech on the subject. It was 100% accurate all around. However, I have to observe that there appears to be two Conservative parties in the House, particularly on this issue. We have the member of the Bloc writing the script for the Conservatives in the committee.

I am quite surprised, for a Conservative government that normally wants to follow the United States. The United States has rocketed ahead of Canada just since January in the following areas. For example, in terms of tarmac delays, Mr. Ray LaHood, the secretary of transportation, is now penalizing the airlines $17,500 per passenger for tarmac delays longer than three hours. If that does not smarten the airlines up, I do not know what will. I spoke to him on February 20 when I was in Washington. I tried to get an explanation as to why it would be such a huge amount.

The members of the government are complaining about the figure that we had in the bill, which was $500 and we were prepared to take it down to $100. In fact, we were even prepared to amend the bill, as the member for Eglinton—Lawrence said, to make it a requirement that the penalty would not exceed the price of the ticket.

Just two days ago, and members are probably not aware of this yet, a new ruling came out on overbookings in the United States. On Tuesday of this week, Southwest Airlines was fined $200,000 for overbooking passengers. This has all come about in the United States, while we have been sleeping for the last year.

The rules in the United States and the aggressiveness of the authorities is right up there with the EU.

Let us deal with the EU for a moment. The European Union has been mentioned a few times. Its legislation started originally in 1991. It was expanded to include charters five years ago.

We are dealing with a number of countries. We are dealing with England, Germany, France and Portugal. They have tremendous experience and we have simply taken their model. In fact, if we read their legislation and we read our legislation, it is word for word in many areas. Therefore, there is experience with this.

Therefore, why do we have these apologists for Air Transat's operating in the legislative environment. I do not understand this, how lobbyists can get to elected politicians so easily and some how convince them that black is white and white is black.

We even went back to our legal team to get an opinion on the issue brought forward by the Bloc that this was not enforceable. We presented the legal argument from the lawyer saying that this was totally constitutional. These bills are drafted by lawyers. They will not waste their time drafting bills that are not constitutional. We have an opinion from the lawyer, which says that there is nothing wrong with this wording.

I specifically sent it to the lawyer on the basis that I wanted his opinion on the Cubana Flight 170, 172, about which the member is concerned. For those who do not know, that was the flight of March 12 when several hundred people were held captive for 12 hours on a plane in Ottawa with no food, no water, overflowing toilets. They were saved by somebody after 12 hours, realizing that they should phone the RCMP. That is how they got off the plane. Otherwise they might still be there.

● (1905)

It was on that basis that we sent this to the lawyer. We told him the Bloc's objections and asked how Bill C-310 would help the Cubana passengers. The lawyer came back and said that was exactly what the bill would do. It would have helped those passengers because the airline would compensate the passengers, as they do in Europe, and then the airline would have every right of subrogation against who it saw would be the guilty party.

When Air Canada was dealing with snowstorms in Vancouver two years ago, and it did not take care of its passengers then either, it sure moved against the airport quickly. It had lawyers chasing the airport for wages that it paid because of the storms and because the airport ploughed the wrong runway. That is always there.

In insurance principles, if a car hits our fence, we get our cheque from Wawanesa Insurance, but then Wawanesa turns around and goes after the automobile insurance company. That is its business. We are the passengers and we want to be dealt with by the airline. If the airline can recover from CATSA or from an airport for shared responsibility, then that is its business.

The member for Eglinton—Lawrence pointed out that we had an extraordinary circumstances exclusion in the bill, which hard-core consumers would say is way too broad. It would allow those airlines in Europe to use extraordinary circumstances, and some of the airlines are totally irresponsible and use it for everything. To them, everything is extraordinary circumstances. It is up to the passenger to go to small claims court. In Europe a company called EUclaim, based out of Holland, has been very successful in getting claims settled for people. However, it is no picnic in Europe. The airlines are fighting this tooth and nail.

Air Transat has been paying compensation. Do not let Air Transat lie to us. It has been paying compensation. We asked Air Canada several times now how much it had paid in the last five years in compensation to its flights in Europe. It has not stopped flying to Europe. It is flying as many flights as it was five years ago. Air Canada will not tell us that. Nor will Air Transat. They are prepared to ill treat their customers in Canada but treat them a lot better in Europe.

The member for the Bloc says that he does not know what is going on with the ash situation over in Europe. He thinks maybe Air Transat and Air Canada are treating the passengers the way they are supposed, paying for the hotels and the meals. That is what they are supposed to do, under the EU regulations. He is wrong.

I get complaints constantly. I can tell members that it did not take very long to hear from a passenger who was flying on Air Transact, although we had complaints emanating out of Air Canada, as well. Jason Keats, who was from Toronto, contacted my office on April 20, not long ago. He told us about how he had bought tickets for him, his wife and children to London, England. He was going to fly to Paris in two weeks and then was going to fly home from Paris.

Guess what the responsible airline did in the crisis? Not only did it not pay for any hotels, it did not pay for any meals and it stiffed the guy for his return tickets from Paris. The airline would not give him his money back.

He had to buy regular priced tickets back from London for he and his kids when the ash cleared. Meanwhile, he missed his Paris flight because he could not get there. Air Transat would not give him his money back. The two seats were vacant all the way home and people were stranded in Paris, looking for seats. It did not even sell the seats to somebody else, which a responsible carrier should do.

Do not tell me that somehow these airlines are responsible. They are not responsible at all. They may smile at us when they are lobbying. However, when they get out there in the market, they only pay what they have to under the rules. The sooner we recognize that, the better.

This is not the only example. There was the swine flu incident in Mexico last year and the airlines would not give people back their money.

● (1910)

The Deputy Speaker: I will have to stop the member there as his time has expired. We will move on to the hon. member for Newmarket—Aurora.

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, the Government of Canada's first priority with respect to air travel is safety. That being said, the government supports consumer protection measures.

Our government understands the stresses associated with air travel, particularly with the effects caused by Canadian weather and the volume of traffic during holiday periods. The recent closure of airspace over Europe as a result of a volcanic eruption in Iceland is another dramatic example of unexpected stresses that can affect air travel.

The government launched flight rights Canada in September 2008, which was intended to inform the travelling public of Canada's consumer protection regime, their rights under the regime and how they can seek redress.

When Bill C-310 was initially presented to the House in 2009, a number of issues were raised regarding how the bill's punitive measures penalized airlines for events outside their control, such as weather and tarmac delays. In doing so, air passenger safety is potentially put second to passenger convenience, where pilot risk-taking to avoid paying compensation may take hold. Such high penalities, likely to increase ticket prices, could also threaten the number of flights to more remote locations.

It is clear that this legislation, while well intended, was not drafted in consultation with industry stakeholders who brought forward these concerns. It was also found to be inconsistent with European or United States legislation in this regard.

After the bill passed second reading in May 2009, Bill C-310 was referred to the Standing Committee on Transport, Infrastructure and Communities for review where the committee invited key industry and consumer stakeholders to present their views on the bill. Although the bill's intention to improve airline customer service and ensure appropriate compensation was well received by some witnesses, industry stakeholders raised serious concerns.

As per information received during the bill's initial consideration, these stakeholders, as well as a number of government and opposition members, felt that the bill's punitive and unfair provisions would have serious repercussions for the airlines' financial viability and services to remote and/or rural communities. After hearing detailed testimony from the witnesses, the Standing Committee on Transport, Infrastructure and Communities recommended that Bill C-310 not proceed further. I support this position and I will tell the House why today.

First, the bill does not take existing legislation or consumer protection into account. It is incompatible with the Canada Transportation Act's existing consumer protection regime. The bill would also prevail over the Aeronautics Act, which creates safety concerns. These are fundamental issues.

Current procedures clearly specify how unsatisfied air passengers may seek redress from the Canadian Transportation Agency on matters such as baggage, flight disruptions, tickets and reservations, denied boarding, passenger fares and charges, and various carrier operated loyalty programs. However, consumers seeking compensation under this bill would have to seek redress through the courts. Such a pattern, which is costly, time-consuming and a burden on Canada's legal system, could be especially protracted since it would take some time for the case law to develop an appropriate redress under the bill to be defined. This work would be especially challenging and would require additional legal, governmental and financial resources to be carried out.

Second, by failing to take into account the role of other entities in delays or cancellations, the bill's sole focus on airlines is unfair and would not forgive future delays and cancellations. For example, air carriers would be held liable to passengers for delays and cancellations due to inclement weather, slow de-icing procedures, airport congestion and air traffic control issues, such as the recent volcanic eruption in Iceland.

While the bill includes exceptions where airlines would not have to pay compensation because of extraordinary circumstances, such circumstances are not defined. So, again the courts would have to define what these are.

● (1915)

The bill's measures are especially significant for the financial viability of smaller carriers serving remote locations, such as northern and/or Atlantic Canada and rural areas. There is a risk that given the costs associated with the bill, be they to provide food or accommodation, even in the case of weather delays that are outside of the airlines' controls, services to these areas could be reduced or potentially disappear. This could lead to higher unemployment and reduced tourism, affecting the economic viability of these communities. It could also force residents to rely on ground transportation modes that may not be readily available or convenient for everyone.

Third, not only is the bill overly punitive to air carriers, but it would also not improve the air passenger travelling experience. First, the bill's fines could incite pilots to fly during difficult weather conditions or with mechanical problems in order to avoid paying compensation to passengers. This is unacceptable and unsafe behaviour that should not be encouraged in any legislation. The bill's excessive penalties could drive higher prices or affect already slim carrier margins. Our airline industry is fragile at the best of times and consumers would not benefit from rising prices, especially during these still challenging economic times.

I will conclude by emphasizing this government's support for consumer protection measures in the aviation industry and our ongoing objective to create a balance between protecting passengers and ensuring a competitive industry. We cannot support Bill C-310.

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, as the New Democrat consumer protection critic, I hear from hundreds of Canadians about their interactions, both good and bad, with businesses. Most of those people who contact me with complaints simply want a straightforward way to have their concerns addressed and be compensated for any losses they have faced.

This is exactly what Bill C-310 would do for airline passengers. It would put in place simple rules regarding cancellations, delayed flights, delays on the tarmac and overbooking. It would put in place policies for late and misplaced baggage. It would legislate that airlines must advertise all-inclusive pricing. It would ensure that passengers are kept informed of flight changes, whether there are delays or cancellations. It would ensure that the new rules be posted at the airports and that the airlines inform passengers of their rights for compensation.

For those reasons, I will be opposing this motion because I believe it is important for consumers across Canada that we move forward with this bill.

The compensation that would be put in place would not be punitive or harsh but would be remedial, aiming to recognize and correct the fact that passengers should be compensated when their plans are disrupted by airlines. More important, it would force airlines to provide passengers with a minimum standard of care, for example, food, air and water, when their flights are delayed or cancelled.

Parliament has already passed a motion requiring all-inclusive pricing by these airlines in Canada. This means that rather than advertising a price of $99 for a flight from Ottawa to Vancouver and then adding all of the taxes on checkout, the full cost must be provided at first glance. The legislation, however, is still not in place and this bill would rectify that.

Voluntary codes are not enough. In September 2008, the airlines in Canada agreed to the flights right proposal that voluntarily limited tarmac delays to 90 minutes. Guess what? Only three months later passengers were on a plane on the tarmac for eight hours without being allowed to get off that plane. It took the RCMP to intervene to get the airline to dock the plane and finally allow passengers off. Personally, I would prefer if we were not forced to use the Criminal Code to protect consumers' rights.

This bill is not unique. This bill is inspired by legislation introduced by the European Union, and since its implementation. overbooking on flights leaving Europe have declined significantly. Air Canada and numerous other carriers that use Canadian airports are already governed by these rules when they fly out to European airports. This means that the implementation of these new rules would require only minimum changes for airlines.

The Obama administration in the U.S. also introduced rules that passengers on U.S. domestic flights are entitled to be let out of planes delayed on the tarmac within three hours and that they must be provided with food and water within two hours. Any airline that h fails to meet these standards would be fined up to $27,000 per passenger. The rules followed a landmark $175,000 fine imposed in November 2009 on Continental Airlines, ExpressJet Airlines and Mesaba Airlines for their roles in the delay of more than five hours in Minnesota.

In comparison, the fines in Bill C-310 are much more modest. The aim of the bill is not to force payouts on airlines, it is to ensure passengers are treated fairly. In fact, if the airlines follow the rules set out in Bill C-310, they would not have to pay out a single dollar in compensation.

The bill does not punish airlines for cancellations that are out of their control. We can take, for example, the recent disruption to air travel due to the volcanic eruption in Iceland. Hundreds of Canadians were stranded in Europe as the ash cloud spread from the eruption. Even flights leaving the Atlantic Canada area were affected. However, in this case, flights were grounded because of safety concerns and we recognize that safety must be the primary concern of airlines.

This bill recognizes that reality. In fact, my criticism of the handling of the situation was not directed at the airlines in any way. When I rose in question period on April 18, I questioned the government's response, or more properly, its lack of response in helping stranded passengers in Europe.

● (1920)

When Britain sent navy ships to pick up passengers stranded in Spain, Canada set up a 1-800 number, which I believe is completely inadequate, but no one will never hear me criticizing airlines for trying to ensure the safety of their passengers.

However, the airlines in Europe were forced to ensure that their passengers were offered adequate food and water while they were stuck in the airport. If something similar were to happen here in Canada, any stranded passengers would, at best, only be entitled to what the airline felt like providing, and worse, would be left to cope on their own. I believe that is unacceptable.

The transport committee has claimed that the House should not move forward with this bill because it "excludes the responsibility of other parties such as an airport authority, Nav Canada, Canadian Air Transport Security Authority (CATSA), and the Canada Border Services Agency."

The fact is that this bill specifically states that airlines are not responsible for compensation when cancellations are caused by circumstances beyond their control. Let me read right from the bill. Subparagraph 4(1)(c)(iii) says:

> —the air carrier can prove that the cancellation was caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken.

That is stated right in the bill. If members of the committee really have concerns with the fact that these parties, the ones I mentioned earlier, are not taken into account explicitly, there are other ways of moving forward than simply killing the bill.

The member for Elmwood—Transcona, who introduced this bill, has already shown a desire to work with the committee members on their concerns with this bill. When members of the committee and witnesses expressed that they felt the compensation legislated in the bill was too high, the member for Elmwood—Transcona volunteered to amend the bill by halving the fines.

I believe that members of the committee could have suggested amendments which would have dealt with these concerns. The fact that they instead decided to try to kill the bill completely worries me. The fact is that this bill has the support from Canadians from coast to coast to coast, and numerous consumer advocacy groups. These people's legitimate concerns are being ignored if we choose not to proceed with this bill.

Rather than supporting this motion, I believe that we as parliamentarians should move forward with this bill and ensure that air passengers are properly protected when their flights are delayed, cancelled or overbooked.

There are other ways to address concerns that people may have with this bill. The EU and the U.S. have already recognized that airlines need to be regulated in these matters. Canada risks being left behind and our consumers left exposed. If we do not act now, we will end up doing the same.

● (1925)

The Deputy Speaker: Resuming debate. Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: Pursuant to order made on Wednesday, April 28, all questions necessary to dispose of the motion are deemed put and a recorded division deemed requested and deferred until Wednesday, May 5, immediately before the time provided for private members' business.

Shall I see the clock at 7:30?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

GOVERNMENT ADVERTISING

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Mr. Speaker, last month I asked a question concerning advertising. I was quite concerned about the amount of money that was being spent on advertising. It is a very important issue because it has risen to over $89 million, perhaps heading skyward to $100 million. What is really important is that it has more than doubled since 2005-06.

There are many things we could be spending money on. We are talking about close to $100 million. When we look at advertising during the Olympics or the Academy Awards, these are some of the highest rating times. The highest rating times means they are times with the highest opportunity to spend money.

When we look at some of the advertising dollars being spent, of course anything over a certain level has to be evaluated. The most recent evaluation that we have details on was for the economic action plan. I support ensuring that Canadians know about some of the things we are doing, such as, anything the public needs to understand how to apply for, but many of these things deal with government programs.

One program in particular the government did a lot of advertising for that was evaluated was in regard to tax relief. It was about how the Conservative government was providing a lot of tax relief for individuals and families, but it was shown during the evaluation that the campaign was intended to increase the number of Canadians who believe that the Government of Canada was committed to doing these things for itself. It was more around the idea that the Conservatives were advertising to promote themselves rather than being information for Canadians.

The third point I want to raise is the whole issue concerning secrecy and lack of transparency. Recently, there was a request by the media to ensure that there was full disclosure of spending on advertising. A senior member of a minister's office actually blocked the information that was to be provided in response to the media request. The official determined that it was about to be released and there was a hold put on that information release by a senior member of a ministerial department.

When we take all of these things in totality, it shows a lack of transparency, a push toward ensuring that the Conservative government has a lot of advertising during prime time, not necessarily for the benefit of Canadians but more for the benefit of the Conservative Party. That was the nature of my question.

My question was really around the whole idea of how difficult it is to find out how close to $100 million are being spent. The redress to my question said it was $89 million. That is what we knew at that particular time. We see that type of money being spent on advertising and there is no money being spent on some of the areas that are critical to Canadians, like child care and home support.

Those are the kinds of programs that Canadians really care about. I know that because I conduct many round tables in my riding and have a lot of interactions with the people in my riding. They are certainly not looking for more government advertising. They are looking for more programs and assistance during what have been some of the most difficult economic times.

The nature of my question is, how are we going to ensure that we have value for money for advertising and that the advertising dollars will be spent in better ways for Canadians?

● (1930)

Mr. Andrew Saxton (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, it seems that our government's hard work on the communications front, including advertising, continues to preoccupy our hon. colleagues on the opposition benches. I can tell the House that these preoccupations are unfounded and distract all of us from the important work of building a stronger Canada.

As we all know, the economic action plan is a crucial part of our plan to help Canadians weather the global economic recession. The plan includes measures to help Canadian businesses and families, and to secure Canada's long-term prosperity.

About a year after it was launched, our economic action plan is on track and delivering results for Canadians. Overall, the government's economic action plan has contributed to the creation of over 176,000 jobs since July 2009 across the country. We have had six months of job growth. We are making real progress.

Anyone looking for more information can turn to our government's fifth report to Canadians on the economic action plan, which was tabled in the House of Commons on March 4 as part of budget 2010.

The timely reports our government has released on the economic action plan are just some of the many actions we have taken to inform Canadians about programs that are there to help them.

Government programs to help the economy cannot possibly work if no one knows about them. That is why we set out to tell Canadians and Canadian businesses what the economic action plan could and is doing for them.

We launched advertising campaigns, created a strong online presence, and travelled from coast to coast to coast to tell Canadians about the programs in place to help them through this difficult economic time.

The communications policy of the government says:

> In the Canadian system of parliamentary democracy and responsible government, the government has a duty to explain its policies and decisions, and to inform the public of its priorities for the country.

The policy also says:

> The public has a right to such information.

Our government takes this duty seriously.

When it comes to the economic action plan, we are proud of the communications work we have done to ensure Canadians have received timely, accurate, objective and complete information about the programs and services available to them.

Advertising has been instrumental to our efforts. We have used it to explain the programs and how to make the best use of them. This includes extremely popular programs such as the home renovation tax credit. The incredible number of Canadians who took advantage of that tax credit is proof that we got results.

All our communications work has been done in a way that respects the principles of accountability and transparency. It has been done in a way that respects the government's communications policy, and the standards and processes set out by Treasury Board.

Canadians expect elected officials and public servants to manage their tax dollars wisely. They expect us to uphold the highest standards of ethical conduct.

To instill that confidence, government must be open about what it has achieved. It must assure Canadians and parliamentarians that the right controls are in place. It must provide them with the information they need to judge its performance.

That is the approach we are proudly taking in implementing Canada's economic action plan.

● (1935)

Ms. Siobhan Coady: Mr. Speaker, I listened intently to my hon. colleague speaking about the advertising program and that the ends justify the means.

I have a couple of points. He talked about the advertising program in the context of the economic action plan. The economic action plan was implemented to help Canadians get through a very difficult economic time. It was not implemented to help the Conservatives promote themselves.

When he talked about online presence, he should have mentioned that the online presence also had a link that went to the Prime Minister singing Beatles songs.

What he should have talked about is how we could either improve the advertising that we are doing, reduce the advertising that we are doing to make it more specific to programs that are essential to Canadians, and to give information to Canadians.

We should be focused on ensuring that the right amount of money is put toward informing Canadians versus advertising for the Conservative Party.

Mr. Andrew Saxton: Mr. Speaker, as any business person will tell us, communications and advertising are key to getting word out about a product. The difference is that while the Liberals sold millions of taxpayers' dollars in exchange for campaign donations, the only thing we are selling is openness, transparency and lower taxes for Canadians.

Let me close by quoting Mary Dawson, the Ethics Commissioner, who just today said:

> The government itself also has an obligation to inform the public about its activities in the interests of accessibility, accountability and transparency.

As usual, we agree with the Ethics Commissioner. We are going to continue to fulfill this obligation to Canadians.

HIBERNIA PROJECT

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, on April 1 in this House, I asked a question of the Minister of Finance in relation to the 8.5% Hibernia share held by the Government of Canada through the Canada Hibernia Holding Corporation and the interest that the Newfoundland and Labrador government has in the transfer to it of that share and the importance of that.

I did not get a very satisfactory answer from the minister. I am here today to provide some background as to why this is important and why it is necessary to do it. First, I will give a little bit of history on the Hibernia project. It was the first of a number of projects in the east coast oil and gas sector. It is extremely important to Newfoundland and Labrador and to Canada.

In fact, in the east coast oil and gas sector in Newfoundland and Labrador alone, the equivalent of over 40% of the Canadian requirement for light crude oil is produced in those three projects that are now operating. That is of substantial importance to Canada's oil security and clearly represents a significant role in Canada's oil and gas production in total.

That particular fact is little known, with the emphasis on western oil and gas and the overweening emphasis on the oil sands projects. It is also interesting to note that the production costs and operating costs per barrel of oil and gas on the east coast are extremely low by comparison to the operating costs of the oil sands. This is something a lot of Canadians do not know. Frankly, from our perspective, it does not receive the kind of attention we think it deserves.

The Hibernia project first started bringing in oil in 1997, but it had a bit of a precarious history. It was discovered in 1980, I believe, and first developed by the consortium, which was working along with various partners until 1992, when Gulf Canada Resources decided it would no longer continue with its 25% share of the project, putting the whole project in jeopardy.

It was a time of economic uncertainty and lower oil prices. Efforts were made to ensure that the project succeeded. I want to give credit and pay tribute to John Crosbie, the current Lieutenant Governor of Newfoundland and Labrador, for helping make that happen. Canada decided to take a part of that share, 8.5%, and put in the money to help that project along. It paid its share of the cost of production, around $430 million.

All of that has now been repaid. The Government of Canada has received over $1 billion in dividends, starting in 2002. It is time that share was transferred to the Government of Newfoundland and Labrador. It has expressed a willingness to pay. It would fit in with Newfoundland and Labrador's offshore oil strategy. It now has a share in the Hibernia South development, the White Rose extension and the new Chevron Hebron-Ben Nevis project. It is part of its strategy and also part of the Government of Canada's strategy of divesting itself of certain assets.

It seems to me that the time is right. The province is very interested and I would like to see the federal government tell us when it is going to do this—

● (1940)

The Deputy Speaker: The hon. Parliamentary Secretary to the President of the Treasury Board.

Mr. Andrew Saxton (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, as indicated in media reports, Newfoundland and Labrador Premier Danny Williams was in Ottawa earlier this week to meet with a number of federal cabinet ministers and the Prime Minister.

Indeed, as again indicated in those media reports, this included a meeting between the finance minister and the premier where the Hibernia issue was raised. Obviously, I am not in a position to comment on those discussions. However, I can underline our government's commitment to carefully manage public finances to ensure long-term fiscal stability.

Unlike the NDP, we understand the need for fiscal responsibility and that is why we are focused on keeping spending in check. This includes rigorous expenditure review to ensure spending is as efficient and effective as possible. This also includes a comprehensive review of government entities and assets. We owe that to Canadian taxpayers.

Amazingly, a comprehensive asset review never occurred in over a decade under the previous Liberal government. Accordingly, as first announced in budget 2009, asset reviews are under way and will continue. We have laid out a clear process for the ongoing review of government assets to ensure they still perform a useful function for Canadians, the original purpose for each is still relevant, and that tax dollars are being spent wisely.

We have also committed to take into account market conditions before any possible action to ensure that the best value will be realized for Canadian taxpayers and that transactions will help generate new economic activity. Assets will not be sold if these tests are not met. This is responsible and prudent action.

As TD economist Don Drummond has noted:

> [Asset] review should be a useful exercise for assessing the value of the government's holdings.... If you're not getting good value for them, or if there's a more efficient way of delivering the public service they're providing, I think you should always be looking at selling them.

Moreover, even Ontario's Liberal government is currently undertaking a similar comprehensive asset review. In the words of Ontario's Liberal Premier Dalton McGuinty, “We've got a responsibility to take a look at all of our assets to make sure we're getting the best bang for our buck”.

What is more, the president of the United States, Barack Obama, has likewise spoken about the need to conduct rigorous expenditure reviews. He said:

> [This] is about building a smarter government that focuses on what works.
>
> We are going to go through our federal budget...eliminating those programs we don't need and insisting that those that we do need operate in a sensible, cost-effective way.

Our Conservative government similarly believes ongoing and comprehensive reviews of how taxpayers' money is utilized, including asset review, is exactly what Canadians expect.

● (1945)

Mr. Jack Harris: Mr. Speaker, this is the same kind of non-answer that I got from the Minister of Finance on April 1, and the member talks about something entirely different.

When this Canadian contribution was made, the Newfoundland government also made considerable sacrifices in helping this project work with tax exemptions, tax reductions, a favourable royalty regime, and there was not much in royalties in Newfoundland until the price of oil rose recently.

This transfer is needed to try and redress the kind of imbalance that occurred as a result. It was never intended to be a windfall for the Government of Canada. Newfoundland is supposed to be the primary beneficiary of its offshore resources. Until recently, the Government of Canada was in fact getting 80% of all government revenues from that project and the Newfoundland government was getting 20%.

Will the government recognize that and do the right thing by transferring that share to Newfoundland and Labrador for a reasonable price?

Mr. Andrew Saxton: Mr. Speaker, as I indicated, Premier Williams and the finance minister met recently and the Hibernia issue was raised.

Our government, as with all assets, will continue to responsibly manage this investment in order to maximize its value to all Canadians and in accordance with the best commercial practices.

For the benefit of the member though, I will remind him how the previous Liberal government viewed Hibernia. From a 2004 *National Post* article, I will quote the member for Wascana, who was the then Liberal finance minister:

> There's no compelling public policy reason to retain the [Hibernia] stake. It's a matter of making the appropriate commercial decision.
>
> The [Liberal] government has looked on Petro-Canada as a sort of rainy day fund, and sees Hibernia the same way.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24.

(The House adjourned at 7:47 p.m.)

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