



HOUSE OF COMMONS  
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CANADA

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OFFICIAL REPORT  
(HANSARD)

**Thursday, June 16, 2011**

—

**Speaker: The Honourable Andrew Scheer**

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# HOUSE OF COMMONS

Thursday, June 16, 2011

The House met at 10 a.m.

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*Prayers*

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## GOVERNMENT ORDERS

• (0955)

[*English*]

### AIR SERVICE OPERATIONS LEGISLATION

**Hon. Lisa Raitt (for the Leader of the Government in the House of Commons)** moved:

That, notwithstanding any Standing Order or usual practice of the House, a bill in the name of the Minister of Labour, entitled An Act to provide for the resumption and continuation of air service operations, shall be disposed of as follows: (a) commencing when the said bill is read a first time and concluding when the said bill is read a third time, the House shall not adjourn except pursuant to a motion proposed by a Minister of the Crown; (b) the said bill may be read twice or thrice in one sitting; (c) after being read a second time, the said bill shall be referred to a Committee of the Whole; and (d) during consideration of the said bill, no division shall be deferred.

• (1000)

[*Translation*]

**Mr. Thomas Mulcair (Outremont, NDP):** Mr. Speaker, I rise on a point of order. Our goal has always been to make the best possible use of our time here, and after discussion with the deputy government House leader, we would like to suggest that we suspend our sitting this morning for a few minutes, if there is unanimous consent, so that we can verify one last point that could substantially affect the arrangement of the business of the House. It would be in the interests of the institution and would ensure the best use of our time today. The government is in agreement on this, because we are waiting for news that could have a significant impact.

• (1005)

[*English*]

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, just to add to and underscore what my colleague, the House leader of the official opposition, said, I do not think the delay should be more than five minutes. It just allows us to consult with a few people. It may be in the best interest of Parliament to do so. We would certainly agree for a very brief suspension if this meets the approval and the consent of all parties involved.

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Mr. Speaker, I would make the assumption that we are talking about conferring with all political parties inside the chamber.

**The Speaker:** This seems to be a request for unanimous consent to suspend the sitting for five minutes.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, just to clarify, I have no intention to block the unanimous consent. I would just like to ensure that I am included in the consultations.

SUSPENSION OF SITTING

**The Speaker:** Is there unanimous consent of the House to suspend the sitting to the call of the Chair?

**Some hon. members:** Agreed.

(The sitting of the House was suspended at 10:06 a.m.)

• (1010)

SITTING RESUMED

(The House resumed at 10:12 a.m.)

**Hon. Lisa Raitt (Minister of Labour, CPC):** Mr. Speaker, just weeks ago our government indicated in the Speech from the Throne that our priorities remain focused on jobs and growth. We also noted that the global economy remains fragile and risks to our recovery persist.

This week, a long simmering labour dispute at Air Canada has resulted in a work stoppage, an event that, if left unresolved, could jeopardize Canada's economic prosperity. Approximately 3,800 of the air carrier's customer, sales and service agents, represented by the National Automobile, Aerospace, Transportation and General Workers Union of Canada, otherwise known as CAW Local 2002, have walked off the job.

This involves more than the viability of Air Canada's daily operations as an air carrier and as the country's number one transporter of air cargo. It also raises the stakes on the ongoing health of our economy, the future of job growth, and the prosperity of all Canadians. I am very concerned about the effect this strike will have on Canada's economic recovery and on Canadians in general. The strike could have a serious economic impact, not in a matter of weeks or months but in a matter of days.

*Government Orders*

Canadians gave this government a strong mandate to complete our economic recovery. As Canada's labour minister, it is my view that the Government of Canada must take decisive action now before real damage is done to our economy. That is why our government has put legislation on notice to ensure continuing air service for passengers.

Unlike some members in this House, I will respect the rules of the House and refrain from speaking to the content of the legislation that has been put on notice, until such time as parliamentary procedure permits.

I see this labour dispute at Air Canada as one requiring a very clear and decisive response from Parliament. There are three reasons for this: first, this process has gone on without resolution for far too long; second, time is of the essence to respond with appropriate measures; and third, there is an economic imperative to take action before real harm is done to prosperity, to growth, and to job creation in this country.

Let me take the next few minutes to expand on each of these three points.

With regard to the duration of this process, the facts tell us that every avenue has been exhausted in a way to resolve the dispute between the parties. These parties have been at odds over pensions and wages for quite some time now, actually dating back to 2003 when Air Canada first entered bankruptcy protection.

Since early March of this year, the parties have engaged in negotiations to renew the CAW-Air Canada collective agreement. Through my portfolio's Labour Canada program, mediators from the Federal Mediation and Conciliation Service were appointed to help the parties at the table. As a result, the mediators presided over efforts to continue to bring the parties closer to an agreement, from May 24 to June 13. Meanwhile, workers voted in favour of taking strike action.

According to CAW, that vote involved 80% of its members of Local 2002. Despite some measures of progress that were made through mediation, an acceptable resolution to the parties was not found in time to avoid a work stoppage. So, on June 14, these workers opted to walk off the job. Doing so, this has triggered a new chapter in the labour dispute, one in which others, third parties and the Canadian public, are put at risk of real economic harm.

Therefore, the time has come for Parliament to do the right thing. We must intervene and we must do so now. There are some members in this House who might think we have been hasty in our response, but we have not. The health of Canada's economy, the livelihood of families, the competitiveness of businesses, and the reputation of Canada as a reliable trading partner are all on the line.

• (1015)

I take all of these things very seriously and I have acted accordingly.

Some argue that there is a process to follow and that we ought to give the parties more time to resolve their dispute. However, the order of events that I have outlined demonstrates that a process has been followed. Every resource and support was offered to the parties to mutually resolve their dispute through collective bargaining.

Unfortunately, those efforts were unfruitful and now time is of the essence to respond.

What we are now facing is a labour dispute that threatens to put the economic well-being of our country at risk. Canadians will not stand for this, nor will international marketplaces.

At this point in time, there is no benefit to waiting before taking action. Work has stopped at Air Canada in a key area of its operations, and that comes with a cost. What remains to be seen is just how much a price will be paid and who will be carrying that burden. Should it be business travellers who count on Air Canada for their livelihood? What about Canadians in remote areas who rely on the carrier for a range of goods? Should families and leisure travellers be the ones to pay the price as Canada heads into the busy tourism season? What about the possible repercussions on industries that rely on air cargo as an important part of how they earn a living? Is it reasonable to call on these Canadians who are not party to the dispute to put their affairs on hold? No, it is not.

Should we wait until uncertainty makes it impossible for citizens to count on Air Canada? Should we wait until all the hard-earned gains in our economy are undermined, sending all of us back to harder times? Again, the answer is no. That would be a terrible price to pay for indecision.

That is why we must act and why we have acted. This is not about taking sides in a dispute. Rather, it is about what Canadians have every right to expect what its Parliament is to do: step in when the economy of our nation is put at risk.

As noted in the Speech from the Throne, our government will remain focused on what matters to Canadians most, which is good jobs, security for our families and a prosperous future. It is for those key reasons that I have outlined in my remarks today that I maintain that the government must respond to this labour dispute in a manner consistent with what it has done before when faced with a situation that can imperil our economy.

Canadians are counting on their government to do the right thing. We owe it to each and every one of them to not let them down.

• (1020)

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** Mr. Speaker, I appreciate the minister's comments on this particular topic. However, with the collective voice of organized labour, the consensus is that this has been the single biggest sucker punch that organized labour has received in years. This legislation was moved, not days or weeks but hours after the deadline passed.

We see no great delays in air travel in this country. We have heard no public outcry as a result of this. What we have seen is a government taking action. Air Canada is a private company and it does not hold a monopoly in this country. There are various options for air travellers within this country that could be pursued. We see the action that is being taken here but, during the impasse with Canada Post, which is a crown corporation, the government sat back.

*Government Orders*

This has been a blow to the head of collective bargaining in this country. The government has taken away a right from employees, the front line workers, who really went above and beyond to help in the resurrection of Air Canada. Is this what we can expect from the government going forward?

**Hon. Lisa Raitt:** Mr. Speaker, the hon. member is asking why we are acting now. As I said in my opening remarks, it is because we knew the disturbance that would happen in a number of days would be extremely significant to the national economy and on the travelling public.

Throughout this process there have been negotiations at the table. I have had conversations with both CAW and Air Canada on the topic. One of the key questions that I asked at the beginning concerned what the effect would be if they got into the situation of a work stoppage.

Both parties separately, of their own volition, gave me the same information. They said that at the beginning of a work disturbance or stoppage they would be able to cope, that they would have managers available who were trained quickly to substitute for the unionized employees, but that there would be a finite amount of time that could possibly happen successfully.

In both cases, they estimated that it would be between seven and nine days before there would be an almost complete shutdown of the system. That is what we are talking about. Therefore, we acted accordingly in anticipation of the economic disturbance that would happen in that case. We did so and we put notice on the order paper in order to proceed as quickly as we could.

**Mr. Jamie Nicholls (Vaudreuil-Soulanges, NDP):** Mr. Speaker, many of the people in my riding work for Air Canada and their families depend on the benefits and salaries provided by that company.

I agree with the hon. member that this event has the potential to hurt the economic well-being of our nation. However, it also hurts the long-term economic well-being of families in my riding when things like pensions are not supported and aid to the workers is not supported by the government.

What can the government do to help the workers in the long term to benefit their prosperity?

**Hon. Lisa Raitt:** Mr. Speaker, the hon. member and I share the same concerns with our constituents.

With respect to the situation right now, one critical aspect of this is that it would give certainly to Air Canada employees, the general public and businesses that there is a finite amount of time that there will be a work stoppage so they can make their plans and will not be adversely affected.

I can also say that it is important for the House to remember that, even as we debate the motion here in terms of procedure, there is the opportunity and ability for both parties to be at the bargaining table. I understand they are there now. I would ask that the parties do their best diligence so that we can avoid having the debate to follow with respect to back to work legislation and that the two parties can reach a deal that is beneficial for their employees, brothers, sisters and Canadians in general.

●(1025)

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Mr. Speaker, I congratulate you for achieving the position of Speaker. I am sure that you will do great things.

We have a government that is putting forward legislation at the beginning of a dispute where negotiations may not be going the right way and people are threatening to walk out. The government steps in right away and says that it will establish back-to-work legislation. A strike has not taken place as of yet and the parties are still at the table. The public has not been affected. Air Canada has been sending out the message that should something happen, it will be able to continue its service.

Air Canada is a private company looking after its own affairs. Without a large outcry by the public, why is the government stepping in right away and saying that the employees need to get back to work or it will use a heavy-handed approach? Is this the way the government will continue business from here on, at the back of the unions? Is the government not recognizing the unions, what they have done and their struggle? Does it not have any respect for the people who are unionized, the people who are running the unions and the people who are paying union dues?

I would like to get a clear answer from the minister. Is this the way the government will act from now on, with total disrespect for the union and the union movement in this country?

**Hon. Lisa Raitt:** Mr. Speaker, I should let the House know that my mother is a dues-paying, card-carrying union member of CAW as well. I, therefore, have great respect for the movement and I take the matter very seriously.

The question of why we are acting now goes to the heart of why we are acting quickly. It always comes back to the economy.

We have been intensely discussing the matter with the parties over the past number of months. Should a strike or a lockout occur there would be a serious effect on the travelling public and on the economy. They anticipated that would be seven days. If we look through the history of legislation, we can see that oftentimes it takes between seven and nine days to deal with matters of such importance. We thought it would be more appropriate to put the notice on the order paper in anticipation of what would happen. It is no different from other back to work legislation in the past.

Since 1950, the House has passed back to work legislation 32 times. A number of those times have been with respect to private companies. However, the remaining factor that binds them all is the national significance of the work stoppage and the effect on the Canadian population. Those two factors guided us in our deliberations on this matter. We take it very seriously.

I will make one last point. Our role in Labour Canada is to facilitate and prevent these things from happening and over 90% of the time we are successful.

[*Translation*]

**Mr. Thomas Mulcair (Outremont, NDP):** Mr. Speaker, in her speech, the minister said:

*Government Orders*

[English]

“Hard-earned gains in our economy would be compromised, sending us back to harder times”.

If that is the minister's priority, why does she have nothing against removing the hard-earned gains of workers and sending them back to harder times?

How is it possible for the government not to realize that it is thanks to the sacrifices of workers, who, notably, have foregone wages that were taken in the form of a pension that was guaranteed to them for the future? Now, the employer is taking out everything it can from the company. Tens of millions of dollars have been paid to executives in bonuses. The bosses receive huge protected pensions and now we are attacking the workers' rights. How is that fair? How can that be a priority of any Canadian government?

• (1030)

**Hon. Lisa Raitt:** Mr. Speaker, under our charter, we do have the right to free collective bargaining. The courts are well settled on that matter, and we respect that. We are saying that we are interested in seeing what the effect will be on the economy. We are concerned about that and we are concerned about the effect on the average Canadian. That also matters.

This is not just about the parties at the table attempting to attain a deal through the collective bargaining process. It is about when that process breaks down and results in a work stoppage that has that effect. That is where it is appropriate for the government to step in. We have done it, as I said, 32 times in the past number of years since 1950. It is the appropriate action in this case as well.

[Translation]

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, I would like to start by saying that I think the government's position on this issue is regrettable. The minister stated that the two parties told her that in nine days, if there was no agreement, there would be a strike and everything would shut down.

Is the minister saying that Air Canada has been lying to its customers? Take a look at the Air Canada site. Air Canada is even sending emails to its customers to say that there are no problems, that delays are no longer than 15 minutes, that everything is going well and that there is no cause for concern.

I do not understand why some people are claiming that in nine days, everything will shut down, while Air Canada is telling its customers that everything is fine, that there are no problems and that customers can continue flying. Air Canada is bragging about this.

Air Canada told the minister this. I have reason to believe what the minister says, that Air Canada said that. Why would Air Canada have said that? Because Air Canada wanted the government to bring in legislation to force workers back to work.

In reality, Air Canada does not have this problem because it emailed all of its customers—unless I am its only customer—to say that all is well. I have been receiving these emails and I am sure that other members here in the House have been as well. I see members who are saying that they have received them, too. I wonder if any government members have received them. I wonder if the minister received the email from Air Canada saying that everything is fine.

Air Canada is telling its customers that all is well. And if that is the case, I will believe the emails I am receiving.

The minister herself just said that Air Canada told her that if the strike had not ended in nine days, Canada's air transportation system would shut down. However, Air Canada is not the only airline in the world. Air Canada is not the only airline in Canada. It is a private company.

Speaking of economic recovery, last night I took part in a CBC broadcast with a member who said that the government received a clear mandate from Canadians to make economic recovery its priority. So I asked this: if economic recovery is a priority, will the government give preference to companies that are going to reduce wages and make huge cuts to employee pensions? I asked if that would be good for the economic recovery and for our future generations. Our children, the future generations, would not enjoy the same salaries we have enjoyed. Why? Because former Air Canada president Robert Milton doubled his salary to a total of \$14.7 million when things were not going well at Air Canada. The former president of Air Canada, Mr. Milton, left the country with \$82.7 million. He left with all that money. He had no problems with Air Canada at the time. Yet, it was a time when there were plenty of problems at Air Canada.

I very clearly heard the Minister of Labour say that this has been going on for some time. Things are not going well at Air Canada. Meanwhile, Air Canada appointed a new president and is paying him \$7 million a year, not to mention the fact that it is also going to give him a pension. The new president has nothing to worry about. He is going to come away with a guaranteed, set pension of \$350 million a year.

**An hon. member:** You mean \$350,000.

**Mr. Yvon Godin:** Pardon me, yes, \$350,000. He would have liked my numbers. No worries; the president of Air Canada is not going to get \$350 million, but rather \$350,000 a year.

What does the government think of that? It says that such people are hard to find. I cannot say for sure, but I think there are people who would take the job for less than that, especially since the company is always whining about how much trouble it is in.

Let us come back to the government's motion. I was talking about Air Canada, but let us look at Canada Post. Canada Post is in the process of negotiating a collective agreement with its employees. They are at the bargaining table. There is no problem; they are negotiating.

*Government Orders*

•(1035)

Basically, in the negotiation process, employees have the right to vote in favour of strike action or to go on a rotating strike, which is what they did. But Canada Post was not happy, because it wanted the employees to go on a full strike. Is it normal for a crown corporation to want its employees to go on strike? The reason is because it wanted the government to legislate the employees back to work. Is it normal for a crown corporation to want the government to legislate its employees back to work? There is only one possible reason for this: the government has something to gain. The minister said earlier that this was not about taking sides. Why do corporations like Air Canada and Canada Post have the benefit of back-to-work legislation? Because it is to their advantage.

The game the government is starting to play is very dangerous. If it sends a clear message to Canadians that it has no choice because its mandate is to promote economic recovery and that is all it cares about, in that case, workers better fasten their seat belts. That means that the government will not stop at Air Canada and Canada Post. It means this is just the beginning and it will always do this in the future.

Let us not forget why there is a union and why the right to free bargaining and the right to strike exist. These things exist to avoid a repeat of what happened in the 1930s, when everyone had to take to the streets to defend their rights. Workers had to organize. Together, they established a mechanism that won legal recognition. There is legislation in place that gives the right to free bargaining and the right to strike. However, Air Canada workers do not have that right. It is being taken away from them before the bargaining period even ends.

It is the same thing for Canada Post. The law says that citizens have to receive their mail every day. What is Canada Post doing to provoke the workers? It has started having mail delivered three days a week only, suggesting there was not enough volume in the Canada Post depots to justify daily mail delivery.

The letter carrier does not come to our house every day. The legislation does not say that letter carriers come only when there is enough mail and their mailbag is full. It says that citizens will receive their mail. Canada Post reacts by reining in its workers and having them work three days a week in order to make the public suffer, in the hope that the public becomes outraged and cries wolf. The government then claims it is bowing to public pressure and has no choice but to introduce special legislation in the House. We have yet to hear anything from the public. I am not hearing the public crying wolf. It is the same thing for Air Canada. I have not heard the public complaining, but the government is already introducing back-to-work legislation.

•(1040)

[*English*]

How can the government claim it is doing this in the best interests of Canadians? Is it saying that workers are not Canadian, that the whole workforce is not Canadian? The men and women who get up in the morning, build this country and work hard, are they not Canadian?

The government is saying that in the best interests of Canadians it is going to interfere in the negotiations, that it will help businesses to ensure that pension plans are not kept and employers to reduce the wages of workers. And the government is saying that it is doing this in the best of Canadians? Well, I hope workers are considered Canadians.

This is not in the best interests of Canadians. It is the wrong thing to do. For the government to get involved and legislate people back to work is the wrong message to send to industry and crown corporations, because now they do not have to do anything in negotiations and just let the government come in and do it for them.

Where is free bargaining? Where is the right to strike? Is it a sin to go on strike? It is not a sin. It is a fundamental right that workers have under the law.

I am talking directly to the people of our country. How would Canadians like it if tomorrow the government brought their wages down? How would they like it if their pensions were taken away? How would they like it if, after working all their lives and are 60 or 65 years-old, the company that had used them all along in production was enriched by it, like Mr. Robert Milton who walked away with \$87 million and all those other CEOs getting paid millions of dollars in wages, but who say to workers when they retire they do not care if they go on welfare, that they do not care if the workers have a poor life, that they do not care if the workers get nothing for a good retirement? So many people have called my office and said they cannot even afford to pay their bills or engage in even a little recreation or travel.

Is that the direction we are going in? Is that what the Conservative government is promoting now? It is not even waiting for the negotiations to finish and giving them some time.

There is no crisis. Air Canada itself said there was no crisis. Air Canada said that the longest delays were about 15 minutes long at airports. Well, they are beating their record, because as members know, sometimes we have to wait half an hour or an hour for a plane. Air Canada is saying now that delays are no longer than 15 minutes. They are getting better.

**An hon. member:** Relax.

**Mr. Yvon Godin:** My friend said, "relax". I do not relax when I talk in defence of workers.

It is not enough that we have a law for free bargaining and a law on the right to strike, because the government is putting time limits on debates in the House of Commons, the house of the citizens, to stop members from talking in defence of the rights of these workers. That is what this motion is all about: the government will not let the House of Commons speak but is using time limits.

This is wrong. There are 308 members in the House and they all have the right to get up and speak on this. That is what this House is all about. Putting time limits on this debate is wrong. It is wrong to stop debate in the House, which is why we were elected. We were elected to come to the House of Commons and debate these important issues.

*Government Orders*

These issues are very important. It is important when the government gets involved in private sector negotiations to dictate how they will go. The law already dictates how these should go: free negotiations and the right to strike in order to come to a collective agreement.

•(1045)

If the government gets involved in the collective agreement and gets the people back to work, from past experience, I know this is not good practice. The two parties need to sit at the table and agree to a contract. The two parties need to shake hands, go back to work and have good labour relations. That is what we need.

They do not need somebody forcing this. Let us just think about this individually. How would members like to be forced to do something? Nobody likes to have things forced on them. The two parties have to come to an agreement, a voluntary agreement where the parties sit and negotiate.

Personally I have negotiated 35 collective agreements. I would never have wanted someone to come into the negotiations and tell the parties how things should go. It would take away the rights of the negotiator and the rights of the workers.

The government has a majority. We have not seen the bill yet. Maybe the bill will say that Air Canada cannot reduce the pensions of its employees or cut their wages and that it should have its employees return to work. That would be a change from what we have always seen, but I do not think it will happen. I have never seen that happen.

I remember in 1997 when we voted on the back to work legislation for the postal workers, which I voted against. In 1997 the Liberals had a majority government. They voted for the workers to return to work before they had even voted on their contract. There was no vote on the contract, but there already was a bill before the House to have them return work, and it was not even a strike vote.

What is wrong with those two parties? What do they have against workers?

[*Translation*]

It is all well and good to pat yourself on the back and say that the government is wrong, but I remember that in 1997, a member removed his jacket in the House of Commons and wanted to fight a postal worker who was in the gallery because the worker was unhappy that a bill was forcing him to return to work. And they had not yet even voted. It is in Hansard.

I am asking the government to rethink its actions. It must first get involved in the negotiations since this is not a crisis situation. It is not true that this affects the economic recovery. The economic recovery will be affected when companies start to cut employee pensions. With regard to the long-term economic recovery, and I am not talking about something that is going to happen tomorrow morning, if workers are unable to negotiate decent collective agreements and to live comfortably, we have not done the right thing. It is not the government's job to get involved in the private sector's business as it is doing right now. If the government wants to do so, it must go and speak to Canada Post. In fact, the postal workers' union told the government that if Canada Post recognized

its former collective agreement, it would be prepared to stop the rotating strike and return to the bargaining table. Canada Post refused. What Canada Post is doing is wrong.

Last night, I received a call from one of my colleagues. He told me that a northern Ontario newspaper had been sent to Canada Post for distribution. Canada Post then announced the lockout. The newspaper office contacted Canada Post to find out whether it could retrieve its papers and distribute them itself. Canada Post refused, arguing that the union did not want such action to be taken. The newspaper office spoke to the union about retrieving the papers and distributing them. The union said that it was not a problem and that the newspaper office could have them back. The newspaper office went back to Canada Post to say that the union did not have a problem with returning the papers. Canada Post responded that the papers had become its property and refused to return them. I hope that the minister is listening to what I am saying. I intend to go and see her after my speech. Why is Canada Post keeping people's mail? It is to upset people.

Canada Post wants people to get angry so the government will impose collective agreements, which goes against our democratic principles and our laws. That is completely unacceptable. What does Canada Post have against these workers? It is not a private company, but a crown corporation. It posted a profit of \$281 million last year. Canada Post is not there to make a profit, but to provide a service to Canadians. All the better if it made \$281 million, but how can it justify withdrawing a benefit such as the drug plan from its workers? I asked a question in the House of Commons when it cut the drug plan for workers on sick leave. There was a CBC report about a woman with cancer who had to stop her treatments because of that. Where is the human side of Canada Post?

I asked Canada Post if I could tour its Laval facility to see what is involved in the work of its employees. It was not a problem on Monday or Tuesday. However, on Wednesday, I received a call telling me that I would not be not allowed to visit the facility where employees work. I asked why not and if Canada Post had something to hide.

•(1050)

If I were in Canada Post's position and had nothing to hide, I would have suggested that I go see the workers. Canada Post said that the workers were happy and content. We could have gone to see them together. But no, Canada Post refused.

That is why I am saying that the government has a role to play. It should tell Canada Post and Air Canada that they should not expect it to come to their assistance and that they should settle the dispute in accordance with their collective agreements and the laws of this land.

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, I would like to thank the hon. member for Acadie—Bathurst for his comments. He clearly shares our opinion that the government has used an unduly rigorous approach with these two companies, Air Canada and Canada Post.

In 1997, the Liberal government intervened after an 11-day strike. In the two cases here today, there is no strike. It is a completely different situation.

*Government Orders*

If, after a certain period of time, there comes a point where the two parties are unable to reach a settlement, does my colleague think that the government would have just cause to intervene as it did prematurely today?

**Mr. Yvon Godin:** Mr. Speaker, in 1997, I was here in the House of Commons when we voted on that measure. There was no strike at that point, and the contract had not even been signed. There was a vote here in the House and I could have the record brought up. It may have been another time, not 1997, when there was no strike but there was a vote in the House of Commons. Mr. St-Julien even took off his suit jacket and was ready to fight with the postal workers.

The real question is whether there should be a minimum length of time before the government intervenes. Does the Liberal Party think that one or two days is not long enough but that nine days is okay? Then companies would only have to wait nine days. The Liberals are saying the same thing as the Conservatives—that it is just a question of time.

But the opposite is true. These companies need to understand that they must negotiate. Employees have the right to strike and the companies have the right to lock them out. They should use those rights and resolve the issues. That is the only way to solve these problems; otherwise, the government gets involved. If the government wants to get involved, it should provide mediators who are able to negotiate with both parties but do not impose legislation the way the Liberals and Conservatives have both done.

•(1055)

[English]

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, I thank the member for Acadie—Bathurst for his very passionate defence of the rights of workers in our country.

What does the member think this kind of legislation means in terms of the commitment to the collective bargaining process by the government? What does he think it means in the lives of workers when they have spent many years with the company, making sacrifices as they have gone along, particularly with Air Canada and its almost bankrupt situation a few years ago? What does it mean to workers when they have put so many years into a company, then just as they think they might be facing retirement, to be told that the benefits they have worked so hard for and that they have paid into could be stripped away from them?

**Mr. Yvon Godin:** Mr. Speaker, it is tough for them. The minute a third party comes in and decides what will be in the collective agreement, it helps a company to go one way and it helps it succeed in beating the workers, who have no defence because the government has come in with a law.

What does it say to the whole world? What does it say to all those companies in the forestry industry that closed their plants after so many years and to the people who worked in those plants and paid into their pension plans?

When people go to negotiation, that is the way it goes. They could negotiate upfront the money they will get. If they want \$1 increase, they will get that dollar right away. That is safe. That is put in their pockets right away. However, they may ask that a portion of that \$1 be put aside for their pension plans, so when they retire, they will

have good lives with their families, realizing they have spent more time with their employers than their families.

The workers then might want to retire after 30 years. They check their pensions to find out that the 20¢ they had asked the employer to put on their pensions is gone. What the company has done, not the government because I am not allowed to say it, is stolen the money from the workers. It has walked away with it. This is unfair to the men and women who have built our country.

This is totally unfair and unacceptable. That is why I say that government has no right to get involved.

[Translation]

**Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.):** Mr. Speaker, I would first like to inform the government that all the members of this House share its concerns for the economy. However, I believe that the fundamental question here is whether the government believes that, in Canada, by definition, workers' rights are a hindrance to the economy. The way the government is intervening immediately and being so heavy-handed from the outset, when Air Canada itself says there has not been enough disruption to flights to cause its clients any concern, is a way of telling the unions in Canada that the government will always side with the employer before the bargaining process can even run its course.

My party is not against government intervention when we see that essential services might be affected, that Canadians might suffer from the situation and that the economy might be affected. However, we believe the role of the government, as much as possible, is to encourage the partners to find a negotiated solution and not to intervene from the very start as it is doing right now.

We believe that with the two strikes going on right now at Canada Post and at Air Canada, the government wants to send a message to all salaried employees in—

**The Speaker:** I must interrupt the hon. member to give the floor to the hon. member for Acadie—Bathurst for a very short answer.

**Mr. Yvon Godin:** Mr. Speaker, in the case of Canada Post, the letter carriers have said they are prepared to ensure all essential services. They are prepared to deliver all the old age security cheques. They are prepared to do all the essential things. What is more, they asked Canada Post to reinstate their former collective agreement during the negotiations and said they would be prepared to go back to the bargaining table and get to work. It was Canada Post that locked them out.

•(1100)

[English]

**Mr. Rodger Cuzner:** Mr. Speaker, I rise on a point of order. I know my colleague from Acadie—Bathurst would want me to clarify the record on this particular point. He made comments during his speech with regard to the 1997 back-to-work legislation by the previous Liberal government. In fact, the strike vote had been taken on November 19, and the legislation was passed on December 5. There had been a significant period of time.

I have a summation of the critical path of that legislation. I will look for unanimous consent to table this summation.

*Statements by Members*

**The Speaker:** Does the hon. member have the unanimous consent of the House to table that summation? [English]

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** There will be three minutes left for questions and comments after question period.

We will move on now to statements by members. The hon. member for Delta—Richmond East.

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## STATEMENTS BY MEMBERS

[English]

### DELTA—RICHMOND EAST

**Ms. Kerry-Lynne D. Findlay (Delta—Richmond East, CPC):** Mr. Speaker, I represent a beautiful riding stretching from sunny Tsawwassen to vibrant Hamilton, to picturesque Ladner and the historic fishing port of Steveston straddling the mighty Fraser River. I wish to specifically acknowledge the faith and hard work of my campaign team, my husband Brent Chapman, our four children, Hannah, Beau, Donna, Lindsay, and son-in-law John, a great grandson of a former Conservative prime minister of Canada.

My heartfelt thanks go out to the 54.2% of Delta—Richmond East voters who, on May 2, put their confidence in me and the Conservative Party's platform, especially our vision for justice and the economy.

[Translation]

I am proud to be part of a government that is a convincing and passionate voice for Canadian families.

[English]

Thanks, merci beaucoup or, as I say to my Mandarin-speaking constituents, Xièxie.

\* \* \*

[Translation]

### SHEFFORD

**Mr. Réjean Genest (Shefford, NDP):** Mr. Speaker, I am pleased to speak today for the first time in the House of Commons.

I would like to thank all the voters in the riding of Shefford who placed their trust in me on May 2. I am committed to working for them over the next four years and to representing their concerns in Ottawa. We have a lot of work to do to help families who are struggling to make ends meet, to improve our health care system and to help job-creating small businesses.

Over the course of my term, I will stand up for workers, to protect their salaries and their pensions.

I would once again like to thank the people of Shefford. I promise that I will be listening to what they have to say.

## WINE INDUSTRY

**Mr. Ron Cannan (Kelowna—Lake Country, CPC):** Mr. Speaker, coming from B.C., I know there are still some Canucks fans crying in their beer, but today I am talking about wine. The aspect of Motion No. 218 that I have brought forward supports efforts to bring Canada's wine laws into the 21st century.

Hailing from the beautiful Okanagan Valley, Canadians from all over the country are drawn to our vineyards for the ultimate wine and culinary tourism experience. Yet when they try to purchase bottles of wine to take home, they, like anyone living outside a wine-producing province, are prohibited from doing so. Likewise, despite a robust online market in most other consumer sectors, vintners are prohibited from selling directly to Canadian consumers.

The current law hurts the Canadian wine brand and prohibits the growth of fledgling wine producers. With the help of the Minister of Agriculture and Agri-Food and the Minister of National Revenue, as well as strong grassroots support, we are working toward creating a personal exemption which respects the jurisdiction of provincial liquor boards.

Let us relax this archaic 1928 interprovincial trade barrier and create a win-win for Canadian wine producers and Canadian consumers. Let us free my grapes. Check out freemygrapes.ca.

\* \* \*

## HOCKEY

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Mr. Speaker, I was going to stand in the House today, a disappointed Vancouverite, eat crow, congratulate the Bruins and gloat a bit about our 16 Canadian home boys who helped them win. I was going to say how proud I am that the Canucks played like champions and took it down to the wire, game seven. I was going to be cocky and tell Boston to enjoy the cup while it can. Next year the Canucks are bringing it home, white towel mojo and all.

That all seems so banal now. The looting and burning riots in Vancouver fill me with shame and sadness. Thanks to the first responders who kept us safe, the well-prepared VPD, RCMP, St. Paul's and VGH emergency. Vancouver's true sports fans were gracious in defeat, but for the small band of hooligans who defaced my beautiful city, justice must be swift and sure.

\* \* \*

● (1105)

## NATIONAL PARKS

**Mr. Gordon Brown (Leeds—Grenville, CPC):** Mr. Speaker, this is the 100th anniversary of Canada's national parks.

In my great riding of Leeds—Grenville this summer, people can visit the following sites of significance in Canada's history: the Battle of the Windmill National Historic Site near Prescott, where in 1838 British troops and local militia defeated an invasion force of 300 American and Canadian rebels and prevented them from capturing Fort Wellington; Fort Wellington, which was built during the War of 1812 to defend the St. Lawrence River shipping route; the St. Lawrence Islands National Park, a tiny jewel with a rich and complex natural and human history; the 1810 Old Stone Mill in Delta, which showcases milling technology and 1800s industrial heritage; and the best part of the Rideau Canal, which, including Fort Henry and the Kingston Fortifications, is a world heritage site. The Rideau Canal is the finest and only continuously operating example of a European slack water canal in North America.

I encourage Canadians to visit these sites this year.

\* \* \*

#### TRANSPORTATION

**Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP):** Mr. Speaker, yesterday one of my fellow citizens wrote me to say it took her three hours to get from Lachine to downtown Montreal, three hours to go 12 kilometres. That is four kilometres per hour and at that speed it is quicker to walk.

The closing of the Mercier Bridge has seriously disrupted the daily lives of my constituents and those of West Island and South Shore. In my riding, there are not enough trains to meet the increased demands and the stations are too far apart.

We must find concrete and long-lasting solutions to build a better future. The time to act is now. I am convinced that working together we can find a solution and that we can improve the lives of the people of NDG, Lachine and Dorval. I am committing myself to this work today and I will not stop until we get the job done.

\* \* \*

#### PONOKA STAMPEDE

**Mr. Blaine Calkins (Wetaskiwin, CPC):** Mr. Speaker, this year the Ponoka Stampede will celebrate its 75th anniversary.

For the past 75 years, the Ponoka Stampede has treated people from all over North America to a top-notch rodeo, exciting races and affordable family entertainment. Attracting approximately 60,000 spectators each year, the Ponoka Stampede has become a tradition not only for the spectators but also for the hundreds of volunteers who work hard year after year to make the Ponoka Stampede one of Alberta's prime annual tourist attractions.

There is something for all ages, a full slate of rodeo events, chuckwagon races, a huge parade, an art show, midway rides and games, and the always exciting fireworks at the end of the day. The high calibre of stock, the world-class contestants, plus the unsurpassed facilities ensure a great show rain or shine.

I encourage one and all to come to Ponoka from June 27 to July 3 and experience real western hospitality and celebrate 75 years of the Ponoka Stampede.

#### Statements by Members

#### FAMILIES

**Mr. Daryl Kramp (Prince Edward—Hastings, CPC):** Mr. Speaker, I am proud to be a member of a government that respects the values, the principles and the beliefs for the needs of hard-working Canadian families.

Our government's low tax plan will permanently enhance the guaranteed income supplement for some 680,000 of Canada's most vulnerable seniors.

Our government also supports family caregivers by removing the cap on eligible expenses that caregivers can claim under the medical expenses tax credit.

We also support parents by providing their children with the opportunities to grow creatively by establishing the children's art tax credit.

We support Canadian parents, their children and grandparents. That is why we put forward the next phase of Canada's economic action plan. It is a low tax plan for jobs and growth and it is working. We have and will continue to be here for hard-working Canadian families.

\* \* \*

#### DARSHAN GILL

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** Mr. Speaker, this week Surrey and the South Asian communities across B.C. mourned the loss of a great, progressive man. On June 10, Dr. Darshan Gill died of cancer at Surrey Memorial Hospital. He was 68.

Dr. Gill was a leader in our community. He was a strong secular voice for the South Asian population and his bridging efforts as a translator and a peacemaker were remarkable. He was the former editor of *Canada Darpan* which he founded in 1982. He also hosted *Sahitnama*, a literary program on Radio India every Sunday. He edited 20 books and the Punjab government granted him a literary award for his contribution to Punjabi literature abroad.

Dr. Gill worked tirelessly to promote the Canadian values he held so dear, justice, equality and fairness for all. Our thoughts are with his family and their three children. The residents in our community share in their loss.

\* \* \*

● (1110)

#### HOCKEY

**Ms. Wai Young (Vancouver South, CPC):** Mr. Speaker, in a wonderful outpouring of city and national pride, some 100,000 fans made the effort to support our home team the Vancouver Canucks in an exciting Stanley Cup series.

*Statements by Members*

Despite a valiant effort, we were all heartbroken by the Canucks' loss in game seven to the Boston Bruins, yet there was no need for the fringe rioting in the streets to kick Vancouver when the city was already down.

Last night, thugs attacked our city destroying blocks of businesses, turning over cars and looting.

Vancouver is a very proud city. We continue to be ranked as a world-class city to work, live and play. However, last night our "city of glass" was shattered again by Stanley Cup rioting.

My thoughts, and all our thoughts on the government side, are with the people of Vancouver as our city cleans up after these unacceptable acts of hostility.

\* \* \*

[Translation]

**HULL—AYLMER**

**Mrs. Nycole Turmel (Hull—Aylmer, NDP):** Mr. Speaker, I would like to begin by thanking my constituents, the people of Hull—Aylmer, for placing their trust in me and electing me on May 2 to represent them here in the House.

Our work has already begun and issues such as protecting Gatineau Park, protecting public service jobs and a possible ferry between Aylmer and Kanata remain our priorities.

We are committed to moving forward on these issues and working with representatives of all levels of government to achieve them.

I would like to take this opportunity to recognize the 35th anniversary of Outaouais en fête, a festival to be held from June 23 to 26.

I would like to thank Mr. Perreault of Impératif français, as well as the event's organizing committee and all of the volunteers, who will contribute to the success of this national celebration, even though Canadian Heritage refuses to support the event.

\* \* \*

[English]

**PENSIONS**

**Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC):** Mr. Speaker, the official opposition is gathering in all its elements this weekend at the NDP national convention in Vancouver. Here the NDP will discuss radical hard left policies that have no room in mainstream Canadian politics.

I would like to highlight one plan from the Canadian Labour Congress that proposes a Canada pension plan premium increase that will raise taxes on hard-working Canadians and job creators. This is a risky scheme that will raise taxes on Canadians across this great nation. The NDP is so open to such a policy that it has actually proposed it twice in resolutions 3-02-11 and 3-03-11.

NDP members, who are out of touch, have to realize that they are now the official opposition and that there is no room in the mainstream of Canadian politics for radical policies such as this one.

[Translation]

**DANIEL LESSARD**

**Hon. Denis Coderre (Bourassa, Lib.):** Mr. Speaker, I am very proud and honoured to pay tribute today to a man who has decided to call it quits after 42 years as a journalist.

Daniel Lessard is one of those great journalists who made a difference in the wonderful world of politics. Having witnessed firsthand the major debates of the past few decades, he put things into perspective and was always a reliable source of information. Someone once said that integrity breeds credibility. Daniel Lessard helped build the reputation and credibility of the Radio-Canada newsroom and various current affairs programs, such as *Les Coulisses du pouvoir*.

I was interviewed often by Daniel. His interviews were a reflection of the man himself: respectful, honest, straightforward, without airs, but always determined to get to the bottom of things.

The Liberal Party of Canada and I wish him a happy retirement. Thank you, Daniel, for a magnificent career. Enjoy these tranquil moments with Debra and your sons, Christian and Charles-Adrian. We hope to see you again and we can hardly wait for your historical novel.

Good luck and thank you.

\* \* \*

• (1115)

**NEW DEMOCRATIC PARTY**

**Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC):** Mr. Speaker, while our Conservative government remains focused on Canadians' priorities, the economy and employment, the NDP will be meeting in Vancouver to develop policies that it will defend as the official opposition. One of these policies results from fabrications of the radical left: a work year of only 45 days.

That is the NDP's idea of employment insurance reform.

Last year, the Canadian Federation of Independent Business described this idea as fiscally irresponsible.

If ever it were put into practice, this idea would cost Canadians at least \$7 billion and would permanently increase contributions by 35%. Like the NDP's other tax increases, it would kill employment and stall our fragile economic recovery.

While our Conservative government is bringing Canadians back to work, the NDP is looking for ways to pay Canadians for only 45 days of work. The NDP has lost touch with reality and with Canadian families.

\* \* \*

**DANIEL LESSARD**

**Mr. Thomas Mulcair (Outremont, NDP):** Mr. Speaker, after a 43-year career, accomplished journalist Daniel Lessard is turning off his microphone.

*Oral Questions*

This native of Beauce started his career in Montmagny, on the CKBM airwaves. He then worked in this region for CJRC before heading to Montreal, where he worked for CKAC.

He started working for Radio-Canada some 30 years ago, and remained there for the rest of his long and very successful career.

He hosted the famous *Ce soir* in the late 1970s, and then moved to Parliament Hill to become a radio, then television, correspondent, covering the most important events of our time.

As a television host and a key witness to his era, with an unparalleled ability to break down complex issues, Daniel Lessard left his mark on Parliament Hill and in people's homes. After spending the last six years hosting *Les Coulisses du pouvoir*, his retirement is much deserved.

We wish Daniel Lessard a happy retirement and many happy times together with his family.

\* \* \*

[English]

**ECONOMIC ACTION PLAN**

**Mr. John Carmichael (Don Valley West, CPC):** Mr. Speaker, our government remains committed to the priorities of Canadian families, jobs and the economy.

That is why last week, in the next phase of Canada's economic action plan, a low tax plan for jobs and growth, our government took a stand for the GTA. We have made significant investments in greater Toronto to support economic and social development.

Through the renewal of local infrastructure, support for culture, sport and the environment, we have stood up for Toronto. Toronto responded by electing its strongest team in a generation, a Conservative team.

We have supported the Harbourfront Centre, the Royal Conservatory of Music, and next year, the 100th Grey Cup. We are improving nearshore water and eco-system health in the Great Lakes.

Our government is standing up for the GTA's priorities: jobs and the economy.

**ORAL QUESTIONS**

[Translation]

**LABOUR RELATIONS**

**Hon. Jack Layton (Leader of the Opposition, NDP):** Mr. Speaker, Canada accepts and protects the rights of workers to collectively bargain. This is a normal process that should not be interfered with. With its special bills, the government is clearly siding with management and is taking away the right of workers to use legal pressure tactics.

Why is the government so quick to interfere in a legitimate negotiating process?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, as of yet, management and the union have been unable to

reach an agreement. They are threatening to do significant damage to the Canadian economy, which this government finds unacceptable. We will act in the best interests of the Canadian economy and the people of Canada.

**Hon. Jack Layton (Leader of the Opposition, NDP):** Mr. Speaker, we have to let the parties come to an agreement. The government should not be getting involved so early on in the process and picking winners. The workers are currently fighting to protect their pensions. They do not have a choice, because the government did not do what was necessary to strengthen and protect the retirement pensions of workers here in Canada.

Why does the government want to impose a pension model that leaves people to fend for themselves?

• (1120)

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, I do not accept the Leader of the NDP's statements in this regard. The reality is that these two parties are threatening to do significant damage to those who are not at the table. It is the government's responsibility to protect the best interests, the broader interests, of the people of Canada, and we will take action to do so.

[English]

**Hon. Jack Layton (Leader of the Opposition, NDP):** Mr. Speaker, the government should be protecting the right of seniors to security and an economic future they can count on. However, now we see, with the government's interference in the current labour dispute, the real motive. The government is backing executive bonuses in the millions instead of standing behind pensioners and retirees who are trying to protect their future.

The government's approach on pensions is going to leave the next generation with a burden that it will not be able to handle, a social debt for the future. It should be our job to ensure that retirees can age with dignity.

What the government is doing is wrong. Why is it leaving people to fend for themselves—

**The Speaker:** The right hon. Prime Minister.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, what the leader of the NDP said has nothing to do with the government's legislation. The reality is that we have two parties, management and the union, that have been unable to come to an agreement after some months of negotiation.

As a consequence of their inability to come to an agreement, they are threatening serious damage on a wide swath of the Canadian public. This is not acceptable to the Canadian government or to the economy, and we will act to ensure that those who are not at the table have their interests protected.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, back-to-work legislation is an unjustified interference with the rights of workers to free collective bargaining. The government's failure to address the pension crisis is what is really at stake here. The fact is that Conservatives are choosing a side. They are strengthening the position of large employers who want to dismantle defined benefit pension plans.

Why is the labour minister siding with the dismantlement of pensions?

*Oral Questions*

**Hon. Lisa Raitt (Minister of Labour, CPC):** Mr. Speaker, I would like to begin by indicating that the hon. member's characterization of labour law in Canada is completely incorrect.

It is also important to note that there are no sides being taken in any kind of legislation that may be put before the House. We are on the side of the economy and of general Canadian interests because we want these parties to make a deal. If they cannot make a deal, we will help them in the process to do so with the least amount of damage to the Canadian public.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, labour rights do exist in this country and the government's approach to the current labour disputes wrecks of hypocrisy. The government wants back-to-work legislation, denying workers the right to strike, and undermining their capacity to bargain fairly.

In the case of Canada Post, it is a government agency that locked them out. How is that fair negotiation? Why is the government getting in the middle of a labour dispute, and picking winners and losers?

**Hon. Lisa Raitt (Minister of Labour, CPC):** Mr. Speaker, in this country, we do have the right to collectively bargain, and it is the role of Labour Canada to help facilitate this collective bargaining process.

In the case of both Air Canada and Canada Post, we have been diligently at the table providing conciliation and mediation. I have helped to provide services to both parties. We want them to reach their own deal but they have not been able to do.

We need to protect those who do not have a place at that table. That is our appropriate response as the government.

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, the trouble is that when the only tool we have in our toolbox is a sledgehammer, everything starts to look like a rock. That is the problem we have with the government.

The Prime Minister said, in answer to an earlier question, that pensions had nothing to do with the back to work legislation. Nothing could be further from the truth, to coin a phrase.

The fact is that it is the pension issue that is at the heart of the negotiations in this dispute, in the Canada Post dispute, in the issue with CUPE coming up with Air Canada and with the machinists coming up at Air Canada. It is the core of the issue.

Will the Prime Minister not face up to—

• (1125)

**The Speaker:** The right hon. Prime Minister.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Once again, Mr. Speaker, as the Minister of Labour has just said, the government has availed itself of a number of tools to help facilitate a settlement in this matter. To this point that has not been successful.

I hope it will be successful, but the government is making it clear that it will not tolerate the two parties doing significant damage to the Canadian economy and to those who are not at the table and that we will act to protect the broader interests of Canadians.

[*Translation*]

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, everyone agrees that, without a doubt, the public interest is important. However, in the public interest, people must also have access to pensions to live on in the future. This is the issue that is at the heart of negotiations, not only those that are currently under way but also future negotiations. This is the gap that the government is creating: it is leaving people to fend for themselves without its support.

How can it tolerate this situation?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the government is not taking a position on issues. Discussions are taking place between the parties but the government absolutely cannot tolerate these parties doing significant damage to the economy. Our responsibility is to act to protect the best interests of the economy and of Canadians and we will do so.

[*English*]

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, I hope the Prime Minister is not suggesting for a moment that there is no public interest in economic security, that there is no public interest in economic justice and that there is no public interest in the fact that workers are being left to fend for themselves in a situation where even the largest of employers are saying, "We are not going to provide for a defined benefit plan any more for your pensions".

Does the Prime Minister not understand that what is at stake here is the pensions, not only of these workers, not only of these employees, of these people, it is the pension system in the entire country.

When will the Prime Minister face up to that fact? That is the problem.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, my answer is the same to both NDP leaders.

Our position has nothing to do with the interests of management or the interests of workers. It has to do with the wider interests of the Canadian economy and the Canadian population.

This strike will do significant damage to the Canadian economy at a delicate time of recovery. The government cannot tolerate that. The Canadian economy cannot tolerate that. We will act to ensure those wider interests are protected.

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#### AUDITOR GENERAL'S REPORT

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, a minister of the Crown has an obligation to treat taxpayers with respect and be accountable to Parliament.

The President of the Treasury Board has failed miserably on both counts, because since the Auditor General's report he has been hiding under the desk of the foreign affairs minister.

Since he cannot seem to stand up in this House and apologize for his out-of-control booty run through the backwoods of Muskoka, I will keep it simple: go to the twittersphere, 140 characters or less, hashtag, I am sorry, Canada.

*Oral Questions*

**Hon. John Baird (Minister of Foreign Affairs, CPC):** Mr. Speaker, I do enjoy these daily rhetorical flourishes from my friend opposite.

The bottom line is that 32 public infrastructure projects were provided with government support. Every dollar is accounted for. Airports were fixed up. A community centre was built. A provincial highway was resurfaced.

The Auditor General came forward with some suggestions and observations on how the government can do a better job of being more open and transparent, and we fully accepted her good advice.

**Mr. Charlie Angus (Timmins—James Bay, NDP):** Mr. Speaker, there are 150-plus Conservatives sitting behind the President of the Treasury Board and I am sure all of them would love to siphon taxpayers' dollars off for their own personal pork barrel projects. However, that is why we have rules and that is why we have Treasury Board.

What message is the government sending by putting him in charge of Treasury Board: that it is open season on the taxpayers' trust? Otherwise, why would the Prime Minister put the Muskoka fox in charge of the taxpayers' henhouse?

**Hon. John Baird (Minister of Foreign Affairs, CPC):** Mr. Speaker, let me remind the member opposite that there are not 150 members of Parliament standing behind the President of the Treasury Board. There are actually 165, and together they form a strong, stable, national majority Conservative government.

\* \* \*

• (1130)

[Translation]

### BORDER CROSSINGS

**Mrs. Nycole Turmel (Hull—Aylmer, NDP):** Mr. Speaker, yesterday my colleague nearly got an answer from the President of the Treasury Board regarding the use of money from the border infrastructure fund in his riding.

Canadians are still being forced to wait at border crossings, while the money that was supposed to be spent on relieving congestion at the border was instead used to please the friends of the member for Parry Sound—Muskoka.

How are those projects going to help reduce border delays for Canadians?

[English]

**Hon. John Baird (Minister of Foreign Affairs, CPC):** Mr. Speaker, as has been reported in this House numerous times, and I am pleased to do it again, we used an existing spending authority to help expeditiously move to get these 32 public infrastructure projects undertaken.

The Auditor General has suggested that we need to be more open and that we need to be more transparent in terms of the estimates that are presented to Parliament. We have fully accepted the Auditor General's good advice.

[Translation]

### GOVERNMENT SPENDING

**Mrs. Nycole Turmel (Hull—Aylmer, NDP):** Mr. Speaker, any squandering of public money is unacceptable. The foolish spending on the G8 quite simply should not have happened. To quote someone who is well known in Canadian politics, "I can only hope that it is the last volume in a...spree of waste and wild spending...." Who said that? It was the former President of the Treasury Board and current Minister of Foreign Affairs.

When will the Conservatives start showing some accountability to Canadians?

[English]

**Hon. John Baird (Minister of Foreign Affairs, CPC):** Mr. Speaker, I congratulate my friend from Hull—Aylmer for going back and reading various quotes I made as president of Treasury Board. I do hope other members of her caucus will reflect on some of those great speeches and comments.

This is what the government did. We spent money fixing up an airport in North Bay. We spent money fixing up a provincial highway in southern Ontario. We built a community centre. Those are all good public infrastructure projects that will benefit people in these municipalities for many years to come.

The Auditor General has come forward with some good advice and some good observations, and the government accepts all that good advice and will do better in the future.

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### THE ENVIRONMENT

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Mr. Speaker, Canadians are demanding to know why the government is continuing to push the reckless northern gateway pipeline project. It is not only a significant danger to the environment and the economy, but B.C.'s mayors, first nations and businesses are all lined up against it.

Now we learn that the government's own officials at Natural Resources Canada have told the Conservative government that there is already enough capacity in the pipeline system for exports.

Will the natural resources minister from Toronto finally stand in his place and tell the people of British Columbia why he is willing to put our way of life and our environment at risk for his friends in the oil sector?

**Hon. Joe Oliver (Minister of Natural Resources, CPC):** Mr. Speaker, the Minister of the Environment has referred the northern gateway pipeline project to a joint review panel, which is the highest level of scrutiny possible.

This review is an open process where any interested party, including aboriginal groups, can express their views. We are committed to ensuring that any project is environmentally sustainable.

**Mr. Fin Donnelly (New Westminster—Coquitlam, NDP):** Mr. Speaker, the government cannot continue to hide behind the joint review panel while spending millions to push the project.

### Oral Questions

From the beginning, the people of British Columbia have said that the risks far outweigh the benefits, not only from the pipeline but from the hundreds of oil tankers that would be operating off our coast.

Why will the government not just say no to Enbridge and ban oil tankers off our B.C. coast?

[Translation]

**Hon. Joe Oliver (Minister of Natural Resources, CPC):** Mr. Speaker, the National Energy Board is a strong independent regulator that ensures pipeline safety. It is mandated to ensure the safety and the security of pipelines from when they are first proposed until they are abandoned.

Unlike the opposition member, I do not believe that decisions should be influenced by cheap politics.

\* \* \*

• (1135)

[English]

### SALES TAX HARMONIZATION

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** Mr. Speaker, the finance minister is too modest, at least about his role in the HST. He proposed raising taxes for people in B.C. on just about everything they buy and would not take no for an answer. However, in the House the minister refuses to take responsibility and passes the blame on to the province.

Why will the minister not finally take some responsibility for the fiasco that is called HST in B.C.?

**Hon. Ted Menzies (Minister of State (Finance), CPC):** Mr. Speaker, our finance minister is always willing to take responsibility for the economy, which is the strongest in the G7. However, he should not have to take responsibility for something that is provincial jurisdiction.

The hon. member should understand that those are provincial decisions and that they are made on behalf of the provincial government.

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** Mr. Speaker, that is not much of an endorsement for the tax that the minister worked so hard to impose on the people of British Columbia.

As we speak, there is a referendum to undo the work the minister has done. British Columbians are wondering why he is so shy about his role.

Does the finance minister not have anything to say to the people of B.C. as they cast ballots to pass judgment on his tax?

**Hon. Ted Menzies (Minister of State (Finance), CPC):** Mr. Speaker, as I have said, that is the choice of the provincial government. My understanding is that there is a referendum and no one should be interfering in that referendum. The people of British Columbia will choose. They elected a government that chose that. That is their decision and their decision alone.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, British Columbians feel betrayed by federal Conservatives

and B.C. Liberals imposing the HST on B.C. We have seen how it has hurt small businesses across B.C. and ordinary B.C. families.

The HST agreement allows B.C. to withdraw after some time without any financial penalty.

Will the Conservatives force B.C. to pay back the \$1.6 billion bribe? Will they further penalize British Columbians for rejecting the HST? Or, will they accept the will of B.C. voters?

**Hon. Ted Menzies (Minister of State (Finance), CPC):** Mr. Speaker, I encourage all those who are allowed to participate in the referendum to participate in it. That is democracy.

That choice was the provincial government's choice in British Columbia, just like it was in Ontario and in other provinces.

I encourage everyone to participate in that.

\* \* \*

### SEARCH AND RESCUE

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Mr. Speaker, not only are experts in search and rescue saying that closing the Maritime rescue centre is the wrong thing to do in St. John's and Quebec City, but so are sea captains.

Captain Charles Domineux, the captain of the ferry that sails between Saint-Pierre and Miquelon and Newfoundland and Labrador, is furious at the government's actions. He states, "I would have thought that in the wake of the tragic crash of the Cougar helicopter at sea in Newfoundland that claimed 17 lives, the last thing the government would do is diminish safety and put even more lives at risk".

In the face of this expert opinion, why is the government still prepared to put the lives of people in danger?

**Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC):** Mr. Speaker, when we formed government in 2006, Coast Guard officials told us that the Coast Guard was in significant need of investment. We promptly invested \$1.4 billion in fleet renewal and new ships. We listened.

When Coast Guard officials proposed moving the *Terry Fox* and the *Louis S. St-Laurent* to Newfoundland and Labrador for operational reasons, again we listened.

We listened then and we listen now as we move to consolidate services that maintain safety and response times, unlike the Liberal government that left ships tied up at dock with no fuel.

\* \* \*

[Translation]

### SCIENCE AND TECHNOLOGY

**Mr. Ted Hsu (Kingston and the Islands, Lib.):** Mr. Speaker, Canada has invested billions of dollars in the National Research Council to develop the technologies we need to be competitive in the 21st century.

*Oral Questions*

The government has announced that it wants to trim the fat. Now it wants to cut 20% from the budget of the NRC, which employs people who could turn these technologies into jobs for Canadians.

Does the government believe that investing in technologies for the future is pointless?

• (1140)

[English]

**Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC):** Mr. Speaker, our government's number one priority is the economy. That is why we have increased overall the NRC's budget by 17% to support research, to help businesses and to help the economy.

On top of that funding, we provided temporary two year stimulus funding to the NRC under the economic action plan. As everybody should know, that ended on March 31.

\* \* \*

[Translation]

**G8 SUMMIT**

**Hon. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, yesterday, the Prime Minister said that the G8 report contains, and I quote, "...some interesting recommendations and observations."

The Auditor General called what he found "very unusual and troubling".

Does the Prime Minister really believe that the misuse of \$50 million is just "interesting"?

[English]

**Hon. John Baird (Minister of Foreign Affairs, CPC):** Mr. Speaker, in fact, it was not \$50 million. It was about 10% or 20% less than that.

The Auditor General made some observations and recommendations to this government and to Parliament on how we could have greater transparency and openness. We have fully accepted those recommendations.

While I am on my feet, let me thank Sheila Fraser for the outstanding job she has done for Canadians over the past 10 years.

\* \* \*

[Translation]

**ASBESTOS**

**Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP):** Mr. Speaker, every day, work is underway in the House of Commons to decontaminate members' offices that contain asbestos. The offices are being decontaminated because asbestos is carcinogenic and harmful to human health.

Could the member for Mégantic—L'Érable, who is so proud of chrysotile, tell this House whether he wants the asbestos in his colleagues's offices to be replaced with chrysotile, which is allegedly less carcinogenic, or would he rather continue to export his hypocrisy to third-world countries?

**Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC):** Mr. Speaker, I want to clear some things up. For 30 years, Canada has been promoting the safe and controlled use of chrysotile nationally and internationally, and all recent scientific journals report that chrysotile can be used safely in a controlled environment. That is not at all what the member on the other side of the House is talking about.

[English]

**Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP):** Mr. Speaker, Conservative support for the asbestos industry is indefensible. Quebeckers and communities alike want their miners to be safe and do not want to be global exporters of asbestos into the developing world.

Unions, doctors and even Health Canada agree asbestos causes cancer. When will the minister stand up for what is right and agree to put chrysotile asbestos on the UN's list of hazardous materials?

[Translation]

**Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC):** Mr. Speaker, the Government of Canada has been promoting the safe use of chrysotile nationally and internationally for 30 years. Scientific journals report that chrysotile can be used safely in a controlled environment.

\* \* \*

**OIL AND GAS INDUSTRY**

**Ms. Megan Leslie (Halifax, NDP):** Mr. Speaker, companies are becoming increasingly interested in unconventional energy sources such as shale gas. However, the public knows very little about how shale gas is extracted. For example, hydraulic fracturing is very controversial and has not been thoroughly studied.

Can the Minister of the Environment tell us if he has any studies on this and what its environmental impact is?

[English]

**Hon. Peter Kent (Minister of the Environment, CPC):** Mr. Speaker, hydraulic fracturing is a rather old technique in terms of conventional oil production, but it is relatively new with regard to shale gas. Provincial and federal governments share in the responsibility of regulating the oil and gas sector. The regulation of shale gas is mainly a provincial and territorial responsibility, except on federal lands. Research is being conducted.

[Translation]

**Ms. Megan Leslie (Halifax, NDP):** Mr. Speaker, fracturing uses massive amounts of water mixed with very toxic chemicals. Yet the government does not require that companies disclose the nature of the products used. The mixture that is injected into the ground can contaminate the groundwater and waterways.

Will the federal government finally require companies to report what they are putting into our soil, as the Americans have done?

*Oral Questions*

• (1145)

*[English]*

**Hon. Peter Kent (Minister of the Environment, CPC):** Mr. Speaker, as I said, the principle responsibility rests with the provinces and the territories. The federal government has an interest and can involve itself when a threat is perceived and reported.

As my colleague knows, Environment Canada is responsible for regulating toxic substances under the Canadian Environmental Protection Act and where required, we will intervene.

\* \* \*

**INTERNATIONAL TRADE**

**Mr. Devinder Shory (Calgary Northeast, CPC):** Mr. Speaker, we all know that international trade is a kitchen table issue. It creates jobs and accounts for almost 60% of our annual GDP.

This weekend in Vancouver the NDP members will be discussing many different issues, including trade. We urge them to reject proposals that advocate for a complete withdrawal from our current free trade agreements.

Could the Minister of International Trade explain to the House why we are pursuing such an ambitious free trade agenda and why these socialist proposals are absolutely wrong?

**Hon. Ed Fast (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, on May 2, Canadians gave this Conservative government a very clear mandate to build our economy and expand our trade relationships. The member is right: trade is a kitchen table issue. In fact, Canadians intuitively know that trade is critical to our future prosperity and our long-term economic security.

We as the Conservative government are getting things done. Why are the NDP members not?

\* \* \*

*[Translation]***CHILD CARE**

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, Canadian families are struggling to pay for child care. The Conservatives are insulting Canadians by ignoring this problem. Their policy does not make sense and is unfair.

When will the minister have the courage to admit that her policy has failed Canadian families? When will she get to work on making child care affordable for all Canadians?

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, that is exactly what we did when we came to office five years ago. We established the universal child care benefit.

*[English]*

This was to help Canadians access the form of child care that they thought was best for their children. We believe in choice for Canadians.

We also provided funding to the provinces to help them create child care spaces in case the parent's choice was for formal daycare.

Since then, in using those funds, the provinces have created over 100,000 spaces to help parents raise their children in their choice.

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, the Conservatives just do not get it. There is no choice in child care when one gets \$100 a month. It is not enough to help families pay for daycare.

The New Democrat plan would create 100,000 new daycare spaces, while still providing families with financial help. The government's plan gives families \$3 a day for daycare.

Why is the government ignoring parents who cannot afford daycare services for their children?

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, we recognize that each family in our country is in different circumstances. In some families the parents work evenings, or they work weekends. Some want to stay home and raise their children themselves. Some do want to use formal daycare. Our universal child care benefit gives parents the choice in that. It recognizes and supports the differences. It supports their right to choose how to raise their children.

\* \* \*

*[Translation]***GASOLINE PRICES**

**Mr. Tarik Brahmi (Saint-Jean, NDP):** Mr. Speaker, for a number of years now, we have seen a steady increase in the price of gas at the pumps. Far too often, sudden spikes occur just before long weekends and holidays. People know that, contrary to what the major oil companies would have us believe, these price changes are not based on economics, but on pure speculation. Canadians are being squeezed by these big companies.

Can the government ask the Competition Bureau to conduct an investigation into this sector?

**Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC):** Mr. Speaker, the price of gasoline is a major issue that concerns all Canadians, starting with me. That is why we have asked the Standing Committee on Industry, Science and Technology to address the issue of fluctuating prices, so that the industry can better explain to Canadians how and why prices change the way they do.

• (1150)

*[English]*

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, the industry committee has already studied this. We need action and that is what Canadians deserve right now, not another expensive study.

What we see right now are record profits, record gouging, record windfalls for stock speculators, record profits for oil and gas CEOs and we also see record complacency from the government. Canadians have no choice. They have to drive to work and take care of their families.

The minister does have a choice. Therefore, why is he hiding behind the oil companies instead of going after the gouging? Is he addicted to the tax revenue that is coming in? Why will he not establish an industry ombudsman or at least follow through with the recommendations the committee made last time?

**Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC):** Mr. Speaker, the opposition cannot have it both ways. The NDP says that it cares about keeping gas prices low, but it opposed our GST cut and wanted to impose a carbon tax on Canadians that would see gas prices skyrocket. This is not responsible. We have a strong mandate from Canadians for economic growth, and this is what we will do.

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#### FOREIGN AFFAIRS

**Hon. Wayne Easter (Malpeque, Lib.):** Yesterday, Mr. Speaker, the minister of state reflected the government's continued and disgraceful performance of abandoning Canadians in desperate difficulty abroad. Henk Tepper has been in a Lebanese prison for three months, facing extradition to Algeria. Yet the government does nothing, other than, as the minister did yesterday, blame that Canadian farmer.

I ask the Minister of Foreign Affairs to intervene on behalf of the Tepper family. When will he contact his Lebanese counterpart directly and demand Henk Tepper's release?

**Hon. Diane Ablonczy (Minister of State of Foreign Affairs (Americas and Consular Affairs), CPC):** Mr. Speaker, as I have indicated to the House, consular services provides all appropriate assistance to Canadians who find themselves in difficulties abroad. This has been done with Mr. Tepper, his family and his lawyer. There have been regular contacts to assist, advise and provide all appropriate assistance.

We cannot demand that another country release one of our citizens, but we will continue to ensure a timely and transparent resolution of this situation.

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, it is irresponsible for the minister to blame the bureaucrats. Where are the ministers, the Prime Minister and the Minister of Foreign Affairs?

Mr. Tepper was travelling with Potatoes Canada doing commercial business when he was arrested. This arrest and the minister's inaction and inability to do something has struck fear in other potato exporters doing their jobs abroad.

Why will the government not stand up for this Canadian doing business abroad and why does the Minister of Foreign Affairs refuse to take direct and immediate action, and that is the Minister of Foreign Affairs, not the bureaucrats?

**Hon. Diane Ablonczy (Minister of State of Foreign Affairs (Americas and Consular Affairs), CPC):** Mr. Speaker, again, the government has been actively providing consular assistance to Mr.

#### Oral Questions

Tepper and support to his family since his arrest. Consular officials regularly visit Mr. Tepper to ensure his health and well-being and are regularly in contact with his lawyer to provide assistance, support, updates on his case. We will continue to engage with senior Lebanese officials to request due process in a timely and transparent handling of his file.

[Translation]

**Ms. Paulina Ayala (Honoré-Mercier, NDP):** Mr. Speaker, the development of our strategy with countries in the Americas is not limited to supporting companies that do business there. We need agencies that liaise between governments, civil society and experts in order to help us develop a more comprehensive strategy for this continent.

Can the government commit to providing core funding to Canadian agencies such as FOCAL in order to develop a long-term strategy for the Americas?

[English]

**Hon. Diane Ablonczy (Minister of State of Foreign Affairs (Americas and Consular Affairs), CPC):** Mr. Speaker, as I have advised the House, FOCAL has been given interim financing for a number of years. The funding agreements indicated that it was with the expectation that FOCAL would become self-supporting and have private support for its research.

We are disappointed that the decision that FOCAL had to make did come forward. However, we have the advantage and help of a great deal of research across the country from other bodies and other institutions.

• (1155)

[Translation]

**Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP):** Mr. Speaker, this government proclaims loud and clear that it wants to focus on our relations with Latin America, but in the meantime, it is not providing adequate funding to an agency like FOCAL to ensure its viability, even though that agency helps us better understand the issues in the Americas. Effective the end of September, FOCAL will be no more.

How can Canada have an effective strategy for the Americas if it does not support such an important source of expertise?

[English]

**Hon. Diane Ablonczy (Minister of State of Foreign Affairs (Americas and Consular Affairs), CPC):** Mr. Speaker, as I mentioned before, even after the shift away from core funding, the government continued to provide significant funding to FOCAL for a number of years. Some of it was aimed at assisting the organization to become financially sustainable. That was not possible.

*Oral Questions*

The Government of Canada does believe that arm's-length Canadian research on the Americas is useful in shaping policy. We continue to explore how such research and analysis might be carried out in the future.

\* \* \*

**CITIZENSHIP AND IMMIGRATION**

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Mr. Speaker, Canadians do not think human smugglers should be permitted to exploit vulnerable refugees. Every year thousands of people wait in line for a chance to come to Canada legally, but these criminals extort thousands of dollars in order to help people jump the queue.

Could the minister of immigration please tell the House what our Conservative government is doing to put a stop to all of this?

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Mr. Speaker, last year Canada welcomed the largest number of immigrants in six decades. We welcomed more refugees, resettled through the UN, than any other country in the world per capita. We have the fairest asylum system.

What we will not accept are criminal gangs seeking to abuse this country's generosity and treating Canada like a doormat by facilitating the illegal and dangerous entry of people paying tens of thousands of dollars to smuggling syndicates. That is why later today the government will table our legislation to crack down on human smuggling, to stop those who would seek to abuse this country's immigration laws and undermine public confidence, and to support legitimate immigration and refugees.

\* \* \*

**THE ENVIRONMENT**

**Ms. Kirsty Duncan (Etobicoke North, Lib.):** Mr. Speaker, on Tuesday the Minister of the Environment told this House that the oil sands industry contributed 6.5% of Canada's total greenhouse gas emissions in the government's report to the United Nations.

The minister's own office has confirmed that his comments were not true.

Will the minister, knowing what he does now, rise, admit his answer was wrong, correct the record, and fully apologize?

**Hon. Peter Kent (Minister of the Environment, CPC):** Mr. Speaker, my colleague is still in the environmental weeds on this question.

As in previous years, our reporting is detailed and in full compliance with the United Nations Framework Convention on Climate Change, and it includes all emissions from the oil gas.

There are three energy categories that contain the oil sands gas: fossil fuel production and refining, mining and oil and gas extraction, and fugitive sources.

In response to queries, Environment Canada reduced a 6.5% estimate of those tonnages, which are in the United Nations report.

[Translation]

**HEALTH**

**Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP):** Mr. Speaker, the Health Council of Canada is asking all levels of government to work together to strengthen our health care system. During the last session, the government asked the Senate to review the 2004 health accord. The Senate is an undemocratic institution that is not accountable to anyone.

Will the government assign the responsibility of reviewing this important accord to the Standing Committee on Health, which is made up of elected members of Parliament?

● (1200)

[English]

**Hon. Leona Aglukkaq (Minister of Health and Minister of the Canadian Northern Economic Development Agency, CPC):** Mr. Speaker, it is up to the health committee to determine what projects it wants to review. I have been very open with the health committee. If it wants to review the 2014 accord, it is more than welcome to do so.

There is a statutory requirement, under the health accord, for a committee to review the 2014 accord. I asked the Senate to review that prior to the election. I am open to HESA conducting its own review as well.

\* \* \*

**FOREIGN AFFAIRS**

**Mr. Phil McColeman (Brant, CPC):** Mr. Speaker, this week marks two years since Iranians went to the polls to express their democratic will. The regime in Tehran responded with repression.

Could the Minister of Foreign Affairs please comment on this anniversary?

**Hon. John Baird (Minister of Foreign Affairs, CPC):** Mr. Speaker, we stand with our allies in condemning this regime and the crackdown that followed the election just two short years ago. It was absolutely brutal and totally uncalled for.

Two years on, the repression continues, sadly, in Iran. Next door in Syria, Iranian officials are assisting the al-Assad regime's crackdown on the vulnerable people of Syria.

We will work with the international community to increase pressure on these regimes. We stand with the people of Syria. We stand with the people of Iran who yearn to be free and to exercise their rights.

[Translation]

### TOURISM INDUSTRY

**Mr. Raymond Côté (Beauport—Limoilou, NDP):** Mr. Speaker, Gilbert Rozon's recent report on the performance of Quebec's tourism industry points out the multitude of aging attractions and the shortage of new projects. The report also highlights the lack of a common vision amongst the industry's players.

Will this government commit to working closely with the Quebec government and industry stakeholders to develop a vision for the future of Quebec's tourism industry?

**Hon. Maxime Bernier (Minister of State (Small Business and Tourism), CPC):** Mr. Speaker, I would like to thank the hon. member for his question and congratulate him on being elected.

I have just come from Vancouver, where I met with representatives of the Canadian Tourism Commission. I can tell the hon. member that we are developing a tourism strategy for Canada. It is a very important industry. Last week, I met with my colleague, the tourism minister for Quebec. We are working for the tourism industry and we will soon have an effective strategy that responds to the public's requests.

\* \* \*

### THE ENVIRONMENT

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, my question is for the Minister of the Environment and concerns oil and gas exploration.

[English]

I certainly agree with hon. members of the official opposition about risks of oil and gas in British Columbia, but on the other coast while many areas have been developed, one has never been touched.

This is the Gulf of St. Lawrence, a most biologically productive region with over 2,000 marine species including endangered blue whales. It is now threatened by a deep water oil well. This is a region that touches five provinces.

The minister has received the request for a joint panel. Could he tell this House if he agrees?

**Hon. Peter Kent (Minister of the Environment, CPC):** Mr. Speaker, I congratulate my colleague on her first question on the environment in this House. I hope that our ongoing dialogue will continue to be based on facts and science. The government is committed to ensuring—

**Some hon. members:** Oh, oh!

**The Speaker:** Order, please. I do not think the hon. minister was finished his reply.

**Hon. Peter Kent:** Mr. Speaker, I can confirm for my hon. colleague that I have received a request from the Canada-Newfoundland and Labrador Offshore Petroleum Board to refer the project to a review. I will consider the facts and make a decision in due course.

### Oral Questions

#### PRESENCE IN GALLERY

**The Speaker:** I wish to draw the attention of hon. members to the presence in the Ladies Gallery of Mr. Rick Hansen, a celebrated athlete and a recipient of the Companion Order of Canada and the Order of British Columbia.

**Some hon. members:** Hear, hear!

\* \* \*

● (1205)

[Translation]

#### BUSINESS OF THE HOUSE

**Mr. Thomas Mulcair (Outremont, NDP):** Mr. Speaker, as you said, it is time for the usual Thursday question. However, today, we find ourselves in circumstances that are anything but ordinary. There are only four days left before the scheduled end of this session. In these four days, we will see what the priorities of this government are because two days must be allotted for supply days. The budget must be adopted to cover the expenditures required for the proper functioning of the government. Two days are reserved for the opposition. Naturally, as we just saw in question period, there are attempts to rush the usual way of handling labour relations.

It will then be a matter of determining the government's priorities. For example, the budget implementation bill provides for an increase in the guaranteed income supplement. We do not believe that it is sufficient, but it is still worth supporting. It is interesting because this is directly related to what is currently happening with pensions. People are retiring without enough money to live on, and the government must help them. At the same time, government policies are such that more people will be retiring with insufficient income.

The question is this: what is the government's priority? Does it want to help seniors in need? Does it want to follow up on the proposal by my colleague from Windsor—Tecumseh to deal with the problem of mega-trials, or will they let other Hells Angels go free? What is the government's priority? What is our priority for the next four days?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I will give a complete answer by moving a motion. There have been consultations among the parties, and I believe that we will have unanimous consent on this motion.

That, notwithstanding any Standing Order or usual practices of the House, Bill C-2, An Act to amend the Criminal Code (mega-trials) be disposed of at all stages as follows:

- (a) not more than 1.7 hours shall be allotted for the consideration at second reading;
- (b) if the bill is not reported back by Wednesday, June 22, 2011 during routine proceedings, it shall be deemed to have been reported from the Committee without amendment;
- (c) upon being reported from Committee the bill shall be deemed concurred in at report stage and deemed read a third time and passed.

**The Speaker:** Does the Leader of the Government in the House of Commons have the unanimous consent of the House to propose this motion?

**Some hon. members:** Agreed.

*Routine Proceedings*

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

**Some hon. members:** Agreed.

(Motion agreed to)

[*English*]

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, having dealt with that, I can provide a full answer to the question from my friend, the House leader of the official opposition.

We will call Bill C-2, following routine proceedings today. Pursuant to the order just adopted, we will complete the second reading stage of Bill C-2 before we rise.

As decided last week, the House will not sit tomorrow, as a courtesy to the New Democratic members, so they may attend their convention in Vancouver.

[*Translation*]

On Monday, we will continue debating back-to-work matters. Tuesday, June 21, and Wednesday, June 22, shall be allotted days. On Thursday, we will complete report stage and third reading of Bill C-3, An Act to implement certain provisions of the 2011 budget as updated on June 6, 2011.

[*English*]

Should developments arise relating to the current labour matters at Air Canada and Canada Post, it may be necessary to adjust the business of the House, and I will advise members accordingly when that arises.

\* \* \*

[*Translation*]

#### CONTINUING AIR SERVICE FOR PASSENGERS ACT

##### NOTICE OF CLOSURE MOTION

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I give notice that, with respect to the consideration of Government Business No. 2, at the next sitting, a minister of the Crown shall move, pursuant to Standing Order 57, that debate be not further adjourned.

\* \* \*

[*English*]

#### POINTS OF ORDER

##### ORAL QUESTIONS

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I have a point of order arising out of question period where the Minister of State (Finance) erroneously asserted that the federal Conservative government had nothing to do with the HST.

I would like to give the minister an opportunity to correct the information by pointing out Bill C-62, which was introduced December 2009 and brought in the HST by this federal government.

● (1210)

**The Speaker:** That is not a point of order; it is a point of debate. If the member wants to expand on that, she can try to get it on the question period rotation list to do it then, but not on points of order.

\* \* \*

#### CANADIAN HUMAN RIGHTS COMMISSION

**The Speaker:** I have the honour to lay upon the table a special report from the Canadian Human Rights Commission entitled, "Now a Matter of Rights: Extending Full Human Rights Protection to First Nations".

[*Translation*]

Pursuant to Standing Order 108(3)(e), this document is deemed permanently referred to the Standing Committee on Justice and Human Rights.

\* \* \*

[*English*]

#### INFORMATION COMMISSIONER

**The Speaker:** I have the honour, pursuant to section 38 of the Access to Information Act, to lay upon the table the report of the Information Commissioner for the fiscal year ended March 31, 2011.

Pursuant to Standing Order 108(3)(h) this document is deemed to have been permanently referred to the Standing Committee on Access to Information, Privacy and Ethics.

\* \* \*

[*Translation*]

#### ANNUAL REPORT OF THE CONFLICT OF INTEREST AND ETHICS COMMISSIONER

**The Speaker:** Pursuant to subsection 90(1)(b) of the Parliament of Canada Act, it is my duty to present to the House the annual report of the Conflict of Interest and Ethics Commissioner in respect of the Conflict of Interest Act for the fiscal year ending March 31, 2011.

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## ROUTINE PROCEEDINGS

[*English*]

#### EXPORT DEVELOPMENT CANADA

**Hon. Ed Fast (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, pursuant to Standing Order 32(2) I have the honour to table, in both official languages, Export Development Canada's 2010 annual report.

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#### FOREIGN AFFAIRS

**Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC):** Mr. Speaker, pursuant to section 32(2) of the standing orders of the House of Commons, I have the pleasure to table, in both official languages, nine treaties entitled:

Agreement between the Government of Canada and the Government of Jersey, under Entrustment from the Government of the United Kingdom of Great Britain and Northern Ireland, for the Exchange of Information relating to Tax Matters, done at St. Helier on 12 January, 2011;

Agreement between the Government of Canada and the Government of the Isle of Man, under Entrustment from the Government of the United Kingdom of Great Britain and Northern Ireland, for the Exchange of Information on Tax Matters, done at Douglas on 17 January, 2011;

Agreement between the Government of Canada and the States of Guernsey under Entrustment from the Government of the United Kingdom of Great Britain and Northern Ireland, for the Exchange of Information on Tax Matters, done at St. Peter Port on 19 January, 2011;

Cooperation Agreement between the Government of Canada and the European Space Agency, done at Paris on 15 December, 2010;

Agreement between the Government of Canada and the Government of the Republic of Latvia for the Promotion and Protection of Investments, done at Riga on 5 May, 2009;

Agreement between the Government of Canada and the Czech Republic for the Promotion and Protection of Investments, done at Prague on 6 May, 2009;

Agreement between the Government of Canada and the Government of Romania for the Promotion and Reciprocal Protection of Investment, done at Bucharest on 8 May, 2009;

Agreement between the Government of Canada and the Slovak Republic for the Promotion and Protection of Investment, done at Bratislava on 20 July, 2010; and

Agreement between Canada and Romania concerning Diplomat Premises, done at Bucharest on 11 March, 2011.

An explanatory memorandum is included with each treaty.

\* \* \*

●(1215)

#### **PREVENTING HUMAN SMUGGLERS FROM ABUSING CANADA'S IMMIGRATION SYSTEM ACT**

**Hon. Vic Toews (Minister of Public Safety, CPC)** moved for leave to introduce Bill C-4, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act and the Marine Transportation Security Act.

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

\* \* \*

#### **CONTINUING AIR SERVICE FOR PASSENGERS ACT**

**Hon. Lisa Raitt (Minister of Labour, CPC)** moved for leave to introduce Bill C-5, An Act to provide for the resumption and continuation of air service operations.

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

#### *Routine Proceedings*

#### **INTERPARLIAMENTARY DELEGATIONS**

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, I have two reports to present today.

Under Standing Order 34(1) I have the honour to present to the House, in both official languages, the following report of the Canadian-NATO Parliamentary Association respecting its participation at the visit of the Defence and Security Committee held in Washington, D.C., and San Diego, California, on January 31 to February 4, 2011.

The second is the report from the Canadian-NATO Parliamentary Association respecting its participation at the joint meeting of the Defence and Security, Economics and Security, and Political Committees held in Brussels, Belgium, on February 20 to 22, 2011, and the annual Economics and Security Committee consultation with the OECD held in Paris, France, from February 23 to 24, 2011.

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#### **NATIONAL APPRECIATION DAY ACT**

**Mr. Daryl Kramp (Prince Edward—Hastings, CPC)** moved for leave to introduce Bill C-228, An Act respecting a National Appreciation Day.

He said: Mr. Speaker, today I am honoured to stand in our House of Parliament to reintroduce my private member's bill, an act respecting a national appreciation day.

This bill would designate the third day of March each and every year as a day for the people of Canada to express appreciation for the heroic work of members of the Canadian Forces and emergency response professionals, including police officers, firefighters and paramedics.

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

\* \* \*

#### **CANADIAN SOLDIERS' AND PEACEKEEPERS' MEMORIAL WALL ACT**

**Mr. Daryl Kramp (Prince Edward—Hastings, CPC)** moved for leave to introduce Bill C-229, An Act to establish a Memorial Wall for Canada's fallen soldiers and peacekeepers.

He said: Mr. Speaker, today I am humbled to stand in the House of Commons among my hon. colleagues to reintroduce my private member's bill, an act to establish a memorial wall for Canada's fallen soldiers and peacekeepers.

The bill would require the minister responsible for the National Capital Act to establish a memorial comprising the names of all of Canada's fallen soldiers and peacekeepers, and have it located in a suitable area of public land.

*Routine Proceedings*

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

\* \* \*

**CRIMINAL CODE**

**Mr. Daryl Kramp (Prince Edward—Hastings, CPC)** moved for leave to introduce Bill C-230, An Act to amend the Criminal Code (arrest without a warrant).

He said: Mr. Speaker, I thank the House for allowing me to reintroduce my private member's bill, an act to amend the Criminal Code (arrest without a warrant).

The bill would give a peace officer the power to arrest without a warrant a person who is in breach of a probation order binding that person or a condition of the person's parole.

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

\* \* \*

• (1220)

**CANADA SHIPPING ACT, 2001**

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP)** moved for leave to introduce Bill C-231, An Act to amend the Canada Shipping Act, 2001 (derelict vessels and wreck).

She said: Mr. Speaker, I want to thank the member from New Westminster—Coquitlam for seconding the bill.

In many Canadian coastal communities derelict and abandoned vessels have a negative impact on the natural aesthetics of their harbours, and some pose a threat to the local environment. While major environmental dangers from derelict and abandoned vessels are dealt with swiftly by the Canadian Coast Guard, many are left to simply rot away and leach chemicals into the surrounding environment. If an abandoned and derelict vessel is not a major environmental concern and is not posing an obstacle to navigation, there is usually no action taken.

The Minister of Transport, Infrastructure and Communities can become involved in the following situations.

Transport Canada can currently take a lead in instances where a vessel is the cause of an obstruction to navigation. However, vessels in the inter-tidal zone are rarely an obstruction to navigation.

Transport Canada has also been supportive of salvage claims made to the receiver of wrecks when questionable vessels appear ashore or in waters adjacent to communities. However, salvage claims are rarely made against derelict vessels.

Finally, Transport Canada can take the lead in making an assessment as to whether a vessel may pose a threat of pollution. However, an abandoned or derelict vessel that is deemed non-polluting is not dealt with.

Both I, in Nanaimo—Cowichan, and the member from Victoria often hear complaints about derelict vessels that are not dealt with. Hence, I have introduced Bill C-231, An Act to amend the Canada Shipping Act, 2001 (derelict vessels and wreck).

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

**CRIMINAL CODE**

**Ms. Peggy Nash (Parkdale—High Park, NDP)** moved for leave to introduce Bill C-232, An Act to amend the Criminal Code (cruelty to animals).

She said: Mr. Speaker, I would like to thank my colleague from Jeanne-Le Ber for seconding this bill.

This bill would better protect animals from intentional cruelty. Clearly, animals are sentient beings; they are not property. This bill would take the provision about animal cruelty out of the property section of the Criminal Code.

We have seen far too many examples of animal cruelty that escape the current laws. This bill would increase the likelihood of conviction for animal cruelty.

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

**Hon. Jim Karygiannis:** Mr. Speaker, for 26 years, the people of Sri Lanka suffered the effects of civil war. In May 2009, Sri Lankan government forces defeated the Tamil Tigers. With the end of the civil war have come accusations of war crimes, together with video evidence. Therefore, I am asking for unanimous consent for the following motion, as seconded by the member from Saint-Léonard—Saint-Michel.

It reads: “That this House calls on the government of Sri Lanka to work with a panel of experts established by the Secretary General of the United Nations as it examines the allegations of crimes committed during the last days of the civil war, and that this House calls on the government of Sri Lanka to ensure that those responsible for any crimes of war be brought to justice and be subject to the full weight of the law”.

**The Speaker:** Does the hon. member for Scarborough—Agincourt have the unanimous consent of the House to propose this motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

\* \* \*

**PETITIONS****ASBESTOS**

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I have the honour to present a petition signed by literally thousands of Canadians from all over Canada who call upon Parliament to take note that asbestos is the greatest industrial killer the world has ever known.

The petitioners point out that more Canadians now die from asbestos than from all other industrial and occupational causes combined. They also point out that Canada still remains one of the largest producers and exporters of asbestos in the world and spends millions of dollars subsidizing the asbestos industry. These signatories call it, “corporate welfare for corporate serial killers”. They criticize the government for blocking international efforts designed to curb its use.

*Government Orders*

Therefore, the petitioners call upon the Government of Canada to ban asbestos in all of its forms and institute a just transition program for all asbestos workers who may be displaced—

**The Acting Speaker (Mr. Bruce Stanton):** Order, please. On a point of order, the hon. member for Cambridge.

**Hon. Gary Goodyear:** Mr. Speaker, I wonder if I could simply remind the member that during the reading of petitions, there is a short summary of the petition and then it is tabled. It is not really an opportunity to debate it, discuss it or use it to get into one's householder.

• (1225)

**The Acting Speaker (Mr. Bruce Stanton):** I thank the member for his intervention. In fact, the summary of petitions should be relatively concise, so I will ask the member to sum up quickly and we will move on to other petitions.

**Mr. Pat Martin:** Mr. Speaker, I read this petition every day in exactly the same format. If it does not offend the minister over and over again the hundreds of times he has heard it, I do not know why it offends him now.

These petitioners call upon the Government of Canada to end all government subsidies of asbestos, both in Canada and abroad, and stop blocking international health and safety conventions designed to protect workers from asbestos, such as the Rotterdam Convention being debated this week, in fact, in Europe.

\* \* \*

**QUESTIONS ON THE ORDER PAPER**

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, congratulations on your recent appointment to Assistant Deputy Chair.

I ask that all questions be allowed to stand.

**The Acting Speaker (Mr. Bruce Stanton):** Is that agreed?

**Some hon. members:** Agreed.

**GOVERNMENT ORDERS**

[English]

**FAIR AND EFFICIENT CRIMINAL TRIALS ACT**

**Hon. Christian Paradis (for the Minister of Justice)** moved that Bill C-2, An Act to amend the Criminal Code (mega-trials), be read the second time and referred to a committee.

**Ms. Kerry-Lynne D. Findlay (Parliamentary Secretary to the Minister of Justice, CPC):** Mr. Speaker, I am proud to be in this House today to join in the second reading debate on Bill C-2, Fair and Efficient Criminal Trials Act. This is an important bill to improve criminal procedure to cut the number of long, drawn-out trials sometimes referred to as megatrials.

The time to bring criminal trials to disposition has steadily increased over the last decade, a fact particularly true in the case of megatrials.

In their November 2008 report reviewing large and complex criminal cases and their procedures in Ontario, former Chief Justice Patrick LeSage and the present Justice Michael Code noted three major events that played a significant role in increasing the duration and complexity of modern criminal trials. These three causal events were the passage of the Canadian Charter of Rights and Freedoms, the reform of evidence law by the Supreme Court of Canada, and the addition of many new, complex statutory provisions to the Criminal Code and other related statutes.

Megatrials conducted in Canada are a clear indication of the impact that these causal events have had on the criminal justice system.

Our justice system must have the tools to respond to the demands raised by these long and complex cases to ensure that they do not collapse under their own weight. It had become necessary to find better, innovative ways to respond to the challenges raised by megatrials and to make better use of resources available in the criminal justice system. The amendments to the Criminal Code proposed in Bill C-2 are a significant step in providing these tools.

This legislation also responds to many of the recommendations made by the Air India Commission in relation to terrorism prosecutions.

The reforms proposed in this bill are the product of a great deal of consultation and collaboration with our provincial and territorial partners, as well as various other criminal justice stakeholders. These include the federal-provincial-territorial committee of heads of prosecutions, the Barreau du Québec and the Steering Committee on Justice Efficiencies and Access to Justice.

This work has helped us identify processes and measures that would allow the criminal justice system to function more effectively and expeditiously while respecting the Canadian Charter of Rights and Freedoms.

I would now like to take this opportunity to highlight some of the amendments proposed by this bill.

These amendments generally relate to at least one of three main objectives: strengthening case management; reducing duplication of processes; and otherwise improving criminal procedure.

In regard to strengthening case management, a great deal of work has been done in the area of megatrial reform in the last decade. The body of policy work on this issue, including the Air India Commission report, consistently emphasizes that case management, particularly with respect to the preliminary phase of the trial, is one of the key measures to improve the efficient and effective conduct of large and complex cases. Enhanced case management in this context refers to stronger judicial control of the proceedings.

It is with this goal in mind that this bill would allow for the appointment of a case management judge in any case where it appears that his or her involvement would be beneficial to the overall management of the case and in the best interests of the justice system.

*Government Orders*

As it is not always feasible to assign a case to a trial judge early in the process, the appointment of a case management judge would allow for the ground rules to be set for the parties from the very beginning and the effective management of the proceedings.

The case management judge would be explicitly empowered to, among other things, impose deadlines on the parties and assist them in narrowing the issues, making admissions, as well as reaching agreements. He or she may also hear guilty pleas and hand down sentences.

The case management judge, who would be from the court before which the trial is to be held, would also be empowered to rule upon preliminary issues, such as charter motions. Not only would this allow for earlier resolution of these issues upon which the remainder of the trial often rests, but to the extent possible it would also enable the evidence to be presented without interruption to the jury or the trial judge sitting without a jury.

Another benefit of appointing a case management judge is that he or she could continue to play a role even after the preliminary issues have been dealt with and the presentation of the evidence on the merits has begun. Clearly, this role would be auxiliary to that of the trial judge but would include adjudicating issues referred to him or her by the trial judge. This would potentially avoid interruptions during the presentation of the evidence to the trier of fact and allow the trial judge and the case management judge to share the overwhelming responsibilities associated with conducting a megatrial.

● (1230)

With respect to reducing duplication of processes, improving effectiveness and reducing delays while ensuring trial fairness is consistent with this government's commitment to ensure that justice is delivered swiftly. A number of amendments proposed in Bill C-2 aim at reducing duplication of processes and speak directly to this worthwhile goal.

Absent exceptional circumstances, such as where fresh evidence is discovered, there is no justification for the constant re-litigation of issues that have been fairly adjudicated. Such duplication of processes is not sustainable by the overburdened resources of our criminal justice system.

As the Air India Commission so aptly said: "Finality is an important value in the criminal justice system".

As such, Bill C-2 includes provisions that would, in the spirit of recommendation 27 of the Air India Commission report, maintain the case management judge's ruling related to the disclosure or admissibility of evidence or the charter at any new trial ordered as a result of the declaration of a mistrial or in the event that a prosecution is severed into separate trials.

In addition, still with a view to reducing duplication of processes, Bill C-2 would allow the adjudication in a joint hearing of certain preliminary issues arising in separate trials. It is not uncommon that preliminary issues relating to the charter, disclosure or admissibility of evidence involve similar evidence and are raised in separate but related trials.

Currently, the evidence in support of these preliminary issues, which is at times very long and complex, needs to be adduced separately in each trial before different judges. Not only does this result in a duplication of effort and an inefficient use of resources, it also increases the risk of inconsistent rulings which reduces the public's confidence in the justice system.

Therefore, as proposed by the Air India Commission at recommendation 28 of its report, this bill would allow for such issues to be adjudicated at the same time at a joint hearing. These are significant gains in system effectiveness and efficiency that could result from this measure while preserving the accused's right to a fair trial.

Another issue addressed by this bill relates to the use of direct indictments. This special procedure requires the personal written consent of the Attorney General or Deputy Attorney General and allows the Crown, in special circumstances, to send a case directly to trial. Currently, where a bail hearing has been held in relation to an information, and a direct indictment is subsequently preferred for the same charges, the courts have held that the preferment is a new beginning in terms of judicial interim release. As such, a new bail hearing must be held, often requiring significant court time where multiple accused or counts are involved and the evidence is voluminous and complex.

An amendment is proposed in this bill that would eliminate this unnecessary duplication whereby bail or detention orders would be maintained where the prosecution prefers a direct indictment charging the same or an included offence.

Still on the issue of direct indictments, the Criminal Code currently allows the correction of technical defects on the face of standard indictments whereas this is not permitted in the case of direct indictments. This results in the Crown having to prefer a new direct indictment, which requires the personal written consent of the Attorney General or Deputy Attorney General. This unnecessary duplication of process is an inefficient use of resources. As such, a proposed amendment would empower the court to amend technical defects in direct indictments, as is currently allowed in the case of standard indictments.

As to otherwise improving criminal procedure, the bill contains other amendments aiming to generally improve criminal procedure. One of these would increase the number of jurors hearing the evidence from 12 to 14. The discharge of jurors throughout the course of an exceptionally long trial may reduce the jury below the Criminal Code minimum requirement of 10 jurors and result in a mistrial.

This legislative package includes amendments that would respond to this concern by allowing for the swearing of up to 14 jurors where circumstances warrant it. When the time comes to begin deliberations, if more than 12 jurors remain, a random selection process would determine the jurors to be released from duty to reduce the jury to 12.

• (1235)

Jury duty is a great service and requires significant time and effort by Canadian citizens. However, the alternative of declaring a mistrial and starting a trial anew not only reduces the public's confidence in the justice system but is also a considerable waste of resources from all sectors of the criminal justice system.

We are very cognizant of the onerous obligations on jurors and we believe the cumulative effect of the measures introduced here today would reduce the overall duration of proceedings, thus alleviating the burden on jurors.

This bill also proposes amendments that would provide for enhanced protection of juror identity. The amendments that respond to a recommendation from the report on jury reform by the steering committee on justice efficiencies and access to the justice system ensure that all jurors can participate without fear of intimidation.

The jury selection regime in the Criminal Code would be modified to have jurors systematically called in court by their number. The use of names would be the exception. Furthermore, access to juror cards or lists can be limited by the court when deemed necessary for the proper administration of justice. This is of particular importance in organized crime or terrorism prosecutions. These amendments strike a balance between the interests of the jurors and the public, the integrity of our justice system and the accused's right to a fair trial.

Finally, this legislation would make a corrective amendment to the French version of section 536.3 of the Criminal Code. This provision deals with the declaration containing a statement of issues and list of witnesses that the party requesting a preliminary inquiry must provide the court and the other party. The French language of this provision would be amended to render the language consistent with the intent reflected in the English.

The New Brunswick Court of Appeal, in its 2009 decision in *Gallant*, highlighted the current discrepancy.

The amendments proposed in this bill would serve to enhance the effectiveness and efficiency of the criminal justice system, particularly where long and complex trials are involved. Modernizing judicial tools to improve the conduct of long and complex trials would also be beneficial to the fight against organized crime and terrorism.

I trust that members will support this bill that seeks to improve our court's ability to conduct long, complex cases and make significant improvements to the overall efficiency and effectiveness of the criminal justice system.

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, the first request on the opposition side is for the member to speak a bit about the role of the member for Windsor—Tecumseh. As we know, it is the NDP member for Windsor—Tecumseh who brought this idea forward and has been pushing and advocating for

### *Government Orders*

legislation that would stop what many Canadians have been profoundly disappointed about, which is the fact that these trials often are not brought to fruition because of inadequacies that exist in current legislation.

We certainly pay tribute to the member for Windsor—Tecumseh for his work in promoting the fact that we need legislation. I would like the member to comment on the role played by the member for Windsor—Tecumseh.

• (1240)

**Ms. Kerry-Lynne D. Findlay:** Mr. Speaker, we welcome the role of the hon. member for Windsor—Tecumseh. He has agreed that this is very necessary legislation for the efficiencies required within the criminal justice system so we can better deal with such long and complex trials. We welcome his support and are pleased that he has agreed with us that this is very necessary legislation to be put forward at this time.

**Mr. Peter Julian:** Mr. Speaker, that was an excellent speech on the part of the member, but there has actually been another case where the official opposition has promoted solutions. Far from the government getting agreement from the NDP and the member for Windsor—Tecumseh, it is actually the opposite.

This is a case where the official opposition brought forward solutions to a problem that many Canadians know about and the government has chosen to agree, for which we thank it, but that was the intent of my question. Could the member actually talk about the fact that this is an NDP-originated idea and solution that is being brought forward? Some credit should go to the government because it is accepting the practical solutions that the NDP, as the official opposition, brought forward in the House.

**Ms. Kerry-Lynne D. Findlay:** Mr. Speaker, our government first introduced this bill on November 2, 2010. At that time, we had six bills on the order paper and it was difficult to get any legislation passed in a minority Parliament. By the time the election was called, the Minister of Justice had 14 bills on the order paper.

We welcome this new co-operation by the opposition members with respect to our legislative agenda and we look forward to working with all members of the opposition with respect to these initiatives.

**Mr. Scott Simms (Bonaville—Gander—Grand Falls—Windsor, Lib.):** Mr. Speaker, I welcome the hon. member to the House.

One of the bills she just described and the obstructionist ways of the opposition is stretching it a bit. It is a revision of history. One of the reasons a lot of these bills were put back to the starting point, we will say, was the proroguing of the House. The proroguing of the House did cancel these bills and we began from that very starting point once again. Perhaps she would like to comment on what effect the proroguing of the House did have on a lot of these justice bills.

*Government Orders*

**Ms. Kerry-Lynne D. Findlay:** Mr. Speaker, we are very pleased with the strong mandate that the Canadian voters have given this government and with respect to their endorsement of our tough on crime approach and agenda.

With respect to the unnecessary election that was called, which led to many of the proposed legislative initiatives not proceeding, we are now doing our best to bring them forward. With respect to any co-operation from the opposition, we welcome it.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, I congratulate the hon. member for Delta—Richmond East, not only for her election to this House but also to her position as parliamentary secretary.

I am very pleased to have the chance to speak to this bill on second reading. I have studied it extensively. I believe the approach to accelerating megatrials is sound, particularly with the appointment of a case management judge. This should help. I think all members of the House should also be cognizant that we need to do more. We will need more resources for judges. We need to appoint more judges at the federal level. Our provincial colleagues may also need more resources to ensure these trials go quickly.

I have one specific concern about one piece of legislation that I do not think is entirely necessary, and I would be grateful for the member's comments. My concern is about taking away the right of an accused person on preferred indictment to seek bail. It is not really a necessary piece of the legislation to accelerate trials. I wonder if she could speak to that.

• (1245)

**Ms. Kerry-Lynne D. Findlay:** Mr. Speaker, all the measures in this bill are meant to increase efficiencies within the system. They are meant to deal with the preliminary aspects of these long and complex trials. There are changes with respect to the regular and preferred indictment provisions. However, if the member opposite would look at them more carefully, she would see that they do not lead to the conclusion she has drawn.

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Mr. Speaker, a number of years back, in Manitoba, there was a need to try to prosecute large numbers of members of gangs. They ended up having to create a separate court facility in order to accommodate the different type of trial that was expected.

Does the parliamentary secretary anticipate that there would be some additional costs incurred in terms of courtroom modifications or anything of that nature? Does this bill have anything to do with that sort of a potential expenditure going forward?

**Ms. Kerry-Lynne D. Findlay:** Mr. Speaker, the actual workings of the courthouse environment are not within the purview of this ministry. However, I will say that the whole idea of this, what is being called, megatrials bill is to increase efficiencies and avoid duplication of processes. So, to the extent that it will work the way we envision that it will, and I see no reason why it would not, it will actually make it less necessary for larger accommodations.

In other words, these trials will be shortened and the procedures will be shortened. We will not have the same duplication of processes. With respect to where there are multiple accused, there is a provision that severance can be delayed. So, if there is evidence

arising that can be brought forward with respect to several accused, they do not each have to be treated separately in the process.

**Hon. Gary Goodyear (Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), CPC):** Mr. Speaker, I have a basic question for my colleague. Why is the government introducing this legislation? Obviously we have a strong crime agenda. We are looking forward to helping Canadians to be safe in their communities.

It is really a simple question. Why exactly is the government introducing this type of legislation?

**Ms. Kerry-Lynne D. Findlay:** Mr. Speaker, essentially, there has been a lot of attention paid to these megatrials, multiple trials, particularly as they relate to organized crime and terrorism.

With our tough on crime agenda and our desire on this side of the House to ensure that justice is swift in Canada but fair, it is time to bring criminal trials like this to an earlier disposition. We also seek to avoid mistrials, which often arise because of the complexity of cases like these.

We are enthusiastic about the efficiencies that will be created in terms of resources, time, energy and for the general public's confidence in the justice system.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I rise today to speak to Bill C-2, which has become known as the megatrials bill.

The House and the Canadian public should be aware that this legislation has been a long time coming. The pressure for this has existed in the system for well over five years now. We began using megatrials in the criminal justice system maybe 12 to 13 years ago, and they have been far from successful. Several have literally collapsed completely, where 10 and 20 accused walked away without the trial ever being completed and with no subsequent charges.

I think, in particular, of the one case in Manitoba where a great deal of money was spent on building a whole new facility. A huge amount of hours of police time, prosecutor time, judicial time and the defence bar was involved. At the end of the day, the entire thing collapsed with no convictions. That probably is the most notorious failure of the megatrials, but they are necessary.

What has become obvious to a lot of people, and only recently to the government, is that there are some practical solutions to the problems we have confronted.

The bill was originally introduced by the government in November 2010. The reason the NDP has pressed the government to bring it back in now is because of a decision out of Quebec just two weeks ago in a megatrial involving organized crime in the form of the biker gangs. Something like 100-plus people were charged. Judge Brunton, who dealt with preliminary matters in the megatrial, concluded that 31 accused would have their charges dismissed because there was no way they would get to trial in less than 10 years. Therefore, we are faced with that reality. That is a clear finding of fact on his part.

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Society is somewhat fortunate in that the charges that were dismissed were not the more serious ones. A murder charge, attempted murder, other violent assault type of crimes plus organized crime charges were involved in that megatrial, all against bikers in Quebec. The balance of the charges are still outstanding. Based on Judge Brunton's ruling, there are still some of those that may be at risk six months or a year from now. It is absolutely crucial that we get this legislation through as quickly as possible.

I am sure a number of people have heard that the leader of the Green Party in the House has some objection to the speedy passing of the bill. The Quebec minister of justice came here to discuss this with her, to encourage her to withdraw her objections to the speedy passage of the bill because the administration of justice in Quebec know how serious it would be if we did not get the bill into place as quickly as possible.

My party and I encourage the government to get this through. We were happy when it finally brought the motion forward today to speed it through. If we follow the motion, it will be done by Wednesday of next week. That will give the Senate time to look at it and get it through in the following few days. Even if our House is complete, the other House will still have time to finish it off before it breaks for the summer. Then the government will have the ability to get royal assent and we will see this in Canadian law by the end of this month. That is the plan.

• (1250)

I want to acknowledge that Minister of Justice and Attorney General of Canada was very quick to respond when I first spoke to him about this. I am critical of him because there were a whole bunch of other laws in the last Parliament that took precedence over this one.

I also want to acknowledge the co-operation from the Liberal Party critic. He was very quick to respond favourably to the quick passage of the bill.

The reason I am significantly critical of the government on this one is that if we go back and look at the history of the types of proposals in this bill, which will become the law of the country by the end of the month, almost all of them have been outstanding for several years.

We saw some of them come out of the Air India report by Justice Major. More extensively, we have had a number of these recommendations coming from the meetings of the attorneys general and solicitors general at the provincial and territorial level when they meet with the federal government, usually about every six months.

A number of them have been filtering through that. The government sat on them for this lengthy period of time. Those proposals go back for a number of years.

However, most important, I do not have any understanding or appreciation of why the government did not move immediately after the LeSage-Code report. Justice LeSage is the retired judge from Ontario. At the time Mr. Code was a professor and is now a justice in Ontario, as well.

In the period of 2007, and finally reporting in 2008, they were commissioned by the provincial Government of Ontario to conduct

an analysis of how we could better handle, within the criminal justice system, megatrials, ensuring that they were fair, that due process was respected, those rights that we all have as Canadians under the Charter, but also that we had an efficient, speedy trial process, where due process was respected, but so were the rights of the accused and society as a whole.

Their report came out in 2008. It was very clear on almost everything that is in this bill. There were more recommendations than what is in the bill because other issues were dealt with in that report. We did not see a response, in the form of a bill, from the government until more than two years later. I do not have any understanding as to why that is, other than it had other bills it thought were more attractive politically for them to push than this one.

It is not the only time we have faced this. My proposal to speed a bill up occurred once before in 2010. It was known as the Shoker bill, which is the name of the case that went to the Supreme Court of Canada. It was a practical solution that we needed and it was strongly recommended by our police forces because it gave them an additional tool to deal with people who had breached their probation and parole.

It sat lingering on the order paper for almost two years, while we went through one of the prorogations and an election. Just before we broke for the end of the year, I made a similar proposal. It took me about two weeks to convince the government to do it. There was no explanation. It was a very simple bill. The proposal for the resolution of it had been outstanding for several years, but it needed to be pushed. It did not attract attention. It was not one of those photo op opportunities for the government.

Having that experience, and finally convincing the government to do it in that case, we felt we should do the same thing for this. Of course it was triggered in particular by that decision in Quebec of a couple of weeks ago.

I also want to be clear about the importance of getting this through. The Quebec case is not the only megatrial case going on in the country right now. There are at least several others and there are some others coming. We just had a major raid in Ontario, either yesterday or the day before, that is likely to end up in a megatrial.

Based on the ruling from Judge Brunton in the Quebec case, with absolute certainty, I am sure defence lawyers on behalf of the accused are looking at that decision and wondering whether they can apply it in some of these other megatrials, having additional accused persons discharged before we have the opportunity to actually prosecute them, presuming sufficient evidence to convict them.

• (1255)

There is a risk here, beyond the consequences of the Quebec case, as there are others outstanding where we may be faced with the same thing.

*Government Orders*

I have one more point and I want to be careful about this because the case is still before the court. However, I urge both the Government of Canada and the province of Quebec to consider an appeal in that case. The reason I feel comfortable in saying this is that Judge Brunton, in his decision, made reference to the fact that Bill C-53, which was the bill that preceded this in the last Parliament, was outstanding. Had we had that, his decision might have been different.

Based on the general rule against substantive laws being retroactive, the immediate reaction is that it would not make any difference if we appeal it. However, that is not correct. In law, if the issue of retroactivity is applicable, it is applicable when it is not substantive law. This bill is all procedural. It is process law rather than substantive law.

Therefore, I urge the government to take into account that principle of law and appeal the decision. I urge the province of Quebec to do the same thing and introduce before the court of appeal the fact that this bill is now law and could be applied to the megatrial that is going on in Quebec retroactively.

It is urgent that we get the bill through so we may be able to salvage those 31 charges in Quebec and forestall those types of dismissals in any number of other megatrials, either ones that are already started or ones that may be coming in the near future.

If we leave it to the normal process, the bill will not become law. It would go through committee and all the hearings that would take at least several more months, and we are going to have the summer break soon. If we do not get this through next week and have it in law by the end of the summer, it will probably be the end of the year, or more likely into 2012 before the bill becomes law. For the sake of the protection of our society right across the country, we cannot afford the luxury of waiting that long.

There has been criticism of pushing a bill like this through, as it is a fairly extensive bill, and whether we are going through the democratic process. I certainly have been critical of the government at times when it tried to force bills of a substantive nature through. Again, that is not what this bill is.

We have had a lot of time to analyze the bill. When I say "we", I am speaking of the justice critics of the various parties in the House. Over the last five or six years, we have looked at the issue. The response we needed to make as a legislature was very clear, and we have understood that. There is nothing in this bill that I can see that calls for an extensive review of it.

I want to particularly emphasize the process of the LeSage-Code report. The end result of that report was one that was supported because prosecutors, other judicial members and the defence bar were all involved in the work that was done in preparing the report. When it came out, I did not hear anybody from the bar, prosecutors, the defence or the judiciary who were critical of the recommendations of LeSage-Code report. I did not hear any objections to it at all. Everybody has looked at this and thinks this is the way to keep the megatrial, but do it efficiently and in fairness to the accused.

I know we have allowed for very short hearings before the justice committee next week, but if we were to have extensive hearings, we

would hear from the defence bar, the prosecution and judges that this would be the way to go.

I want to make one more point in this regard. When I first began looking at this, I had a sense of déjà vu. I went through this in my practice back in the mid-1980s to mid-1990s in Ontario in the civil court cases. We implemented the case management process, and not just for large trials, although that was where it was most effective, but for all civil cases.

● (1300)

It had a positive impact in Ontario and has been adopted, though I am not sure about Quebec, in all the other common law jurisdictions.

The idea behind it is simply to let the judiciary in this country take control of files, so that if one side or the other in the case wants to delay the matter unreasonably, the case management judge is there to control the process. It has been reasonably effective. It is not perfect on the civil side and it will not be perfect on the criminal law side, but it is a methodology that makes our system more efficient and, quite frankly, more fair.

One can imagine, in the Quebec case, a witness waiting 10 years to testify, an innocent bystander and witness from the general community having to come back after 10 years and testify against an accused. How well do members think a person's memory is going to last?

Witnesses also know they have this hanging over their heads, that they are witnesses and there is a need for them to be prepared on a repeated basis. There are any number of reasons why we should move on this with regard to protecting, not just the accused and the rights of the accused but the other parties involved, such as police, prosecutors, and society as a whole in terms of the witnesses who get called in these kinds of cases.

The parliamentary secretary has done an excellent job of summarizing the legislation. I am not going to go through it in any particular detail. I wanted to mention case management because that is sort of the key to this working.

The idea, for instance, is for two extra jurors to be empanelled. There have been several trials where they went all the way and in the last week or two ran below 10 jurors. In our system, 12 are empanelled but there have to be 10 to make the final decision.

We never want the accused, witnesses or the system as a whole being put through the process of a long criminal trial and then in the last week or two having to start over again because three jurors became ill in the process and could not continue. Having 14 jurors empanelled will probably eliminate that from ever happening again. I use that as one example.

The other big example is avoiding duplication in the process by having one judge responsible for all of the preliminary matters. That has been a major problem for megatrials in terms of stringing them out. It has also opened up the door many times for appeals because preliminary matters are dealt with by more than one judge and sometimes there will be conflicting decisions. Once there is a conflicting decision, it is almost an automatic appeal and the Court of Appeal must decide, of the conflicting decisions, which one is the right one.

*Government Orders*

It is a good bill. I do not want to take that away at all from the government. As I said, it flows out of both the major report in the Air India case and more particularly from the Lesage-Code report. Those recommendations were followed and it is time for Parliament to do its job.

As I said, when I asked my question of the minister, the police have done their job, the prosecutors have done theirs, and it is time for Parliament to do its job by getting this bill through.

\* \* \*

● (1305)

**POINTS OF ORDER**

## AIR CANADA

**Hon. Lisa Raitt (Minister of Labour, CPC):** Mr. Speaker, I rise on a point of order. Our government remains focused on Canada's economic recovery and the financial security of all Canadians. As the House knows our government received a strong mandate for Canadians to complete our recovery.

Today, I am very pleased to report to all Canadians and the House that minutes ago Air Canada and the Canadian Auto Workers signed an agreement in principle to bring an end to the work stoppage and return full service for passengers within 24 hours.

I want to applaud the efforts of the parties in focusing their attention to the matter and, of course, on our federal mediation services. The government's position on Air Canada has been clear. The best agreement is always the one the parties reach themselves.

The objective of the legislation that we put forward today has been achieved and we are so very pleased that there will be a resumption of service for Air Canada passengers. We remain committed to protecting Canadians and keeping our economy growing, strong and on track.

● (1310)

**The Acting Speaker (Mr. Bruce Stanton):** I am not so sure that was a point of order but nonetheless I am sure it will be welcomed by all members.

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, I rise on what could be a question of privilege or a point of information, or just a good point.

Having heard that we have a resolution in this matter, I would like to thank the Minister of Labour, the government, and all parties that participated in this. I know that negotiations went late last night. I know negotiations took place today. In an economic recovery, we have to remember the workers too, and respect the workers and the rights they have under the law regarding free bargaining and the right to strike.

[*Translation*]

Now, I encourage the minister and her government to work just as hard to get an agreement signed at Canada Post to ensure that it is a collective agreement that sends employees back to work instead of legislation. There is work to be done. The government will not have to work on the Air Canada issue over the weekend, but it must now work hard to ensure that Canada Post workers receive the same

respect and are able to sign a collective agreement, which will also be good for the economic recovery.

[*English*]

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, first, I would like to congratulate those who worked very hard to come to this very satisfactory resolution. I think everyone is relieved and we are very glad this state of affairs has occurred. At the same time, I would also like to make the point that we must respect the bargaining process. Let us always bear that in mind when there is this kind of situation. I think that is very important for the future.

I would also like to take note, once again, of the main reason this conflict occurred and why there is a conflict at Canada Post, and there will be conflicts at other places. This touches upon the very important issue of pensions and people's retirement security. This is something we as a House of Commons must address in the future because this is a problem that will not go away.

[*Translation*]

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, on the same point of order, I would like to join the minister and my colleagues in saying that I am glad that the situation at Air Canada has been resolved. I congratulate the negotiators who were able to come to an agreement in principle. This is good news not only for the employees, but also for the passengers and all the people who are no doubt preparing for vacations at this time of year.

The Bloc Québécois is obviously happy about this news, but, like my colleagues, I want to say that announcing or enacting legislation is not the way to bring about a quick resolution at Canada Post. The government must focus on a negotiated agreement, as was done with Air Canada. Unionized workers should not have a sword of Damocles hanging over their heads, forcing them to accept what the employer wants to give them, because this would upset the balance of power.

I repeat my request to the minister to ensure that a negotiated agreement is signed at Canada Post as quickly as possible. That is what everyone wants.

[*English*]

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, I acknowledge that this is not a proper point of order at all, but I would like to congratulate the Minister of Labour for her efforts. I would like to congratulate members on all sides of this House for collaborative efforts and particularly to hope that the collective bargaining rights of unions in this country will continue to be respected.

\* \* \*

**FAIR AND EFFICIENT CRIMINAL TRIALS ACT**

The House resumed consideration of the motion that Bill C-2, An Act to amend the Criminal Code (mega-trials), be read the second time and referred to a committee.

*Government Orders*

**Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC):** Mr. Speaker, it is apparent that this bill introduces a practical solution and balances the interests and necessity of the efficient administration of justice in a fair way while respecting the rights of the accused.

From the hon. member's comments, I ponder if he is simply attempting to play politics with this issue. The government introduced this bill in November 2010. Not once during the last Parliament did the hon. member ask that this bill be expedited. Suddenly, there is a sense of urgency in his comments.

Believe me, the government would certainly have welcomed any co-operation from the opposition on our justice agenda. Now that the member's party, largely founded in Quebec, and the issue have come to the forefront and into the headlines, the member has discovered a new-found interest in this justice issue.

I would like to ask the member, will his new sense of co-operation extend to the rest of our justice legislation, or will his party only be supporting legislation that plays well for it politically, specifically in Quebec?

• (1315)

**Mr. Joe Comartin:** Mr. Speaker, I thank my colleague, the parliamentary secretary for justice, for the question and congratulate him on his appointment.

Of course, he is new to the position, so the question I think ignores the reality of what has happened and the role that I personally have played and, more importantly, that my party has played on getting justice bills through the House in an efficient fashion as opposed to the politics that his party has historically played.

It is really quite offensive the number of times that party has trotted out victims of crime in this country to use them as photo ops, as props. It did not do it just once in a number of these bills. I can think of several bills where it was done three times. The reason it was done three times, or there was the opportunity to do it three times, was because the government would prorogue Parliament or call an election in contravention of legislation that the Prime Minister himself shoved through this House. Therefore, there were three times that victims were trotted out and used as props for the government.

I did not come to this late. I have already told the story about the Shoker. It took me two and a half months of recommendations to the government to get it to agree. We only got it because we were coming near the end of the year last year and we got that through. However, I had suggested that over a two and a half month period before we got that one through. That one took precedence. This one was the next one. If we would have had enough time without the election intervening, I would have pushed this one through earlier as well.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I thank my colleague from Windsor for making reference in his comments to the terrible time that we have had in the province of Manitoba, which I suppose leads toward the argument for the need of this bill. Until now and until the time we get this bill passed, it does concern me that organized crime is laughing at us. It really is.

In my industry of construction, we have now learned that to a huge extent the bikers, especially, have infiltrated it as a perfect way to launder drug money. These guys have warehouses of \$20 bills that they cannot use because they are hot dollars. They are called "labour pimps" because they become labour brokers. They contract out 20 or 30 illegal immigrants to legitimate contractors as cheap labour. They pay them \$20 an hour with drug money, half the going rate, and then get reimbursed by the contractor with real dollars. It is ubiquitous across British Columbia. It is undermining the integrity of the entire tendering and contracting process in British Columbia because if contractors do not use the biker "labour pimps", they will not win a contract because their labour costs will be legitimate while their labour costs are paid with drug money.

The biker trial, the "show trial", in Manitoba collapsed under its own weight. Could the hon. member assure us that this bill that we have agreed to fast track and support will ameliorate this embarrassment where these bikers are thumbing their noses at Canadians knowing full well that we do not have the capacity to bring justice through our court system as it currently stands?

**Mr. Joe Comartin:** Mr. Speaker, obviously I cannot give absolute assurance, but I will just use this one example that the parliamentary secretary herself raised.

In a great deal of the megatrials, time is spent on preliminary objections such as, has full disclosure been given by the prosecution, should this electronic surveillance material be allowed or excluded, and have there been infringements of the accused's Charter of Rights and Freedoms.

As it stands now, those motions generally are handled this way. Every single accused, or his or her counsel on his or her behalf, gets to argue. Oftentimes they are all arguing about the same evidence, has disclosure been given to accused A, B, C, D, E, F, G. They all get to make the argument and most of the time before different judges.

What this will do is consolidate all of them before the same judge, so there will not be the problem of conflicts in terms of decisions. As soon as there is a conflict wherein one judge says that there has been full disclosure and then judge D says that there has not been, it then becomes wide open for appeal and the Court of Appeal must resolve it. Therefore, by consolidating that it will certainly make the process more efficient and quite frankly, it will make it fair.

*Government Orders*

● (1320)

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, I am pleased to participate in this debate on the fair and efficient criminal trials act, otherwise known as Bill C-2, which is intended to address, not only the issue of megatrials but what has come to be known as the megatrial phenomenon. This phenomenon usually involves a large amount of complex evidence, numerous charges against multiple accused, the need to call many witnesses, multiple motions on matters of law, evidence, remedy—usually the constitutionalization of criminal law finds expression in this regard—and the related roles of the police, the crown, the defence attorney, the jury—and we should remember that not all of these trials involve a jury—the trial judge and case management judge. These trials have become all-consuming, resulting in a backlog in the current system, excessive delays and often an increased risk of mistrial.

It has long been argued by stakeholders in the justice system that the government and Parliament need to engage themselves in the reform and refinement of this process, along with other actors in the system, so that we can properly address and redress a situation whereby what is at stake at this point is not only the fair and efficient administration of justice but the integrity of justice itself.

Statements made by the courts themselves and leading judicial officials have expressed concern about this problem for some time. For example, in a speech to the Empire Club on March 8, 2007, titled, “The Challenges We Face”, Chief Justice McLachlin stated that murder trials used to take five to seven days in the recent past but now they last five to seven months. She described these changes as giving rise to “urgent problems and incalculable costs”.

In a similar but much earlier speech on April 13, 1995, also to the Empire Club, entitled, “The Role of Judges”, former Chief Justice Antonio Lamer described the complexity and prolixity in legal proceedings as being “our greatest challenge and one that could render the justice system simply irrelevant unless it is solved”. One needs to take note of those words.

In a unanimous judgment of the Supreme Court in 2005 dealing with a particularly complex species of wiretap motion, the Supreme Court adopted a much earlier pronouncement of Justice Finlayson made in the Ontario Court of Appeal in 1992 to the effect that:

...“our criminal trial process” has become “bogged down” in an “almost Dickensian procedural morass” and that the public would soon “lose patience with our traditional adversarial system of justice.”

He might well have added, and has been added since, that the public loses confidence in the administration if not integrity of justice as a whole.

When I was the minister of justice, I worked with my provincial and territorial counterparts who not only expressed similar concerns but also sought to initiate what is before the House today in the form of a fair and efficient trials bill. I and my colleague, Jacques Dupuis, the minister of justice and public security in Quebec at the time, worked on this initiative along with our counterparts.

These concerns also found expression, for example, in the 2007 meeting of federal, provincial and territorial ministers responsible for justice and public safety in Winnipeg on November 15, 2007, when the following communiqué was issued:

Ministers also agreed with the recommendations from officials to improve the way large and complex trials are conducted. The officials recommended legislative amendments to reduce the risk of mistrials and address some of the difficulties associated with the management of mega-trials, among others.

● (1325)

It is important for us to appreciate, as we address this prospective legislation before us, the context and the causes that have brought us to this point. An understanding of those causes and the context will not only give us a better appreciation of the *raison d'être* for this bill, but also for the manner in which we need to approach this bill in Parliament and in our committee considerations.

Simply put, there are four major events that have played a rather transformative role in the development of the modern criminal trial process from what used to be a short and somewhat efficient examination of guilt or innocence that existed in the 1970s to the now much longer and more complex process that has been discussed and indeed critiqued in the statements to which I alluded above.

These four causal events and the related context are as follows. First, the adoption of the Charter of Rights and Freedoms had a transformative impact on our laws, if not our lives, and of which Chief Justice Lamer spoke of as ushering in a constitutional revolution in this country.

Second, the reform of the evidence law by the Supreme Court of Canada.

Third, the addition of many new complex statutory provisions to the Criminal Code and other related statutes.

Fourth, certain compelling social phenomenon, as evidenced in the development of organized crimes and their prosecutions in the 1990s and the immediate aftermath of 9/11 and the adoption of anti-terrorism legislation and related amendments to a number of pieces of legislation for that purpose.

I will now say a few words about each of these causes which will put what we have before us in context.

The first transformative event was the constitutionalization of criminal law and procedure resulting from the passage of the Charter of Rights and Freedoms. The charter articulated long-standing rights, added some new rights and, most important, introduced a set of remedies, which rights and remedies can be found in sections 7 to 14 of the charter.

In effect, this institutes a constitutional code of criminal procedure. These developments inevitably led to a broad range of procedural motions that had not previously existed in order to enforce the rights and remedies now embodied in the charter.

These motions were complex, both factually and legally. They took additional time to hear and resolve. So the criminal trial process began to become both more complex and prolonged.

*Government Orders*

I can give a number of different cases as examples, but I will take one right out of the LeSage-Code report. One of the case studies that they examined, the case of Fatima Khan, was a murder case involving allegations that the two accused had killed and dismembered their young child. The trial itself was relatively speedy, lasting about 35 court days. The preliminary inquiry had taken seven days.

The important point that needs to be appreciated here is the fact that the pretrial motions, resulting from the constitutionalization of criminal law and procedure, extended over a two and a half year period where many of the pretrial motions involved charter issues.

The second causal event that contributed to the long and complex process in the modern era was the decision of the Supreme Court of Canada to fundamentally reform the law of evidence. These reforms had the general effect, as the LeSage-Code report shows, of broadening, one might say, the scope of admissibility of evidence by replacing the old rules-based approach of common law with a much more flexible principles-based approach.

● (1330)

I can give a number of examples but for reasons of time I will limit myself to one. The hearsay rule is significantly changed, so that certain out of court statements that would never have been admissible under the pre-existing law, now became admissible. Also, the voluntariness test for confessions was also changed.

These significant changes to evidence law, like the changes in a constitutionalization of criminal law and procedure, led to their own set of motions, in addition to the new charter motion. These motions concerning the admissibility of evidence of common law were now characterized by much greater flexibility than the old rules-based approach.

I will now go to a third causal event, and that was the continuous stream of statutory amendments that took place at the same time as the above development with respect to the charter and with respect to evidentiary developments. Simply put, over the past 20 years, Parliament has constantly altered and added to the existing body of statute law found in the Criminal Code, the Canada Evidence Act and the previous Young Offenders Act and Youth Criminal Justice Act.

The Criminal Code, it is not always appreciated, is now about double the size that it was only 30 years ago. The new legislation is increasingly complex, unfamiliar, untested, and this too has resulted in more lengthy and complex proceedings.

Finally, some of the new legislation was passed in relation to and expanded upon in a legislative and judicial manner, a social phenomenon of the last 20 years. I am speaking in particular of the gang related violence which began to increase in the nineties, especially in Quebec, which now has provided a trigger for the more immediate addressing of this issue today, to which my colleague has just spoken to, and the new criminal organizations provisions of the Criminal Code which were added at that time.

Similarly, there is a large number of new offences and new procedures relating to both law, evidence and constitutional considerations, as well as remedies resulting from the adoption of the anti-terrorist acts.

It can be seen that the criminal trial courts have had to absorb, in a word, a continuing almost explosion of new charter law and remedies, new common law evidence principles, new legislative procedures and new offences, and addressing new social phenomena over the past 20 to 30 years. It is hardly surprising then in these circumstances that what used to be referred to as the short, simple and somewhat efficient criminal trials of the seventies has been replaced by the long, complex and often inefficient criminal trials of the 21st century.

I would not wish to have it adversely inferred from my remarks that I am not in favour of these developments. I supported the advent of the Canadian Charter of Rights and Freedoms and the constitutionalization within it of criminal law and procedure and remedy. I supported the initiatives that arose from Supreme Court considerations of our law of evidence. Developments in the Criminal Code, to which I referred, were themselves warranted and the social phenomenon to which I was speaking also had to bring about those necessary changes and reforms in law procedure, evidence and remedy.

What we have to realize, however, is that the convergence of these four major transformative developments, of which I have been speaking, during a rather specific time in our recent history, has placed an enormous burden, particularly on the legal system and within it, specifically on the trial courts.

At this point I will speak to some of the considerations that have emerged from these four transformed events which, in effect, have identified or exacerbated certain weaknesses in our justice system. I will relate to simply three rather systemic or cultural tendencies, as the LeSage-Code report spoke of, that have themselves worsened and are not unrelated to these four transformed causal events, and which have to be borne in mind as well as we move with respect to creating a more fair and efficient criminal justice system to deal with this megatrial phenomenon.

● (1335)

The first systemic cultural observation, as set forth in the LeSage-Code report, is that the new charter remedies, the new evidence law, the motions, the statutory procedures, et cetera, all that I summarized above, share one common feature. They generally involve pretrial proceedings, in particular the development of elaborate pretrial motions practice which has had the effect of thereby delaying the trial and making it more complex.

*Government Orders*

A second broad cultural phenomenon that has emerged from this intense period of law reform, as summarized above, is that the system has become both error prone and fearful of error, in a kind of ironic dialectic. Simply, the avalanche of new and complex legal procedures, whether from the charter or from statutory amendments to the Criminal Code, or from reform of the law of evidence, has created a legal system with difficult and nuanced decision points. It is not surprising, therefore, that there are errors that occur in this new environment. At the same time, it has made judges, lawyers, et cetera, more cautionary and fearful because of this error-prone impulse. So, that too has helped to contribute to overly long trials. In fact, it suggests the need for judges with real expertise who will be effectively able to manage these cases, especially at the pretrial stage, and that underpins the importance of the case management judge, the reform of which is in the legislation itself.

The third and last of these broad systemic and cultural changes that I wish to refer to, though I cannot enlarge upon it but I think it will have a popular resonance, is the significant increase in animosity and acrimony between counsel in these proceedings, again something that the LeSage-Code report has commented and elaborated upon. Simply put, this development results, itself, in the prolonging of the trial process as the increased adversarial action on a personal level tends to result in the trial process becoming more acrimonious and fewer matters being resolved within the legal process or settled outside of it. So, here too all the stakeholders have a role to play to encourage the judiciary to insist on higher standards of civility in their courts, for the various law societies to take a strong disciplinary role in this area and for legal aid societies to exercise their statutory mandate to grant certificates to those counsels who can deliver high, effective and efficient legal services.

In closing, let me now turn to some of the specific provisions in the legislation itself. Let me begin first with the definition of megatrials. Although the whole purpose and rationale of this legislation is to address complex megatrials, the legislation itself lacks a definition of what constitutes a megatrial. The proposed section 551.1, as the Canadian Bar Association recently pointed out in its comments on this legislation, would permit an application by either party or the court to have a case management judge appointed on any trial, no matter how simple. This lack of a more specific definition has the potential to result in an overuse of such applications and appointments. It could then drain judicial resources and result in cases that do not need the detailed case management that the bill envisages in having case management judges assigned.

• (1340)

If time had permitted, I would have referred to the other considerations, which are as follows. First is the need for the appointment of a case management judge. The definition of his powers has been referred to by the parliamentary secretary and my colleagues, so I need not go into this, other than to say there needs to be close collaboration between that judge and the trial judge.

Second is that the bill streamlines the use of direct indictments and allows for delayed severance orders related to recommendations in that regard. Third is the proposal to increase the protection of jurors and to increase the maximum number of jurors. That, too, may require certain consideration at committee stage. Finally, there are the matters of mistrial.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, my colleague's opinion and views I have the utmost respect for. He speaks from vast experience and knowledge of the criminal justice system when he shares his views today on the problems we face with these megatrials collapsing under their own weight.

I am wondering if my colleague has taken note and observed the problem in the province of Manitoba of actively trying to curb the activities of the criminal element of bikers. Some of the worst biker wars the country has ever seen, second only perhaps to Montreal, were playing out on the streets of Winnipeg. We should stop calling them biker gangs as it has kind of a cachet to it. This is one gang of organized criminals fighting another gang of organized criminals over the same turf.

After years and years of detailed investigation, when we finally compiled enough evidence to lay charges, 30 and 40 charges at a time, we built a separate courthouse. We were so concerned about the safety of witnesses, et cetera, we built an independent, free-standing courthouse. I believe it cost \$28 million for the courthouse alone. Because of the bogging down of proceedings, et cetera, this trial collapsed under its own weight, the courthouse was never even used and not a single person ever gave testimony because the lawyers played the system to the point where the criminals thumbed their nose at us and walked away.

I would ask my colleague to share with us whether he is satisfied that the bill we are going to give speedy passage to today would satisfy the concerns that led to the farce in Manitoba where the bikers won and the public lost.

**Hon. Irwin Cotler:** Mr. Speaker, I am pleased to respond to that important question.

As minister of justice, I worked with my counterpart, the provincial attorney general, in Manitoba and I made express reference in my remarks to the important decision taken at the 2007 meeting that took place in Winnipeg of federal, provincial and territorial ministers of justice on the need, as was already expressed then in Winnipeg, four years ago, to address and redress these concerns.

That is why I am pleased that such an initiative has belatedly, in my view, but finally and necessarily come before us. However, I think we also have to proceed with an appreciation that if we pass the bill simply as it is, we may not incorporate some of the more important concerns and considerations to which I was referring in my remarks and to which I will make specific reference now.

I agree, of course, that the principle of having a case management judge who can focus the issues, streamline the pretrial motions and make suggestions to the parties are necessary in the context of a megatrial. The bill's proposals, if used properly, could assist in the administration of such a megatrial.

*Government Orders*

However, the proposal, to discuss just one, to allow the case management judge to make rules binding on the parties are somewhat too far-reaching and would, I believe, have some undesirable effects. For more comments on this, I would refer everyone to the LeSage-Code report, but this should be considered at committee. It is also vital that the trial judge and no other judge makes rules regarding the admissibility of evidence and that the proper relationship exist between the trial judge and the case management judge.

I also want to say with respect to jurors, that while the reform proposal has merit, it should be limited only to those trials specifically defined as megatrials and not all trials and consideration should be given to a provision that allows a trial judge to convert a jury trial to a judge-alone trial on consent of all parties when the jury composition falls below the minimum requirement of 10. This would promote efficiency and negate the need for costly mistrials.

On the issue of mistrials, while there is an important proposal to make certain rulings in the previous mistrial binding on the new trial, it is important—

• (1345)

**The Acting Speaker (Mr. Bruce Stanton):** Order, please. I appreciate the member's enthusiasm and interest in sharing the information, but we do need to get on. I think there may be other questions.

The hon. Parliamentary Secretary to the Minister of Justice.

**Ms. Kerry-Lynne D. Findlay (Parliamentary Secretary to the Minister of Justice, CPC):** Mr. Speaker, regarding the hon. member's comments on the exercise of the judicial decision being far-reaching and on the appointment of a case management judge, would he not agree that independence of the judiciary is a basic tenet of our free and democratic society? Therefore, it is a reasonable clause to allow discretion to remain within both a case management judge or the trial judge who brings that case management judge into the matter.

**Hon. Irwin Cotler:** Mr. Speaker, the issue is not the independence of the judiciary. Of course, that is taken as a given. The issue is the relationship between the case management judge and the trial judge, and when the case management judge is brought into the process, which should be done at the earliest possible moment. The issue is having consideration that, when it involves a provincial court judge, he or she may not have the authority of a superior court judge to make certain rulings and have constitutional considerations.

I was talking about the relationship between the case management judge and the presiding trial judge and the need to refine those relationships in the course of this prospective legislative where it is appropriate and able to do so.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, the hon. member for Mount Royal has given a fascinating discourse. I do not think I have heard anyone refer casually to an ironic dialectic in this place. I am grateful and I would ask him to expand on any of his points in the time remaining.

**Hon. Irwin Cotler:** Mr. Speaker, as time did not permit, I would like to make some reference to the question of costs as it can also be a drain on the system.

This particular legislation may not always appreciate some of the unintended consequences or even of necessary amendments with respect to the burdens on the system itself. It may require other actors, the federal and provincial governments, to involve themselves with respect to the proper allocation of resources such as the judiciary, crown attorneys and the involvement of probably the most senior attorneys in this regard, with respect to the legal aid and ensuring appropriate access to justice, we need to also look at the various models, and the provincial attorney general would do so, to see where the best case management models have occurred and what kind of changes would be needed, not only with regard to costs.

To conclude, if this legislation is going to work in the way we need it to work, then it is going to involve every actor in the legal system in general and the criminal justice system in particular. It is going to involve each of these actors to see how they can work in a most effective and collaborative model.

I do not think the reforms are going to end with this piece of legislation. As I said, federal and provincial governments, as well as our own Parliament are going to have to look beyond this legislation for the necessary reforms that will have to take place.

• (1350)

[*Translation*]

**Mrs. Maria Mourani (Ahuntsic, BQ):** Mr. Speaker, since this is my first speech in the House, I would like to begin by thanking the people of Ahuntsic for placing their trust in me and re-electing me for a third term. I would like to assure them that I will do what I have always done: I will prove worthy of that trust. I am very proud to represent them here. I would also like to thank my family members who have always supported me during my election campaigns and my many terms in office. As we all know, to be a woman in politics who has children, you need a good husband and a good mother. Finally, I would like to thank my entire team, the election committee and the volunteers, as well as the members of the Bloc Québécois, who worked so hard during the election campaign.

Before speaking about Bill C-2, I would like to tell the people of my riding and all Quebeckers, the 24% of men and women who voted for the Bloc Québécois, that my colleagues and I will make every effort to make their voices heard in this House and to protect their interests. I will also do my best to establish the ties of solidarity needed to allow our people to become what it should be, a nation that is the master of its own destiny, with all the authority necessary to take charge of its economic, social and cultural development.

Bill C-2 is essentially the former Bill C-53 from the previous Parliament. Members of the Bloc Québécois were in favour of this bill and, clearly, we still are, even more so because we understand the importance of mega-trials. Quebec is unique in that it has a large number of mega-trials. Recently, there have been more arrests on aboriginal reserves.

*Government Orders*

I would like to first like to make a clarification. The bill in question respects the Government of Quebec's jurisdiction in the area of justice. In our opinion, there is no encroachment on jurisdictions. This bill seeks to implement a number of measures to simplify mega-trials. These include streamlining the use of direct indictments; improving the protection of jurors' identity, which is very important, since criminals involved in this type of trial very often tend to use intimidation; increasing the maximum number of jurors; and, in the case of a mistrial, providing that certain decisions made during the trial are binding on the parties in any new trial. One of the bill's key measures is the appointment of a judge who is specifically responsible for managing the mega-trial in question.

However, this bill does not address one of Justice Brunton's criticisms. On May 31, he freed 31 criminal bikers because they could not be tried in a timely manner. This is questionable. The message we are sending to criminals is to come to Quebec because there is not enough money or resources to put them on trial, so they will be freed. For example, Operation SharQC, which cost millions of dollars in police operations, resulted in 31 bikers being let go. That is absurd.

One of Justice Brunton's main criticisms is the obvious need for judges in the Superior Court. But Superior Court appointments are made by the federal government. We feel it is time to free the Quebec government and the governments of the other provinces from this quasi-colonial dependence concerning Superior Court appointments. Quebec is not master of its domain in this area and neither are the other provinces. This applies to everyone. Consequently, the federal government is directly responsible for the disastrous release of 31 bikers on May 31.

● (1355)

And we feel that the federalist politicians in the House are silent on this topic. Are they not somewhat uncomfortable maintaining provincial dependence in this area, given that federal appointment of judges dates from a quasi-colonial era?

If the Brunton decision is upheld on appeal, the Government of Quebec, and Quebec's justice minister in particular, should be held responsible for the judicial disaster of May 31. It is their responsibility to ensure that there are enough lawyers and resources to have trials happen within a reasonable time frame.

However, the facts clearly show that the Quebec government does not yet have all the tools needed to completely control justice within its borders. For example, Quebec's justice minister was recently in a position where he had to practically beg for the support of every single parliamentarian to have Bill C-2 passed quickly.

This demonstrates how dependent the Quebec government is in administering justice within its borders when, we feel, it should have complete responsibility in this area. I will say it again: this dependence is irrefutably demonstrated by the fact that the federal government appoints judges. Do these types of relationships need to be maintained in order for Canada to continue to exist? Will it someday be possible to free ourselves from these counterproductive relationships that belong to another era?

The majority of my colleagues in the House would like Quebec to stay in Canada. But could they imagine for a few seconds or a few

minutes a Canada where there would be more respect for nations, namely the people of Quebec whom they claim to recognize as a nation within a united Canada? In fact, I would like to see that respect in all the provinces.

I invite my colleagues to think about that. Are we to continue accepting as normal the fact that the federal government appoints judges in cases where the provinces should be responsible for the management and administration of justice? This obviously includes the nation of Quebec, as we were recognized here as a nation. The provinces could appoint their own judges and make decisions about their judicial resources without having to beg Ottawa for the authority to administer their own justice system in a normal way.

Not only were the people of Quebec astounded by the release of these 31 bikers, but in the policing community, people were not very happy about having worked for nothing and having paid millions of dollars for the police operations. As a private citizen and the member for Ahuntsic, I found this to be mind-boggling. Having worked in criminology and with the police on a regular basis and knowing this type of individual, I can say that they laughed their heads off. The justice system came across as rather pathetic.

I invite my colleagues to think about that. We will support this bill, which is a step in the right direction, but the heart of the problem is that the provinces and the nation of Quebec should be able to make decisions with respect to their judges. I am not just talking about their appointment, but also about how many should be appointed. The problem in Quebec was that there were not enough judges, not enough lawyers, not enough courtrooms and not enough cases. That is a serious problem that runs quite deep. We have to take this further than just one simple bill, no matter how good it is. We are not against the bill and we plan to vote in favour of it.

In closing, public safety is not just about putting people behind bars or passing a few bills; it is also about providing the necessary resources to enforce the law. Creating laws is one thing, but enforcing them is another.

\* \* \*

● (1400)

[English]

**BUSINESS OF SUPPLY**

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, in light of the announcement made earlier today in the House by the Minister of Labour, we have some new opportunities with regard to House business.

As such, I wish to designate Monday, June 20 as an allotted day. This will be in lieu of the allotted day I earlier designated on Tuesday, June 21. Wednesday, June 22 will remain the last allotted day in the supply period.

*Government Orders*

[Translation]

**FAIR AND EFFICIENT CRIMINAL TRIALS ACT**

The House resumed consideration of the motion that Bill C-2, An Act to amend the Criminal Code (mega-trials) be read the second time and referred to a committee.

**Ms. Hélène LeBlanc (LaSalle—Émard, NDP):** Mr. Speaker, I thank the hon. member for Ahuntsic and congratulate her on her re-election. I have a question for her in response to her speech. If the appointment of superior court judges were delegated to the provinces, how would that speed up the trial process?

**Mrs. Maria Mourani:** Mr. Speaker, I thank my hon. colleague for her question. The answer is very simple. Justice Brunton said there was a serious shortage of judges. There are several factors, such as court rooms, lawyers, and so on, but there is also a serious shortage of judges. The number of judges cannot be determined by Quebec or any other province. The federal government decides that.

Since Quebec is supposedly a nation and the administration of justice is supposed to be left to the provinces and the Quebec nation, which has been recognized by this House—within a united Canada, of course—then they should be able to appoint judges. Judges are one of the foundations, the very pillars, of our justice system. We need to have an appropriate number of judges for Quebec. Perhaps 12 or 13 judges are enough for Ontario. In Quebec, there are many mega-trials. We have a particular situation involving bikers and street gangs. Within our police culture in Quebec, it is quite common to conduct large-scale police operations to catch many criminals belonging to the same organization and to hold mega-trials.

Quebec created the Gouin Judicial Services Centre to address our very particular criminal situation. In fact, anti-gang legislation originated in Quebec.

Considering our particular situation in that regard, we have specific needs regarding the number and selection of judges. This power needs to be handed over to the provinces so that each province and the Quebec nation can decide what is best for them. However, if the federal government is the one to decide, our hands are tied and we have to wait for the government.

[English]

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I, too, agree that Quebec has taken some extraordinary necessary steps to deal with organized crime because the province of Quebec has been plagued with extraordinary problems with biker gangs. I sympathize with that fully. My province of Manitoba is similarly cursed with the overwhelming influence of organized crime in the form of biker gangs.

Would the hon. member briefly comment on another initiative in this same vein, whereby we could seize the proceeds of crime from bikers? Nothing bothers police and criminal justice officials more than driving past a biker leader's house to see that he has a boat, a car, a Ski-Doo, a Cadillac, an Escalade and no visible means of support for the last 20 years. Would she agree that we should be able to put a reverse onus bikers? If the bikers cannot prove where they got the money to buy all that stuff, we should be able to seize it from them, auction it off and put that money toward further prosecutions?

● (1405)

[Translation]

**Mrs. Maria Mourani:** Mr. Speaker, I thank my colleague for giving me the opportunity to comment on this matter.

I would like to remind my colleague that the Bloc Québécois fought for the seizure of proceeds of crime, and won. At this time, proceeds of crime are seized.

However, there is an important measure that could be implemented. In Montreal—and I believe the same thing is happening throughout Canada—street gangs in particular have started to get out of the drug trade and to concentrate solely on human trafficking and prostitution.

The seizure of proceeds of crime does not apply to procuring or alleged human trafficking. It applies to drugs and under other Criminal Code sections, but paradoxically it does not apply to human trafficking, one activity of these gang members, and it does not apply to procuring in particular.

This measure should be added to the Criminal Code. Perhaps my colleague remembers that I introduced a bill on human trafficking, which included these two measures. Under the bill, if a person was found guilty of procuring and human trafficking, or of either offence, the proceeds of the crime could be seized. The onus would be on the accused to prove that his big house and assets were the fruits of his labour and not the proceeds of crime. This represented reverse onus. It is an important measure. I hope that all my colleagues will support the adoption of this measure, which I will again introduce in this House in my bill on human trafficking.

[English]

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, seeing that we have a couple of minutes left, I think it is incumbent upon us to explore the innovations put forward in the bill to the greatest extent possible.

I am particularly interested in the theme of the proceeds of crime that my colleague was just addressing. It is a big ball of wax if we start to reverse the onus on people. I am just wondering how, in the context of her initiatives, she dealt with the implied infringement of civil liberties associated with seizing the assets. How is the burden of proof measured? What is the test they would contemplate in proving that the goodies one plays with are not the proceeds of crime? We need to establish these things and it is worth—

**The Acting Speaker (Mr. Bruce Stanton):** Order. The hon. member for Ahuntsic. A very brief response.

[Translation]

**Mrs. Maria Mourani:** Mr. Speaker, I will try to be brief even though this is a rather complex issue.

*Government Orders*

I would like to tell the hon. member that this currently exists in the Criminal Code. When a person says that he works at McDonald's and that he has a large, million dollar home and that the house is in his name, it raises questions, particularly if that person was arrested for major drug trafficking; we know that the person is a member of the Hells Angels or another street gang. Generally—

[*English*]

**The Acting Speaker (Mr. Bruce Stanton):** Order, please. It being 2:09 p.m., pursuant to an order made earlier today, it is my duty to interrupt the proceedings at this time and put forthwith the question on the motion for second reading now before the House.

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

**Some hon. members:** Agreed.

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

**The Acting Speaker (Mr. Bruce Stanton):** Accordingly, the bill stands referred to the Standing Committee on Justice and Human Rights.

Is the Chief Government Whip rising on a point of order?

• (1410)

**Hon. Gordon O'Connor:** Mr. Speaker, I would ask that you see the clock at 2:30.

**The Acting Speaker (Mr. Bruce Stanton):** Is it agreed to see the clock at 2:30?

**Some hon. members:** Agreed.

**The Acting Speaker (Mr. Bruce Stanton):** Accordingly, it being 2:30 p.m. the House stands adjourned until Monday, June 20 at 11 a.m. pursuant to an order made on Thursday, June 9 and to Standing Order 24(1).

(The House adjourned at 2:10 p.m.)

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