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Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Monday, October 22, 2012

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1100)

[*English*]

FIRST NATIONS

Hon. Bob Rae (Toronto Centre, Lib.) moved:

Motion No. 386

> That, in the opinion of the House, the Indian Act is the embodiment of failed colonial and paternalistic policies which have denied First Nations their rights, fair share in resources; fostered mistrust and created systemic barriers to the self-determination and success of First Nations, and that elimination of these barriers requires the government to initiate a formal process of direct engagement with First Nations within three months of passage of this motion, on a nation-to-nation basis, which focuses on replacing the Indian Act with new agreements based on: (*a*) the constitutional, treaty, and inherent rights of all First Nations; (*b*) the historical and fiduciary responsibilities of the Crown to First Nations; (*c*) the standards established in the United Nations Declaration on the Rights of Indigenous Peoples, including the principle of free, prior, and informed consent; (*d*) respect, recognition, reconciliation and support for First Nations; (*e*) partnership and mutual accountability between the Crown and First Nations; and (*f*) stability and safety of First Nations; and that this process be completed within two years before reporting with a series of concrete deliverables for the government to act upon.

He said: Mr. Speaker, I appreciate the chance to move the motion and to participate in the discussion on it.

I hope there is a general consensus in the House that a piece of legislation that was first passed in 1876, which reflected the power relationships and the values of that particular time in our history, is hardly the basis upon which we need to go forward in the 21st century in this critical question of the relationship between first nations, Inuit and Métis people of this country and the governments of Canada, including the provinces.

The motion requires the government to start a process of discussion and negotiation with respect to replacing the Indian Act with a new set of laws, treaties and understandings that would establish a new relationship on a basis of genuine equality, not on the basis of paternalism, not on the basis of a colonial relationship that stems from the past, not on the basis of a severe power imbalance between the governments of Canada and the aboriginal people of the country, but on a basis of true equality.

Like everyone in the House, I was genuinely moved by the Prime Minister's speech, which he gave on the unforgettable moment when the government and the Prime Minster in person delivered an apology to those who had been forced to go to residential schools. We all recognize that the Prime Minister's apology went well beyond the issue of residential schools, as significant and important as that issue is. What I think the Prime Minister was doing was stating on behalf of all Canadians that this is a relationship that has somehow gone wrong historically and that it is important for us to get it right.

● (1105)

[*Translation*]

Since the first Europeans landed on the shores of what we call Canada today, there has been a great deal of tension—let us face it—between those who arrived as immigrants, that is, representatives of a colony, and those who had been living in Canada for centuries. These people have known illness, death, war, discrimination and racism. Relationships have been difficult.

If you read the debates of the House of Commons from the 19th century, when the Indian Act was first passed, it becomes clear that people at the time thought that aboriginal people would probably not survive very long as a population.

Now the reality is quite different: over 1 million aboriginal people live in Canada. Young aboriginal people are studying at college and university and have professional careers or are business people.

Quite a change has taken place. We must recognize that their communities are no longer isolated, even if they are geographically remote and without resources. At two or three years old, aboriginal children watch the same television programs. They see the possibilities that exist in the world.

However, they do not have the same opportunities to access those possibilities.

[*English*]

I continue to believe that, although this issue may well not be top of mind among a great majority of Canadians, according to the polls we see, and it may not be a subject that people think is the most important question we need to deal with, when the House considers the question we have to show some leadership to the people of Canada. We need to say it is time for the country to wake up and realize there are steps that need to be taken, barriers that need to be broken and bridges that need to be built so we and all Canadians can look at ourselves in the mirror and say we are one as a country, we are one as a family, we are one people.

Throughout my political and public life, I have found it difficult to somehow square the discrimination and inequality that we see around us all the time with this notion that we are one country providing the same level of opportunity. The statistics are there. We can recite all the statistics with respect to the incomes, the outcomes, the tragedies of suicide or the appalling and difficult conditions that exist on many reserves and in many communities, as well as the sense of bafflement and loss we can see in any major city just walking down the street and encountering those who are lost, those who are marginalized and those who will say, "This is where I come from. Can you help me out?" All of us have faced that, and all of us know that something is not quite right.

In a way we often say this and then turn back away from it, but I say to my colleagues on the other side of the House that this is not a partisan question. If anyone on the other side of the House wants to stand up and say we did not do enough, our party did not do enough when it was in power, we did not do enough when we were in government, we did not take the steps they have made and they are better than us, I will not enter into that argument because I do not regard this as a partisan question. It is not something any of us can look at and say all governments have done something and we have seen some important progress.

At the same time, we have to recognize that we simply have not done enough. I am convinced that part of the problem is that there is a key tension in the legislative and legal framework that surrounds this relationship. We should think of what we have done. In adopting the Constitution in 1981, we accepted the fact that treaty and existing aboriginal rights were in fact protected. We then had a process of negotiation, which did not go anywhere under Prime Minister Mulroney. He tried hard. He believed in it. He created a royal commission to point out the problems and inequalities to Canadians. We had negotiations at Charlottetown. We made great progress on self-government in the Charlottetown accord, but it was voted down by Canadians in a referendum.

The courts have made great progress in recognizing self-government and the duty to consult, but we still have real tensions. We have a relationship of inequality. We have a government and governments that decide what budgets will be and allocate funding, and frequently that funding is allocated on a discriminatory basis. It has taken the first nations people three years to get the issue of discriminatory funding on social welfare in front of the Canadian Human Rights Tribunal because it was fought all the way by the lawyers on the other side.

The minister says he wants to do the best he can for education, and I am prepared to accept him at his word. However, there are a lot of arguments about what resources have actually been provided and are being provided.

Just last week I was in a northern community in Nunavik in northern Quebec. There is a housing shortage of as many as a thousand units in one community in Kuujjuaq. We see this situation every day. The most touching situation we have seen is that in that very same community three kids committed suicide in the space of a week, and on the wall in the school was a big agreement signed by the students saying, "I promise to live". They all signed it because they wanted to make that commitment.

I wonder if internationally we can really hold our heads up high when we recognize the discrepancy between the conditions that exist for the majority of Canadians and the conditions that exist for those who are first nations and aboriginal people. I do not think we can. Therefore, how do we deal with this?

● (1110)

The way we need to deal with this is to get back to the fundamental fact that people and communities were here before the Europeans arrived. Treaties and laws existed before the Europeans arrived. Contrary to the orthodoxy of European-based law, this was not terra nullius, no one's land. This land belonged to people who had laws, customs, religions and a way of life.

Since coming here, yes, some treaties have been signed, but many have been broken or not lived up to in spirit. We need to get back to a relationship of equality, a relationship of genuine respect. As long as there is fundamental, paternalistic and colonial legislation that drives the power of the government, the minister and the powerlessness of others, then something is wrong. It has been said that power corrupts, and that is true, but it has also been said that powerlessness corrupts, and that is true as well.

We have allowed something in this relationship to fester, not just over a few years or through one administration or another, but over centuries. Something has been deeply corrupting in this relationship and to make it better, to go beyond words of reconciliation, we need to take action with genuine negotiation and a changed relationship. We need a different relationship in terms governance, authority and power. We need mutual accountability so that aboriginal communities and their leaders are accountable and transparent but governments must also be accountable for what they do.

As we talk about this new relationship in terms of governance, we also need to talk about new relationships in terms of resources. Canada's vast resources and wealth are not being appropriately shared with those whose lands of this great country first was. No one should have a begging bowl to go to the governments of Canada to ask for a share of the resource revenue. Governments of Canada need to wake up and understand that it is not just the power imbalance but it is also the financial and fiscal imbalance that must be met.

These will not be easy discussions and negotiations but they are discussions and negotiations that need to happen. However, unless the House has a sense of the timetable to be followed to get us to where we need to get to, we will not make the progress that we need to make.

As a country, I believe that we genuinely have a rendezvous with who we are, with our past as well as with our future. I believe more strongly than anything in politics that this is an issue whose time has really come.

We cannot put it off. We cannot pretend that simply tinkering around the sides of the issue will work. We need to address these questions of this relationship. The respect and dignity that we owe each other must be put at the heart of this relationship.

● (1115)

[*Translation*]

We need to return to a world of respect, a world of dignity and a world of equality. Frankly, it is everyone's duty, not just that of parliamentarians, but of all Canadians, to see this country as a great country not only because of its resources and wealth, but also because of its values and our commitment to ensuring that those values are implemented and that they become a reality, since this has not been the case so far.

[*English*]

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Mr. Speaker, I was proud to open the first hour of debate on my private member's bill last Thursday, which proposes amendments to the Indian Act that would take concrete steps to help first nations escape from the shackles of this outdated, colonial and archaic act. My bill would provide greater autonomy for first nations people and lessen the role of the federal government's involvement in the day-to-day lives of first nations citizens. It would give back key decisions and powers to the first nations people and would repeal provisions that allow for the establishing of residential schools.

Why is the hon. member opposed to repealing sections of the act that would prevent residential schools from being established or that would hand over more power to first nations people?

Hon. Bob Rae: Mr. Speaker, I have had the opportunity to look at the private member's bill that stands in his name and I congratulate the hon. member for taking an initiative, for the spirit in which he posed the question and for the spirit of his amendments.

My concern about his particular measure is twofold. One is that I do not think it goes far enough and, in a sense, lets everyone off the hook a little too much. The second is that, to my knowledge, the amendments have not been thoroughly discussed and negotiated with the people who would be affected by them. I think that is the only criticism that has been raised by people on our side. I would be quite happy to sit down and talk with the hon. member about his legislation if he would be willing to talk about my motion.

It is not a matter of competing motions and bills. If there is a common objective that is shared with the people of the first nations leadership, then, by all means, let us proceed. I have spent a lot of time discussing my measure with the leadership of the first nations and I think there is substantial support for what we are proposing.

● (1120)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I thank the hon. member for tabling this motion on a very important matter for which my party is also very concerned.

As the member has pointed out, which is something that the House needs to be reminded of daily, it is the unilateral powers and responsibility of the federal government to implement the measures to provide for the government to government and nation to nation relationship with first nations, which it promised to do as recently as this past January. We have seen case after case where first nations have had to go to court to force the government to live up to the Supreme Court Mikisew decision on the duty to consult and accommodate. Superceding that, we now have the Declaration on the Rights of Indigenous Peoples.

I wonder if the member could speak to what particular measures he thinks should be first and foremost in order to move this agenda ahead so that we can start moving forward with treating the first nations as an order of government and allowing for and facilitating self-governance.

Hon. Bob Rae: I genuinely hope, Mr. Speaker, that we in the House can commit to making progress in this field. I am certainly not one who is opposed to making some progress as opposed to none at all.

However, we need to recognize that we have international obligations as a country. The government, for example, in the case of the social welfare case, continued to fight it for three years in terms of getting access to the Canadian Human Rights Tribunal. The minister is still able to exercise very arbitrary powers with respect to whether an aboriginal government even exists, as in the case of Attawapiskat.

The government needs to tell us what it is prepared to do in order to show good faith as we go forward, but a negotiated process needs to be set out. We tried to set it out in Charlottetown with a timetable but that was not successful in a referendum. It has now been 20 years since the adoption of the Charlottetown accord by all of the premiers, leaders of the first nations and the Government of Canada. I would have thought that governments themselves could go back to that agreement and say that they agreed to that in the past and that they will move forward, particularly given the strength of the court decisions that have been taken and the fact that Canada is now a signatory to the UN convention.

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Mr. Speaker, I am pleased to speak today against the motion brought forward by the member for Toronto Centre. This motion is nothing more than an empty promise that contains nothing concrete or deliverable for first nations people. I am convinced that anyone who examines this motion closely will arrive at the same conclusion.

The first part of the motion before the House today states:

> That, in the opinion of the House, the Indian Act is the embodiment of failed colonial and paternalistic policies which have denied First Nations their rights, fair share in resources; fostered mistrust and created systemic barriers to the self-determination and success of First Nations....

It is for those exact reasons I introduced Bill C-428, the Indian Act amendment and replacement act. The preamble to my private member's bill acknowledges the following important points:

> ...the Indian Act is an outdated colonial statute, the application of which results in the people of Canada's First Nations being subjected to differential treatment;
>
> ...the Indian Act does not provide an adequate legislative framework for the development of self-sufficient and prosperous First Nations' communities;
>
> ...the Government of Canada is committed to the development of new legislation to replace the Indian Act that better reflects the modern relationship between it and the people of Canada's First Nations;
>
> ...the Government of Canada is committed to continuing its work in exploring creative options for the development of this new legislation in collaboration with the First Nations organizations that have demonstrated an interest in this work;

The preamble in my private member's bill would more than adequately accomplish what the member for Toronto Centre is trying to say in the first part of his motion, though my bill would go much further to actually take concrete action for first nations people.

The second part of the motion calls on the government to eliminate these barriers by initiating "a formal process of direct engagement with First Nations...on a nation-to-nation basis, which focuses on replacing the Indian Act with new agreements...and that this process be completed within two years before reporting with a series of concrete deliverables for the government to act upon".

The Liberals had 13 years to begin such a process but they did not get it done. First nations people do not need more talk about failed colonial paternalistic policies. They need concrete actions. First nations should not have to wait another two years before the government starts a process that would enable the first nations to get out of the Indian Act. I believe the time is now to start correcting the injustices that have been done to my people and begin equipping them with the tools to get out from underneath the colonial and paternalistic legislation that is holding my people back from achieving their full potential and becoming full participants in Canada's economy.

I had the pleasure of opening my debate on my private member's bill this past Thursday. The goal of my bill is to: eliminate the minister's role in the administration of estates and the approval and voiding of wills; remove the minister's bylaws disallowance powers and, in doing so, hand over greater control and accountability to first nations; remove outdated and archaic provisions of the Indian Act, such as the requirement for permission to sell produce; repeal all references to residential schools; and, most important, require the Minister of Aboriginal Affairs and Northern Development to report annually to the parliamentary committee on action taken in partnership with first nations and other interested parties to develop new legislation to replace the Indian Act.

Anyone can see that this is not an attempt to completely overhaul the Indian Act. Rather, these amendments would bring about concrete, practical changes that would lead to real results for first nations people and enable them to achieve greater self-sufficiency and prosperity. I also emphasize that this is not an attempt to unilaterally impose changes to the Indian Act on first nations people. Rather, it would provide for greater communication and collaboration in a way that is respectful and modern as we work together toward our shared objective of healthier, more self-sufficient first nations communities.

As members know, a private member of the House of Commons has limited resources to conduct extensive consultation. However, I have made significant efforts to consult with first nations on this bill.

● (1125)

My riding has 23 first nation communities and the second largest first nation population in Canada. I have also spoken to chiefs, tribal councils and grassroots members over the past four and a half years about the importance of moving forward with the scrutiny of the Indian Act. I have served in the House, written all 636 first nation communities on four separate occasions and spoken in a number of public forums on the substance of my bill. I have also encouraged and invited feedback from first nation chiefs, members and other interested parties on the bill, including through my website and direct communication with my constituents.

I am also looking forward to the study of my bill in committee, which will provide yet another venue to hear first-hand from first nations and other interested parties on the content of the bill.

As we can see, I have not arrived at the current set of changes in the bill on my own, but rather through consultation with other first nation members within my own constituency as well as around the country. One important point is that I have revised my bill four times based on feedback that first nations have provided to me. In fact, I am also open to amendments that may come forward through this important dialogue.

It is my hope that one day the changes proposed in my private member's bill will help lead us closer to a more modern, respectful relationship between the federal government and first nations, and will continue—

● (1130)

Mrs. Carol Hughes: Mr. Speaker, I rise on a point of order. The member is talking about his private member's bill and not the motion. Could he please focus his thoughts on the motion?

The Acting Speaker (Mr. Bruce Stanton): For the member for Algoma—Manitoulin—Kapuskasing and the benefit of all members, members are afforded a great deal of freedom in terms of how they wish to create parallels with different ideas around the question that is before the House. As I have followed the speech, I have not heard anything that is particularly not pertinent. Of course, it is up to the member to keep those ideas referenced to the question that is before the House. I am sure he will be summing up that way in short order.

Mr. Rob Clarke: Mr. Speaker, this is the same paternalistic approach that the opposition always takes regarding first nations, that we are not good enough to be able to present speeches in the House of Commons.

The government and first nations continue on a path to repeal and replace the Indian Act in its entirety. A yearly report by the aboriginal affairs minister on the progress made in this regard will be invaluable in gauging the development of new legislation to replace the Indian Act. It will establish a collaborative approach to work our way out of the Indian Act in a manner consistent with a renewed relationship between first nations and the Crown.

The government, under the leadership of our Prime Minister, has made significant strides toward improving the health and well-being of our first nation communities in collaboration with first nations.

I am very excited about the prospect of working with first nations to create a more contemporary and beneficial piece of legislation to replace the Indian Act. As I stated Thursday, this is not a partisan effort. I am bringing forward the bill as a proud representative of my riding, as a proud first nations man and a proud Canadian who wants to see a better life for all first nations and all Canadians.

I urge my colleagues to oppose this motion and support my bill. The motion does nothing to improve the lives of first nations, while my bill would take incremental and concrete steps that would pave the way for first nations people to get out of the Indian Act entirely.

[*Translation*]

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Mr. Speaker, since the issues we are studying in this rather odd bill are quite philosophical in nature, the arguments I will make in this House will be very much inspired by the clan dynamic of my community of origin.

For the past year or so, members of Parliament—especially the Conservatives—have told me a number of times that they have a hard time understanding my reasoning and that they have tried to see where I was going with my arguments and speeches. I will say the following: I come from Uashat, a community not far from the 52nd parallel in northern Quebec. When people come to visit my community for the first time, I tell them that it is a whole other galaxy and that the way the rest of the country thinks does not necessarily apply in isolated communities. That is why my speech today will seem similar to many others I have made, in that it will be a bit outside the box and will be empirical.

There is obviously a reason why the communities seem galaxies apart. Even their cosmogonic concepts are different, their views on creation and relationships between individuals, nature, animals—are all different. There is no comparison between European concepts and concepts that can be found around the country and around the planet. That is why, sometimes, it is good to be empirical and philosophical, which I will do today.

Right now, aboriginals across the country are questioning the very idea of community management organizations—band councils. The fact that members of these communities are rejecting a number of management institutions has resulted in individuals disassociating from the measures endorsed by band councils.

We are seeing aboriginal communities becoming more politically, economically and culturally assertive. This is first and foremost an individual affirmation. I do not want to generalize, but I am going to base my remarks on the experiences of the Mamit Innuat and the people in my riding. There are approximately 15,000 Indians in my riding. The members of these communities are using their personal strengths to assert their rights, and sometimes this assertiveness goes against the band councils' agenda.

It is important to understand that the band councils were a joint creation. We like to think that they were created jointly with the Government of Canada back in the days when the legislation referred to aboriginal people as savages. The band councils were created because the Canadian government needed a designated spokesperson within the communities. That is why a very similar regime, namely a chief and a certain number of councillors depending on the size of the population, was imposed on each community. In my riding, the Innu Takuaikan Uashat Mak Mani-Utenam nation has nine councillors and a band chief. This model was imposed almost universally; however, it was inconsistent with the existence and traditional way of life of the Innu people living in the forest. They lived in small families made up of a maximum of 10 people and met just twice a year when they gathered near the river in the summer to get away from the mosquitoes or on other very specific occasions.

The decisions that are made and implemented by the band councils in 2012 are sometimes coloured by the agendas of individuals outside the communities. It is important to understand that anything to do with the development of natural resources in the territories generates hundreds of millions of dollars. That is a huge amount and it can be enticing for individuals outside the communities with different agendas. These individuals may want to interfere in the band councils' administrative decisions. Thus, there is interference.

The fairly low level of literacy in aboriginal communities can also affect our decision-makers. Often, they lack the wherewithal and do not necessarily have the training to manage files worth hundreds of millions of dollars. For that reason, they call upon external experts and, too often, blindly delegate the management of these files, which results in interference and a wait-and-see approach. Then, people outside the community take control. That is why, in 2012, many members of aboriginal communities are disavowing and dissociating themselves from the decisions made by the band councils.

● (1135)

I will now make the connection and talk about the matter before us today: replacing the Indian Act with new agreements, which I think is desirable. However, any innovation must arise from and effect change within the communities first. I know that, ultimately, the Canadian government will be involved in writing the legislation, obtaining royal assent and so on, but change must begin within the communities.

There is a troubled history, and we must revive the process of emulation traditionally used within bands, when people spoke candidly to one another. This approach must prevail in 2012 if we truly seek to change and improve the lives of first nations people. If we want to help communities achieve more intellectually, economically and socially, these truths must be spoken, but they must be spoken first within the communities. The Canadian government's role is therefore limited in that regard.

Beyond that, I feel it is important to point out to the House that initiatives intended to modernize the Indian Act must be set in motion by individual first nations members themselves. Given the tremendous burden that would fall on the government as a result of the proposal before us today—that is, change driven primarily by the Canadian Parliament—that burden would be better left to the communities, which will be responsible for managing it in the end. One member mentioned that there are millions of Indians in Canada. I could never pass judgment on actual compliance rates with each band council's policies. However, with respect to my community, the Canadian government would be wise to allow aboriginal peoples and individuals to take responsibility for change to ensure that it comes from within.

According to traditional conflict resolution models, members of aboriginal communities in Canada should tackle problems within their own clan structures directly, which means bringing to light financial wrongdoing—which does occur—and abuses of power committed by prominent individuals who have benefited personally from social dysfunction fomented by the unhealthy relationship between the Canadian government and their communities. I am not necessarily talking about our leaders, but about the individuals who wield significant power in our communities.

I will now introduce a concept that will be quite new here, after 500 years of cohabitation. In the Innu language, we say *menashtau* when referring to individuals who mainly live in our own communities and who have adopted a self-centred lifestyle. We use the term *menashtau*. This can apply to individuals who, more often than not, have access to financial resources and who establish businesses. They carry the burden of ensuring the economic development of each of the communities. They have key positions.

The problem is that, in 2012, many of these people are *menashtau*. They put their own well-being first because they know that their term of office or political life may not last long, because it tends to be short-lived in these communities. They definitely know that they have about two, three or four years. So they decide to raid the kitty when the opportunity presents itself.

I would say that the first step in effecting change is to ensure that we raise the bar. These issues must be dealt with directly. The communities themselves will have to air their dirty laundry. *Menashtau* individuals will have to be held accountable for their actions, by the communities, Indian to Indian, and then they will be able to find common ground.

● (1140)

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is a pleasure to rise in favour of the motion. It is critically important that all members reflect on what the motion attempts to do and vote accordingly.

I listened the Conservative member's speech, as we all did. I tried to understand what he was trying to share with members. I think, in good part, many members would acknowledge that what he spoke about was very important. I am sure, upon reflecting on the motion before us, that he, along with the government members, would see the merit in supporting it. It is imperative we recognize that any sort of movement on the Indian Act has to be led by our first nations people.

Over the years, there has been a great deal of discussion and dialogue with regard to the need for change. I can recall, shortly after being first elected in 1988, meeting with individuals like Phil Fontaine, Ovide Mercredi and many other aboriginal leaders, who are still there today. They wanted to see this file move forward.

For the last couple of decades, a great number of leaders from within our first nation communities have recognized how outdated the 1867 Indian Act. It is important that we also recognize that. The legislation needs to be changed and modernized. To that extent, we want to see the government respond to that.

I applaud the fact that we have a Conservative backbencher who has taken it upon himself to bring forward a private member's bill. We respect that, but we want to see action from the Prime Minister's Office.

This issue dictates that we need a government that is prepared to work with our first nations and the different stakeholders to address the critical issue of getting rid of the Indian Act and modernizing it so it fits the present. Failing that, we will continue to see the many different stakeholders frustrated. In this heightened sense of frustration, there are many different types of problems that are created.

Back in 2011, there was an interesting *Winnipeg Free Press* article, and I want to quote from it because it touched me. I believe, ultimately, through this report, it sends a very strong message of which we all need to be aware.

In fact, a committee was established by the Senate. The committee chairman, Gerry St. Germain, who is a Conservative senator from British Columbia, said in the conclusion that we needed to recognize the fact that first nations education was in a crisis. The report found that seven in ten aboriginal children living on reserves would never graduate from high school. In many communities, children who attended school would never enjoy things such as libraries, science labs or athletic facilities and some would never set foot in a real school at all.

This is just one report of many reports over the years that have tried to highlight these issues that are very real, that are very tangible and, I would ultimately argue, that destroy lives. There are thousands of children's lives and future prospects at stake.

● (1145)

If the federal government does not recognize the need to overhaul or get rid of the Indian Act, we will destroy the potential of so many children going forward. The leadership and our first nation people want the government to come to the table in good faith and work with them on ways in which we can improve the system.

There are many different ideas and thoughts out there. We all have a responsibility to get a better understanding of the issue and then to encourage the leadership, whether from our first nations, or on the Hill in Ottawa, or inside our legislatures across Canada, working with our municipal leaders and bringing them together with the leadership of first nations, recognizing the role they have to play in replacing the Indian Act. If we fail at doing this, we will let down the generations of children, who will be lost or disadvantaged because we chose not to act.

What I like about this resolution is the fact that it has a very responsible approach to try to deal with what is the core of the motion, and that is a formal process of direct engagement with first nations within three months of the passage of the motion and with the idea of replacing the Indian Act with new agreements. It is based on things such as our constitutional agreement and other points.

That is the heart of the motion. That is why I was concerned when the Conservative member recommended that members might want to vote against it. The motion is not a reflection on an individual's private member's bill. We want to get a better understanding of the member's bill referred to, but the motion is for the House to take some responsibility for what the aboriginal leadership, in particular, first nation leadership, has talked about for years.

The motion is really all about that. It asks members of the House to take note of this. There is nothing new, in the sense of anything I could say, or the leader of the Liberal Party said in his speech, in terms of huge policy announcements. We are saying that we have to recognize that our aboriginal peoples, in particular first nations and their leaders, have been talking for years about how important to redefine the Indian Act and replace it. Our aboriginal community, in particularly our first nation leadership, will have to drive this. It is looking forward to a government that is going to respond to that need. That is what we are asking the House to do, and there is a timeline. There is nothing wrong with that.

My challenge to members, as they decide to either vote for or against the motion, is to reflect on two things: first, the stakeholders, in particular first nations, that have demanded the importance of this issue; and second, how important it is for future generations that this issue be dealt with. I ask all members to vote in favour of the motion.

● (1150)

Mr. Greg Rickford (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, for the Canadian Northern Economic Development Agency and for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I appreciate this opportunity. I want to talk today about a couple of observations I have made so far in the debate. First, the spirit of both the leader of the third party and the member from this side have some kind of common objective or goal. I think everyone in the House agrees that the Indian Act does stand in the way of successes of first nations communities and continues to prevent first nations from becoming more autonomous, self-sufficient and full participants in a Canadian economy. The question is the pathway.

The motion today, in my respectful view, proposes an ill-conceived process to get rid of the Indian Act and would jeopardize current progress made by this government and first nations. Indeed, whether we talk about the Indian Act or the legislation that has been produced, going back the past couple of decades but particularly in the last six years, the motion says that we should undo all of that and recreate something in three months.

It seems a little unusual, and probably not achievable, given the number of communities across the country that are implicated in this, which raises my final point in this observation with respect to the debate so far. It appears as though the leader of the third party was using a frame of reference for a number of Inuit communities that actually are not under the Indian Act.

I hope, when the member says that he had consultations with first nations leaders or aboriginal Canadians, they were people who had a thoughtful reflection on the Indian Act.

This motion ignores the fact that the government has been engaging directly with first nations communities and organizations to conclude a number of agreements and develop legislation, tangible options that go outside of the Indian Act. There are some examples. The First Nations Land Management Act brings a community out of more than 25% of the act, read together, for example, with the substantive proposals in my colleague's private member's bill.

We are dealing with a number of important things: removing once and for all any legislative reference to the Indian residential school; dealing with the powers of bylaws at the community level; and dealing with wills and testaments. These are substantive changes that are overdue, not to mention the fact that the Conservative member who has brought the private member's bill is a first nations Canadian. He falls under the Indian Act for the purposes of his status. He brings, in the context of a private member's bill, and as I understand as a person who is generationally tied to the Indian residential school, a particularly meaningful and thoughtful perspective to incremental changes that need to be made.

At the historic Crown-First Nations Gathering held this past January, the Prime Minister reiterated our commitment to working together with first nations. He said:

> —there are ways, creative ways, collaborative ways, ways that involve consultation between our government, the provinces and First Nations leadership and communities. Ways that provide options within the Act, or outside of it, for practical, incremental and real change.

The good news is that the Prime Minister has seen to it that this is already in process and we continue to bring legislation before this place that is substantive and dynamic to the extent that it incrementally chips away at the scope of the Indian Act and certainly attempts, in best efforts and good faith, to deal with those parts of that legislation that are no longer useful and that no longer apply and hold us all back as Canadians, not just first nations for the purpose of the Indian Act.

We know from past experience that proposals to significantly overhaul the Indian Act did not work and many of them came from that side of the House, from that third party. The Liberals passed attempts to overhaul the Indian Act, all of which were met with complete and utter failure and failed substantively to develop modern legislation and meaningfully dismantle the Indian Act.

● (1155)

In 1969, for example, Jean Chrétien published a white paper that sought to introduce measures to assimilate first nations people. That paper was overwhelmingly rejected by first nations people.

In 1996, the same party introduced the 1996 Indian Act optional modification act that attempted to introduce major changes to a number of areas, such as band governance, bylaw authority and legal capacity and the regulation of reserve lands and resources. It was also met with significant opposition and died on the order paper.

Most recently, in 2002, Bob Nault, the former MP for Kenora, from where I hail, introduced the first nations governance act, which would have involved significant changes to aspects of band governance. Many of those proposed changes were quite positive, but the bill died on the order paper.

For the past six years, in stark contrast, this government has been taking real action to provide first nations with alternatives to the Indian Act. Here I would like to expand on a series of targeted incremental initiatives that demonstrate the government's firm resolve to addressing the challenges the Indian Act presents to the political, social and economic dynamic and development of first nations communities that fall under the Indian Act. Our approach is to bring incremental change in consultation with first nations through new measures, investments and legislation that would provide alternatives to the Indian Act.

Earlier this year, we welcomed 18 new first nations to the first nations land management regime, which I referred to earlier. The regime enables first nations to opt out of more than 34 land-related sections of the Indian Act and, in the process, assume greater control over their reserve lands, resources and governance.

There are now 56 first nations operating or developing land laws under enabling legislation known as the First Nations Land Management Act. Participating first nations are better able to pursue economic activities, create jobs and have more self-sufficient communities. To improve the regime, we collaborated with the First Nations Land Advisory Board, removing legislative barriers that prevent or delay first nations from taking advantage of the benefits of assuring land management responsibility. Yet the opposition voted against these amendments.

At committee we are doing some hard work around land management and land use planning and I appreciate the collective efforts of many of my colleagues, if not all, on the standing committee for their substantive contributions to this important work. The modernization of lands management regimes helps unlock the potential of reserve lands and natural resources and frees first nations from some of the economic limitations imposed by the Indian Act.

Another example of legislative change that would unlock the potential of first nations is Bill S-8, the safe drinking water for first nations act, presently awaiting second reading in the House. The objective of this proposed legislation is to ensure that first nations have the same health and safety protections for drinking water in their communities as other Canadians. It focuses on capacity, reporting, monitoring and maintenance of state-of-the-art facilities that often involve intensive management given the lands that many of the first nations communities live on in isolated and remote parts of this country. It deals with an ongoing commitment to water infrastructure. Finally, Bill S-8 is a mechanism for both governments to develop in partnership enforceable regulations to ensure for the first time that there is access to clean and reliable drinking water, the effective treatment of waste water and the protection of sources of water on first nations land.

This is about working together on a process that has led to the development of these and many other pieces of legislation. As someone who has invested the greater part of his professional life to areas where the Indian Act applies, including health for first nations communities and water and waste water treatment, for example, I would say that we are seeing across this county a collective effort and the need to continue the consultation process for legislative tools outside of the Indian Act so that communities can thrive. These are in areas of infrastructure and economic development. Here we look forward to studying my colleague's private member's bill at committee, hearing from witnesses and, as always, moving on to bigger and better things.

The motion before us now calls for a new approach, one that we cannot support, as it would jeopardize the progress being made. I encourage my hon. colleagues to reject the motion.

● (1200)

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): The time provided for consideration of private members' business has now expired, and the order is dropped to the bottom of the order of precedence on the order paper.

GOVERNMENT ORDERS

[*English*]

SAFE FOOD FOR CANADIANS ACT

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC) moved that Bill S-11, An Act respecting food commodities, including their inspection, their safety, their labelling and advertising, their import, export and interprovincial trade, the establishment of standards for them, the registration or licensing of persons who perform certain activities related to them, the establishment of standards governing establishments where those activities are performed and the registration of establishments where those activities are performed, be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased to rise today to speak to the many merits of the safe food for Canadians act, Bill S-11. I have outlined the comprehensiveness of the act, in referring to its title.

I urge all hon. members to help our government pass this bill as expeditiously as possible.

Consumers remain this government's top priority when it comes to food safety. We know that consumer confidence is critical for Canada's food industry and our agricultural sector overall. That is exactly why this government will never compromise when it comes to the safety of Canadians' food.

Canada's food safety system is world class. A recent report of OECD countries called Canada's food safety system “superior”. Every day over a hundred million meals are served in Canada. Over the past six years, our government's efforts have driven the number of incidents of E. coli illness down by over 50%. We will continue to work to reduce that number even further. Passing the safe food for Canadians act is another critical step along that path.

The safe food for Canadians act will strengthen and modernize our food safety system to make sure it continues to provide safe food for Canadian consumers. In fact, this bill contains new provisions that will strengthen the authorities of the Canadian Food Inspection Agency. This legislation gives the CFIA more powers for food safety oversight than ever before.

To be crystal clear, the proposed bill is not about self-regulation. In fact, nothing in Canada's regulatory process for food safety is self-regulating. The bill is about continuous improvement in food safety oversight. Canadian consumers deserve a food system that anticipates the direction in which the food industry is headed. Bill S-11 does just that. It modernizes existing legislation to ensure that the CFIA has the tools necessary to manage today's food safety risks.

The proposed act focuses on three important areas: improved food safety oversight to better protect consumers, streamlined and strengthened legislative authorities, and enhanced international market opportunities for the Canadian industry.

For an example of improved food safety oversight, we need only look at the new provisions against food tampering, deceptive practices and hoaxes that this bill provides. Currently, tampering or attempting to tamper with food can only be addressed by engaging the police. Under Bill S-11 the CFIA, which is often the first to be notified of when such issues are detected, can act right away. This new act will provide new authorities to immediately address food safety systems and will build additional safety into the system. While oversight and prevention are always best, related penalties and fines will also be increased to deter wilful or reckless threats to health and safety. This new act includes a provision for fines of up to $5 million, far beyond the existing $250,000 cap. These fines will make people think more than twice before intentionally threatening the safety of Canada's food supply.

This proposed legislation will provide the CFIA with strengthened authorities related to traceability and the recalling of food, and new tools to take action on any unsafe foods.

The timing of this bill, tabled last spring, could not be more appropriate given the concerns raised by the recall of beef products from XL Foods Inc. During a food recall, one of the most time-consuming activities is getting access to a company's records to try to sort out who their suppliers are and who in turn they supply.

The CFIA also needs to know what food was processed at precisely what time and precisely where in the facility that processing went on. Every business keeps records in its own unique way. This information is usually kept in a format that expedites shipping and receiving or accounts payable and receivable. This is the way business operates.

However, what we need to speed up food safety investigations is full traceability. Having enhanced authority to require industry to have traceability systems in a standardized format will be a powerful tool in the hands of food safety investigators at the CFIA and, of course, the Public Health Agency of Canada.

Furthermore, this legislation provides for an authority that will require industry to keep and provide records in a manner that is more easily understood by these regulatory bodies. It would also provide for an authority to compel industry to turn over records in a more timely manner. This last part is key.

The Liberal Party has claimed that this provision already exists. That is false. While currently CFIA inspectors can require a company to produce documents, inspectors have no provision to demand those documents in a more timely manner. While the Liberals refuse to accept this, those who understand the issue know that this discrepancy exists.

Dr. Sylvain Charlebois, associate dean of the University of Guelph's College of Management and Economics, recognizes that this power is currently missing from CFIA's arsenal. He said:

> The CFIA...does not have the authority to compel the speedy delivery of information from industry during an outbreak.

● (1205)

This is testimony coming right from the member for Guelph's own riding. Our government knows this is something that must be remedied and the safe food for Canadians act would do just that.

The bill also provides improved import controls at our borders. The new act would strengthen import controls by including powers to license all importers and prohibit the importation of unsafe food commodities. Holding importers ultimately accountable for the safety of imported food sustains a level playing field between importers and domestic producers.

Canadians know that the CFIA is made up of professionals who take their jobs seriously. In fact, Ellen Goddard, an agricultural economist with the University of Alberta, recently said she thinks there is nothing more CFIA can do and that they are taking every precautionary step they can to ensure the system is as safe as it possibly can be.

With the passage of the bill, the CFIA will have even more authority to protect Canadian consumers because the bill has numerous provisions, which the Speaker outlined, that seek to strengthen our already robust food safety system.

Our government takes the safety of Canadian food very seriously. With all the added attention to food safety, the opposition has continuously tried to muddy the waters when it comes to our government's record of supporting food safety. Allow me to clarify our record right now.

Since taking office, our government has hired more than 700 net new inspectors. This includes 170 dedicated to meat. Our government has increased the CFIA's overall budget by 20% since 2006. Dr. Sylvain Charlebois again stated recently, “Canada spends about $10 per capita on food safety, which is more than most industrialized countries”.

With respect to the XL facility in Brooks, our government has increased the number of CFIA inspectors at this plant by 20%.

Budget 2012 included an additional $51 million to further strengthen our food safety system. This is built upon our government's food safety investments of $100 million over five years in budget 2011. As members can see, this government consistently provides the CFIA with the workforce and the resources it needs to protect Canadian food.

As minister, my first job is to ensure that CFIA has the workforce, the budget and the regulatory powers it needs. Second, I work with CFIA to make use of this capacity to ensure consumer confidence.

Let us contrast this with the record of the opposition. It is no secret that while our government provided tangible resources for Canadian food safety, the opposition voted against our investments at every opportunity. If the opposition had its way, the CFIA would not have a single penny to operate.

Further to its repeated record of opposing food safety improvements, certain members of the opposition have gone above and beyond to publicly fearmonger about the safety of Canadian food. As the House will recall, just last spring the member for Welland accused our farmers of trying to put roadkill on the plates of Canadian families. He has since been forced to stand down from those remarks, and I am glad that he did.

Last week the member for Guelph rose in the House and spoke of a four-year-old girl from Alberta who had suffered kidney failure due to E. coli. We on the government side certainly empathize with this little girl and her family. No child should have to experience something like this. However, the member for Guelph rose in the House and asserted that this girl had contracted her E. coli from the XL plant in Brooks. This is not true. This case has not been linked to XL. In fact, the CFIA and the Public Health Agency of Canada have tested 30 different samples with regard to this case, and time and time again it has been found to be completely unrelated to the particular strain of E. coli found at XL Foods.

This is exactly the type of fearmongering that Canadians cannot afford to hear from the opposition parties but unfortunately is reflected in the opposition's overall stance on food safety.

I would remind the hon. member that food safety should never be a matter of politics. It is not a matter that can be strengthened by fearmongering or posturing. Food safety is strengthened by real actions, by voting in support of important investments, measures and legislation like Bill S-11, the safe food for Canadians act.

Last week I and a number of my colleagues moved a motion that would have expedited this legislation to committee. The motion was an important step to make sure the safe food for Canadians act gets passed as quickly as possible. The opposition once again chose to play politics with Canadians' food safety and blocked those attempts to move the bill to committee.

Canadians and our government know the importance of this legislation and we know that the CFIA needs the additional powers the bill would provide. I have outlined numerous provisions that will strengthen our food safety system when the bill is made law. I stand here again to give my opposition colleagues another chance to do the right thing for Canadian consumers. I call on them to put politics aside and vote with the government to move the safe food for Canadians act through the House and to committee. We must act quickly to provide Canadians with a modernized food inspection service and the increased protection they require.

● (1210)

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, I always listen with great interest and intent when the Minister of Agriculture gets to his feet and does revisionist history. It is always a marvellous experience to hear revisionist history according to the minister.

It reminds me of something he said: "Which part of yes don't you get?" Mr. Speaker, you can check *Hansard* if you like.

When the response is yes, it means yes. A little while ago the minister referred to that debate with a term that I refuse to use. He did retract and apologize for his comment, but nonetheless, he did use it.

We said yes then, that we would move Bill S-11 to committee, and we are saying yes now to the minister. Clearly, we have said that for a while. It begs the question of why the bill languished for so long in the Senate. The minister is asking that opposition move this along quickly, yet in his response to a question about why it was in the Senate for so long, the minister said they had to take a holiday. One would think that if this was expeditious legislation, the Senate should have sat, like the parliamentary secretary and I did during the month of August when we were working on the co-op and writing the report.

You should have asked the senators to sit. You should have made them pass it along. We would have this done by now if you had not sat on that legislation. Answer that question—

● (1215)

The Acting Speaker (Mr. Barry Devolin): Before I go to the minister I would remind all hon. members to direct their comments to the Chair rather than their colleagues.

The hon. Minister of Agriculture.

Hon. Gerry Ritz: Mr. Speaker, the old adage "the proof is in the pudding" applies here. The member opposite would recognize that although opposition members said yes all along, their actions did not support that yes.

They had a chance on Thursday at several different opportunities to agree with motions, which were presented during the debate they hosted, to move this on to committee very quickly. We could have had committee meetings as early as tomorrow. They did not do that. The proof is in the pudding.

When it comes to the work in the Senate, the member should also be honest with Canadians and explain that it was 22 sitting days in the Senate. That is amazingly fast for government operations. I certainly welcome the great work the Senate did.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, the minister in his remarks said to the member for Welland that the proof is in the pudding. It certainly is. It is under this minister that we have had the worst two food safety crises in Canadian history. After he uses his talking points of 700 new inspectors, et cetera, we still had a crisis.

I have a couple of specific questions about the bill that I would like to ask. I would also remind the member, and I know he will recall this because we worked on Bill C-27 together, that it included many of the powers he is talking about here. We worked quite well together on Bill C-27 in around 2004 or 2005. However, the Conservatives dragged their feet. One of the items was tampering with food in stores and so on. However, my question really relates to the powers under the current Meat Inspection Act.

We will be supporting the bill. However, the minister is rewriting history. Bob Kingston, the president of the union backed this up. With the powers under the current Meat Inspection Act, the government has the authority to have stopped XL Foods and shut down the plant.

My second question is: Will the bill add new inspectors to check imported food at borders coming in our country from foreign countries?

Hon. Gerry Ritz: Mr. Speaker, the member opposite is great at rewriting history too. Bill C-27 was under a majority Liberal government. If it saw fit to move that through it had the ways and means to do that. There were a number of problems with Bill C-27. At the end of the day, not even the Liberals supported it. This continued, even when it was brought back when they had a minority government in the following days.

There are a number of things in Bill S-11 that are required. Regardless of what Bob Kingston or other people say, we have analyzed and worked with industry on this. We have worked with a number of other entities to do an assessment as to what the gaps are. Bill S-11 tends to plug the holes on those gaps.

When it comes to addressing the manpower, as in the quote from Sylvain Charlebois, we actually spend more than a lot of the other industrialized countries on our food safety. In most cases it is not a matter of manpower, it is a matter of budgetary capacity, which we keep enhancing by some 20%. We have added the front-line inspectors and we want to make sure that they have the tools, and Bill S-11 gives them more tools, to make sure that they can do their jobs efficiently.

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I represent the rural riding of Simcoe—Grey. We have a significant number of individuals who are involved in the agricultural community, whether that be in livestock or growing potatoes. In fact, we are delighted that we grow about 90% of Ontario's potatoes in my riding.

The Senate has brought forward this piece of legislation to truly enhance the opportunities that CFIA can utilize to implement exactly what Canadians require and what the farmers in my riding are asking for. However, I would like to ask the minister if he could clarify it, as we have had a lot of confusion from the opposition and a lot of issues brought forward that really just muddy the waters.

My constituents are actually quite confused and concerned about what the opposition is raising. Could the minister please clarify for my constituents exactly what we are doing and why we are bringing forward this piece of important legislation?

● (1220)

Hon. Gerry Ritz: Mr. Speaker, I have had the great opportunity to be in the member's riding. I had a farm round table there in the early days of the summer, which was well attended by some tremendous farm operators in her riding. She is right to be proud of the great work they do.

Those same farmers have embraced traceability. We have a system that we are starting to put in play for biosecurity and traceability right from the farm gate to one's plate, whether that is what we have here in the lobby for lunch today or what will be served to our families tonight.

What is missing is some of the traceability of foodstuffs as they move forward. The retail level has great traceability within the stores, but we are looking at the primary processing sectors, like XL Foods, the secondary processors their product goes to and then, from there, the tremendous inverted pyramid that sends product out across the country. We need traceability on all of those products so that when there is a recall, such as the size and scope of this recall, we could get it done much quicker.

I know that there is a lot of angst out there when we announce recall after recall. It is the same product and it defines that inverted pyramid. We are getting out there and making sure we have captured it all or at least letting people know to check their fridges and freezers to see if they have any of that product.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, we appreciate that the government has finally brought the bill before the House. Obviously, there has been a lot of concern within the Canadian public about the safety of food. They are hoping for strong powers in mandating staffing and intervention by the government.

Under previous governments and different agencies, when new "improved" legislation was brought forward, they also tabled an enforcement compliance policy. Why did they do that? It was because they recognized that a law is hollow, it is vacuous, if one does not show that one is serious about enforcement. They also tabled a plan of required staffing and training for each one of the provisions. Therefore, the minute the bill was proclaimed in effect, the staff was on the ground with the appropriate powers.

There has been a lot controversy around the switch from enforcement of food safety legislation to voluntary compliance. I wonder if the minister could speak to whether or not he is willing to have an open public review with the inspectors on returning to an enforcement compliance strategy rather than a voluntary compliance regime.

Hon. Gerry Ritz: Mr. Speaker, there is no such thing as a voluntary compliance regime in this country. There is no self-regulating of food processing in this country. There is a very dynamic set of rules and regulations that our processors follow and that we expect imports to follow as well, to level that playing field.

I am certainly happy to share information with the member. We have made technical briefings available to members and we will continue to do that should they want to take advantage of that.

Having said that, as minister, my job is to ensure that CFIA and agencies such as that have the powers in regulation, which they do. A lot of the go-forward with Bill S-11 will be regulatory to ensure that they have the manpower and the budgets to continue to move forward.

However, at every opportunity we see the NDP members vote against these types of things. If we add staff to verify more of what Bill S-11 does, I am sure that they would vote against it, and that is really unfortunate.

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, I am pleased to join the debate on food safety, which is a critical issue, especially at this moment in time when we are witnessing somewhere close to, I think it is, a million pounds being dumped in the Brooks city dump. It is being dumped there because there is no other place to put contaminated beef, or supposedly contaminated beef because we are not really certain.

Clearly, this is the largest beef recall in Canadian history. This is not an insignificant event. This is one of the most significant events in Canadian history. This is the largest beef recall.

What we do know is that under the current government and indeed the same minister, we saw the listeriosis crisis of 2008, which was a hugely significant issue because 22 people died.

One would have thought, coming out of that, we would have done some things that would have averted what has now just transpired.

However, what we saw was a subcommittee, in 2009, that was established by this House through the agriculture committee, and then an independent inquiry commissioned by the government side, conducted by Sheila Weatherill, who basically paralleled the subcommittee, worked at the same time and came back with a series of recommendations, I believe 57 in total.

One was to clean up the ready-to-eat area and ensure we had the resources in the inspection facilities, because that is where 22 people contracted listeriosis and actually died from that contagion.

So, when the minister and the government talk about 700 net new inspectors, of course, we now know that 200 of those 700 are out looking for invasive species. It was highly recommended that we do that. We do not need to have invasive species in this country that would be detrimental to our agriculture and indeed to other animals, plants, insects, et cetera. So, that is desirable.

What we do know when we sort of pull back from that is that 170 went into meat inspection, but they did not go into an inspection plant like the one at Brooks. They went into what is called the ready-to-eat meat plant, where the listeriosis crisis came from. So, that was addressed. One can actually say and give the government credit that it addressed the ready-to-eat meat part, after 22 people died.

Now, because it has now taken care of that piece, one would have thought the government would then have turned its attention to what we call the hygiene plants, or the slaughterhouses, to use the vernacular term, and done something similar.

We are now aware of this plant that has been operating in the last year or so, perhaps two, at a capacity of 4,000 to 5,000 animals a day.

I had the great pleasure to be in Nova Scotia during the constituency week and met with the minister of agriculture for Nova Scotia, Minister MacDonell. He told me that they slaughter 5,000 cattle, in Nova Scotia, annually. This plant does in a day what Nova Scotia does in a year.

What kind of resources do we need there?

The minister has told us it put 20% more. Actually, if we unfurl that back, we would see that those were not actually new; they were new people. There is no question that they were new inspectors, new people. It could have been a new Bob or a new Frank or a new Josephine. I am not sure what their names would have been. That might have been the new part. What the government was actually doing was filling vacancies in the plant that had existed for quite some time. So, it was not a 20% increase from a number before. It was just simply filling the vacancies that already existed.

So, as I said earlier, there are 4,000 to 5,000 animals a day going through this plant. There were 6 vets and 40 inspectors, at that particular time. Divide that by two shifts, because they run two shifts a day, and that means 20 inspectors and 3 vets to do somewhere between 2,000 and 2,500 animals on a shift. It is pretty easy to do the math on that one, I think, as to how many animals they are responsible for. Not only has the vet seen them come in before they were slaughtered, but throughout the process, as well as having to do all the other things that happen in those plants.

Why do I raise that?

We now know there is a compliance verification system, which is the backbone of CFIA's new inspection regime. That is what had been decided after a pilot that was run in 2007, which actually started in 2005, all the way through to 2008.

● (1225)

One of the major components of the Weatherill report was that they have to know if CVS works, the compliance verification system. She said that they do not know, that they ran a pilot. She said they do not know if the system works the way they think it does and they have no idea if they have resourced it to make it function properly. So she said, first and foremost, to verify if the system they intend to have as the backbone of their meat inspection system actually does the functions they want and, second, if they have enough resources and people doing it in the plants they are responsible for.

We know the Conservatives decided to go ahead and do what they called an audit. At least, they said from time to time that it was an audit but the reality ended up being that PricewaterhouseCoopers, which came in to do the so-called audit under the Weatherill recommendation, did not do an audit.

Carole Swan is no longer the president of the Canadian Food Inspection Agency, but she was at the time of the Weatherill report, and she was at the time when this supposed audit was done, as attested to by the government. She said they did not conduct a traditional audit:

> They didn't conduct it as an audit. An audit is a very specific process. It was a detailed review.

For the government to still lay the claim out there that it has actually committed and done all of the recommendations Ms. Weatherill put in her report, is not absolutely accurate. That is why this side is saying yes to moving Bill S-11 to committee and the Conservatives should say yes to our amendment that says we want to have an audit of the system done now.

I say "now" because the government has agreed to an amendment to do an audit in five years. I would hope that is going to be an independent third-party audit conducted in a traditional audit fashion. If the Auditor General decides he would like to do that, it would be wonderful and we would love for him to do that, but we cannot instruct the Auditor General to do something. We can only ask him if he agrees and it would be wonderful, and perhaps he will. If not, there are other agencies out there that can conduct a third-party audit. We would expect that to be done and we would expect it to be a full and wholesome audit, not a review. Clearly, reviews do not quite measure up.

Therefore in five years we would get an audit. The problem is if we do not get one now, we will have no idea five years from now what we are measuring it against. It is like saying that five plus something will be just five plus something. If we have one and it is five years later, we have six, and in another five years we have eleven. However, if we have five plus "I don't know", we have five plus "I don't know", and at the tenth year when we do the next five-year audit, we can measure against the last five years and we would have a measurement point. When we do not have a measurement point to start from, then what are we measuring? Clearly it is imperative that the government does this with this legislation, not five years post. That is one of the weaknesses that is presently in this particular legislation.

I will take a moment to speak to the idea that somehow this legislation would have averted what has happened at the XL Foods plant. Unfortunately, it would not have. Yes, there is a piece in here that talks about the speedy delivery of documents that companies have, and that is true. It articulates that and that is a good thing. We can actually wave the document to the company CEO or managers and say, "You are supposed to give me this at this particular moment in time; now you will have to go ahead and do that". So what happens when the company says, "Yeah, we'll get to it"? As my colleague from Edmonton—Strathcona said, where is the enforcement piece? Where is the compliance through enforcement?

● (1230)

It reminds me of driving down highways in Ontario with signs that say if we speed it will be compliance through enforcement. In other words, someone on the highway, an OPP officer, will write a big ticket for speeders and if they go a certain number of kilometres over the speed limit, the car will be impounded for 24 hours and drivers' licences will be taken away for the day. That is compliance through enforcement. I do not see that in this legislation.

While they are divided into different pieces—fish, meat, et cetera—we know the previous legislation pieces also require fines for those who abrogate the rules and responsibilities they are subject to. However, most times they are not actually applied. Therefore if we do not have the application of those, then we just have a toothless tiger. We have a piece of paper. We have a bill that says people can be fined $5 million but we are never going to, just like we could have fined them a couple of hundred thousand dollars and we did not do that either. There is nothing wrong with the sense that the fine is $5 million. We would agree that $5 million is perhaps an appropriate amount to be fined. We disagree with the question of how they intend to do that. If people have abrogated their responsibility, if it is found to be true that they abrogated their responsibility, when will they get fined and how will they get fined? Will we take the enforcement mechanism and make people comply by enforcing the fines, or will we keep doing what we are doing now, which is basically saying, oh, it is okay.

Why not do a voluntary recall and avoid the fine? The voluntary recall is probably the greatest misnomer in recalling food products that I have ever seen. It takes on a wholly different attribute when we find out who the players are who discussed the voluntary recall. This is not about a company putting its hand up right at the very beginning and saying it will have a voluntary recall. There are negotiations that happen between CFIA and sometimes the minister and sometimes CEOs and managers as how to do that. Why the plant puts its hand up is that it can avoid the fine if it does a voluntary recall. It is not voluntary in the sense that most folks would recognize they were volunteering willingly to do something. It is not quite the voluntary recall that folks think it is.

Where are we headed with this legislation? We are going to head to committee. We are happy and pleased to move the bill as quickly as possible to committee. I am hopeful that members on the other side are amenable to concrete and good suggestions we will place before them to actually make the bill work.

If we are going to make food safety the number one priority, as I heard the minister say, let us make it such that in the House we can come together and say the bill will actually improve food safety for Canadians and will do all of the things we want it do: protect consumers, which is our number one concern to ensure that folks do not get ill through contaminated food, but also to protect industries so that they do not again suffer the way Canadian cattle producers are suffering today. Through no fault of their own, cattle producers are seeing the price for their cattle go down, seeing it being held in feedlots and other places. Different things are happening whether it be cow culls, or calf operators finding a lack of transportation, all manner of things, because there was a weak link in the system. It was not the cattle producers. They were not the weak link in the system.

One particular processor was the weak link in the system. If we had good food safety legislation in place that was tougher than this and had the appropriate measures in place, we could strengthen those links so that we have that strong link all the way from the producer through to the consumer's plate and can reassure our international trading partners that the beef they get from this country is the finest they can get anywhere in the world because that is the type of producers we have. We must make sure processors do not let those primary producers down.

That is what this legislation should start to do. The number one concern is to protect consumers and enhance the reputation of the entire industry from the primary producer to the plate at the end. That is what it should do. It does not do it yet, but that is why we are going to take it back to the committee. That is why we are going to offer some real positive and concrete suggestions around how to make it better.

● (1235)

At the end of the day this is not about being partisan and saying that only one group of individuals who support one particular party eat. We all eat. My grandson, who is 16 months old, eats meat and he likes it. I want him to be safe. We all want to be safe, and not only for ourselves personally. Most of us still like to eat meat, although there are some who have chosen, for whatever reason, not to, but that is a personal choice and there is nothing wrong with that personal choice.

However, for all us, it is about ensuring the safety of the food we get, wherever we happen to get it from, whether it is a farmers' market or a retail outlet. We absolutely want to ensure that when Canadians take that product home, they can be convinced in their heart of hearts that product safe, knowing how hard everyone along that food system has worked to ensure it is the safe product that we all deserve. This would go a long way to convincing our international partners that they should trade with us when it comes to those types of agricultural products.

As we can see, it is an absolute goal on our side, as the official opposition, to get the best safety legislation we can. I will touch on the timeline for a moment.

My House leader informed me that he offered the government the opportunity to debate this bill last Thursday afternoon and, if memory serves me correctly, it was the government side that declined. Everyone has reasons, and it is understandable why people would say yes or no to a particular request, but this back and forth as to who offered what and when it was offered needs to be put behind us.

We need to concentrate on how to make this the legislation into what it needs to be. This may be the one and only crack this Parliament takes at food legislation. As my friend from Malpeque said earlier, the government has been trying to do this for quite some time. It actually goes back to 1990s. I think it was Bill C-80 at the time, if memory serves me correctly. When the opportunity was taken then, it was on the order paper but it died on the order paper when Parliament was dissolved. Bill C-27 came along after that but that died on the order paper as well.

Now we find ourselves with Bill S-11. I am hopeful that this is the bill that will finally get enacted but enacted with the bits and pieces that we think can make it a better bill. It seems to me that this is the one opportunity the House can take, because I know there is a lot of partisanship back and forth, as with the omnibus bill, or OB2 as it is being called in the vernacular. I understand the difficulties with that and the back and forth on that.

Ultimately, we all agree that food safety is a number one priority for all of us across the country. We ought to be able to find a way to take the best ideas and incorporate them, regardless of who has that best idea, whether it is a member of my caucus, a member of the Liberal caucus or a member of the Conservative caucus, whether they be on the agriculture committee, the health committee or another committee. We should consider all ideas.

I am pleased that the legislation is finally here but I am disturbed that it went the other way. As New Democrats, we believe that the people's legislation should start in the people's House, not in the Senate. The Senate is clearly an unelected body. Under our present system, the Senate does what it needs to do to pass legislation and get it to royal assent. No one disputes that.

However, in my humble opinion, the people's business starts in the people's House. It is unfortunate that it did not start in here but it is here now. We are bound and determined to make this legislation better and to move it expeditiously because Canadians deserve no less than that. It will be our absolute attempt to ensure that actually happens.

● (1240)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I think a large number of Canadians are watching what the government is doing with regard to the food crisis and a great deal of concern from the consumer and industry perspectives as to what the government has actually done to date. With the bill being brought forth today, the government is trying to say that it will deal with the situation.

To what degree does the member believe that the passage of this bill will facilitate the return of public confidence given the public confidence that was lost because of the lack of transparency in the way the government has responded to the issue as a whole? My understanding is that the current legislation would enable it to shut down the plant and so forth. I am interested in his thoughts on that issue.

Mr. Malcolm Allen: Mr. Speaker, under the present legislation, there is an opportunity to do what eventually happened on September 27, close the plant. As draconian as that is, that ability always existed. The issue was how to time it when we saw the plant not doing the things we wanted it to do as far as the details, data, the timeliness, all those sorts of things. It is like a sledgehammer but it is there to be used. That could have happened.

The other part is that it does not matter how good this legislation becomes if it is not transparent and open and there are no spokespersons on the government side to tell folks what is happening. By the time the CFIA posted the timeline on its website, a lot of questions were being asked. Then there was the confusion of who told who first? Did the Americans tell the government? Did they find out at the same time? In fairness, it looks like it was at the time. The problem is that when it is not open and transparent, we do not know.

We not only need good legislation but a plan that shows how we intend to implement the legislation and what it means for Canadians in the longer term. We need to talk to them in an open and transparent way about that as well.

● (1245)

Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC): Mr. Speaker, my colleague spoke about the bill being started in the Senate. I would like to explain to the House that it is concurrent activity. Once the House returns after the summer, we have legislation to deal with in the House but the Senate does not. We started the bill in the Senate so that it could be sent to the House of Commons and we could use Senate time most effectively when it did not have other parliamentary bills to deal with upon its return after the summer.

My colleague knows that Bill S-11 is not a partisan bill. It is a bill that deals with food safety and about giving more regulatory authorities to the CFIA to help inspectors do their jobs effectively and efficiently. I am glad that my colleague has committed to passing this bill expeditiously. What I would like to ask is what types of things he likes in Bill S-11.

Mr. Malcolm Allen: Mr. Speaker, I agree with my friend, the parliamentary secretary, this is not partisan, which is why we on this side are hopeful that when we bring forward a series of amendments that we believe are constructive and would enhance the bill, the other side will be open to that.

As for what is good in the bill, I will leave those comments for when the agriculture committee meets because I want to ensure the discussion happens there. I will be glad to share my comments with my colleagues at the agriculture committee.

As for the other place, for the New Democrats it is a fundamental piece. It has nothing to do with concurrent legislation. The issue is about where the people's legislation should start. In our view, it should start here in the people's House, not in the other place. I have respect for the other place in the sense that it is a historical tradition. We are not debating today whether it should exist any more or not, so I will leave that for another debate, but this legislation should have started here and not in the other place.

As far as moving this legislation along, I am hopeful that, in the spirit of co-operation and non-partisanship, we can give Canadians what they truly deserve, which is the best food safety regime in the world. However, we will only do that by putting ourselves in a place where we can take off our partisanship hats, put them aside, look at the legislation, find out where the weaknesses are and make them stronger. Where things are a little unclear, we should make them clearer. Where we do not have compliance and enforcement, we should change it so that we can go forward with the type of food safety that Canadians deserve across this country. That is my hope as we move forward with legislation.

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, I want to highlight some of the points that my colleague made in his speech.

I have met with a number of people in my riding of Surrey North who have similar concerns in regard to having safe food available at our grocery stores and on their tables so it is safe for their children to eat.

The Americans banned the importing of beef two weeks before the Minister of Agriculture banned it in Canada. This legislation has been stuck in the Senate for 120 days. The government has had six years to come up with better legislation to address the food safety concerns of the Americans. What would be the honourable thing for the minister to do?

● (1250)

Mr. Malcolm Allen: Mr. Speaker, most Canadians still have an outstanding question. On September 13 and 14, when the U.S. said no thanks to Canadian beef from XL Foods and the CFIA removed its licence to export, why did Canadians continue to get that beef? I think that question still resonates with most Canadians across the country. If it was not good enough to export to the Americans, why was it still good enough to give to us? That is the type of question that we need to address.

If we have legislation that says that if the same plant is processing the same beef then we will not ship it to that place, wherever that place happens to be, then it should not be given to Canadians. That is what the legislation could look like. We need to have the sense that both things will happen simultaneously. As soon as we say that the beef is no good to go anywhere, then it is no good to go anywhere. That should be anywhere, not to maybe this place or that place, and, most important, certainly not to Canadians. That is the type of thing I am talking about. When we sit down and work through this legislation in the spirit of co-operation, we should find ways to make it so that all of us are protected at the same time, not some protected at one moment in time and others protected later. That is really what it amounts to.

As for the other place and the timelines, the other place has its own timelines. It could have worked through the summer but it did not. My friend, the parliamentary secretary, and I worked through the summer at its request. We said yes and we came in and worked during the summer here in the House in a special co-op committee. We even wrote the report. I congratulate my colleagues on the other side who were part of that wonderful committee. I congratulate the parliamentary secretary who spearheaded that committee. We wrote the report before Labour Day. We were done before the end of August. Not only did we have the entire hearings, the witnesses, but we wrote the report. The other place could have done the same thing. It could have done it in June or July instead of going home for the summer if it was that important. If the bill needed to go over there because we could not get it here in a timely way, then the other place ought to have finished it before the summer and sent it to us as soon as we resumed in September. There is no reason that could not have happened.

However, that is water under the bridge. It is what it is. It is here now and we need move this legislation forward. We need to get it done in order to get the best legislation for food safety that this country has ever seen. Let us do it in the spirit of co-operation.

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, I am pleased to rise today and speak to the modernization of our food safety system. It has been a long time coming. If anything has been made clear by the recent outbreak of E. coli at XL Foods in Brooks, Alberta, it is that we need to take a closer look at food safety in Canada. We need to take a closer look because a system that the government recently claimed is one of the foremost in the world has inexplicably failed and left 15 people sick across Canada.

After nearly a month of constant coverage in the media, Canadians are all too familiar with the constantly evolving situation at the XL Foods establishment 38 in Brooks, Alberta, which led to the largest beef recall in Canadian history. It is important that Canadians watching this are not that fooled by the feigned urgency of the minister or his government when it comes to this legislation. The government is simply trying to change the channel on a rather dire issue.

When Conservative senators first introduced the legislation in the upper house in June, there was no urgency to seeing it debated expeditiously. In fact, it did not become a priority until the Conservatives were embroiled in defending their cuts to the Canadian Food Inspection Agency in the last month.

Bill S-11 gave the minister an opportunity to claim that inaction on our part would hinder giving powers to inspectors that would prevent food safety breakdowns like XL's in the future. Unfortunately, this is a terrible ruse, an all too familiar tactic by the government.

Let us assume for a second that Canadians were not aware that under the current provisions of the Meat Inspection Act, the inspectors at XL Foods in Brooks were unable to request the documents they needed, which of course is not true. Why would the government let a bill granting these authorities languish for a summer in the Senate if that were the case? This is all to characteristic of the government. There is no willingness to make good public policy for the sake of Canadians. Instead, it waves it around the House like a hammer, scoring cheap political points.

The bill is important, but Canadians need to understand that it is no panacea. Once the bill is passed, Canadian food inspectors will not magically be able to prevent further outbreaks of food-borne illness and will not have that many more tools than they already have at their disposal. In effect, the bill will streamline some of the elements of inspection at the CFIA. Many of the changes are superficial, and all are primarily designed to modernize our food safety and inspection system. While it is nice to build a more efficient and modern vehicle, we need to ensure that we have enough resources to drive it.

This spring the government announced some drastic cuts to the CFIA, including a reduction of $56.1 million in the budget. Only recently did we discover that the government had no clear picture of the resources available to the CFIA before making those cuts, because it had not performed the comprehensive audit of resources that had been requested by the independent investigator into the listeriosis crisis.

We support modernizing our food safety system. After all, it was a Liberal government that introduced Bill C-27 in November 2004, a legislative measure designed as a second step in our modernization process, intended to consolidate and enhance the existing inspection and enforcement powers of the CFIA for food, agriculture and aquatic commodities, agricultural inputs, animals and plants.

Interestingly, the member for Haldimand—Norfolk, now a minister but then the official opposition agriculture critic, complained that the bill might restrict industry too much and noted that her party "supports a less intrusive approach to regulatory policy in Canada". The bill died the following year upon the dissolution of Parliament. Since then there has been a major food safety crisis, one that killed 23 Canadians and made many more extremely ill.

The first lesson we learned from the 2008 listeriosis outbreak was that once the contaminant is in the market, it is already too late. Food-borne illness targets the most vulnerable of our population: children, seniors, pregnant women and their unborn. The only way to fully protect them is to catch contaminated food before it hits the shelves.

An independent investigator, Sheila Weatherill, was appointed in the wake of that tragedy to determine what went wrong and delivered a series of recommendations on how to ensure that the situation would never happen again.

In responding to her report, the government has made great fanfare about completing all of her 57 recommendations, Bill S-11 included as the final one. Yet the proof of this completion remains to be seen.

● (1255)

Before this House passes another bill on food safety, the government will have to reassure this party and Canadians that if it is to make real and meaningful changes, it will provide independent assurances that the CFIA will finally get the resources it needs and, in that regard, doing a comprehensive resource audit is required to see what it needs.

On its face, Bill S-11 is relatively straightforward. It would consolidate the Meat Inspection Act, the Fish Inspection Act, the Canada Agricultural Products Act and the food provisions of the Consumer Packaging and Labelling Act into a single act.

Furthermore, it would establish a parallel inspection and enforcement structure for all food commodities, meaning there would no longer be dedicated meat or fish inspectors but inspectors trained for all commodities. This is slightly concerning to me. I have the greatest esteem for our inspectors who work so diligently to ensure we have safe food once it reaches our tables, but I know that even right now they are not given all the tools they need to perform their roles to the fullest. We are asking inspectors to become jacks of all trades, spreading expertise even more thinly than it is right now.

I ask the government, what mechanisms would be instituted to ensure that all inspectors receive adequate training across all commodities, when it has still not, four years later, trained all inspectors on the comprehensive verification system?

This issue was highlighted very recently in the wake of the E. coli outbreak at Brooks. Mr. Bob Kingston, the president of the Agriculture Union at the Public Service Alliance of Canada, made the following comments at the Senate Standing Committee on Agriculture about this bill:

> You will be interested to know that in the XL plant, only a small portion of the inspectors are actually trained in CVS. That is right; for more than four years after CVS was introduced, most inspectors there have not been trained in how to use it. Why, you might ask? The answer is actually simple. The CFIA cannot afford to deliver training any faster and does not have enough inspectors to relieve those away while being trained. As well, resources are often diverted to address crises, which further derails training.

This revelation strikes right at the heart of the oft repeated myth that the current Conservative government has hired more inspectors than ever. Moreover, it is another clear indication that while the government is willing to build a car, it will not pay to hire a proper driver or, in this case, train one.

It is concerning to us on this side that we might only be increasing the uphill battles that inspectors are facing while training to keep our food safe.

Mr. Kingston continued in his testimony to say:

> This situation is not limited to XL. As a matter of fact, we were just at a conference this weekend and we found the exact same scenario throughout Quebec. This is yet another example of industry self-policing gone wrong because the CFIA is not adequately resourced to verify compliance.

What then happened in Brooks, Alberta? This kind of food safety decay does not happen overnight. A plant does not get shut down for three weeks for a faulty nozzle; a plant gets shut down for three weeks because there are compliance problems from top to bottom.

The minister stated that the Brooks facility boasts 40 inspectors and 6 veterinarians. How many of those inspectors are fully trained on the compliance verification system? Where in the legislation has the government addressed the number of inspectors required for each plant?

Pretending this legislation has the answers that Canadians need is disingenuous and not at all reassuring, because it creates no clarity and gives no answers to the issues I have just raised.

The bill would also establish a number of prohibitions, primarily relating to importing, exporting and interprovincial trade, as well as the manufacture, preparation, and sale of food commodities. It would also bring in tougher penalties for tampering, hoaxes or other deceptive practices. Here, we agree that the CFIA should be given the necessary tools to enforce import standards and to penalize deceptive practices. However, simply giving the CFIA a bigger stick is not reassuring to inspectors.

Since the outbreak of E. coli at XL, the government has tried to claim that the CFIA does not have enough enforcement powers at its disposal. The minister claimed that it took two weeks to issue a recall of contaminated meat because CFIA inspectors on the ground were not given timely access to documents that would have shown that XL was not monitoring trends leading up to the outbreak.

That is a convenient narrative. However, the existing Meat Inspection Act already gives powers, compelling:

> [that] any person produce for inspection, or for the purpose of obtaining copies or extracts, any book, shipping bill, bill of lading or other document or record that the inspector believes on reasonable grounds contains any information relevant to the administration or enforcement of this Act or the regulations.

● (1300)

Additionally, the current regulations state:

> The owner or person in charge of a place or vehicle referred to in subsection (1) and every person found in that place or vehicle shall give the inspector all reasonable assistance to enable the inspector to carry out his duties and functions under this Act and shall furnish the inspector with any information the inspector may reasonably require with respect to the administration or enforcement of this Act and the regulations.

As recently at this February, the CFIA made its regulations for processors clear on its website in "A Processor's Guide to Canadian Food Inspection Agency (CFIA) Inspections", which reinforces the legal requirement to provide information to and assist an inspector when requested.

In reading the government's release on Bill S-11 from earlier this year, it is clear that the power to request documents is not new. Question 8 of the FAQ sheet asks if inspectors are getting any new powers. The question is answered as follows:

> Under the Safe Food for Canadians Act all inspector powers of the Fish Inspection Act, Meat Inspection Act, and the Canadian Agricultural Products Act have been consolidated into one suite of authorities with a modernized language. The Safe Food for Canadians Act does not distinguish between different food products, as each individual statute did.

So far, the only new thing about this is that the powers are now uniform instead of separated. It goes on to answer:

> The main new authority that did not exist in any of the former food safety statutes is the power to request a warrant by telephone. In addition, the proposed legislation provides more explicit authority for an inspector to pass through or over private property to get to a place for inspection purposes or to take photographs.

This new act gives the power to phone in a warrant and to make private property more accessible. Perhaps my colleagues across the way could tell me how that would have helped the 40 inspectors on the ground at XL Foods. Were they somehow unable to monitor the lines? Was it a closed-door facility they were unable to gain access to? It does not seem that way, as the ministers claimed they had a very close working relationship with the XL Foods staff. However, the answer continues:

> Many authorities have been updated from their previous version to reflect new drafting conventions and to make them clearer for all stakeholders. Some of these authorities include the power to request that an individual start or stop an activity to prevent non-compliance with the act, the power to ask for documents to be produced, and the prevention of obstruction and interference with an inspector carrying out his duties.

Finally, we have the piece that they claim was missing, except, as the department clearly states, it was already there. This super power that finally will be granted to inspectors was there all the time, but the drafting language just needed to be made clearer. This is information coming right from the Minister of Agriculture and Agri-Food's own department. I am glad that the language will be made clearer, but it reinforces further that this legislation is not the magic bullet our food inspectors need.

Our inspectors need, and consumer safety demands, that the government includes in this bill a comprehensive third-party resource audit, including human resources like the one our hon. colleagues in the other place attempted to include and which our leader, the hon. member for Toronto Centre, requested from the Auditor General.

In fact, the audit was first called for by the independent investigator into the listeriosis outbreak, Sheila Weatherill, who said:

> Due to the lack of detailed information and differing views heard, the Investigation was not able to determine the current level of resources as well as the resources needed to conduct the CVS activities effectively. For the same reason, we were also unable to come to a conclusion concerning the adequacy of the program design, implementation plan, training and supervision of inspectors, as well as oversight and performance monitoring.

Accordingly, she recommended:

> To accurately determine the demand on its inspection resources and the number of required inspectors, the Canadian Food Inspection Agency should retain third-party experts to conduct a resources audit. The experts should also recommend required changes and implementation strategies. The audit should include analysis as to how many plants an inspector should be responsible for and the appropriateness of rotation of inspectors.

● (1305)

To this day that has yet to be done. A mere survey was undertaken and the former president of the CFIA, Carole Swan, stated that the review was not the same as a comprehensive audit. The government could not answer who its inspectors were, what their roles were or where they were located. It obviously cannot answer the question of whether there are enough or if we might need more. The members opposite will attempt to observe that the Auditor General already has the power to inspect the CFIA. However, having studied the last omnibus bill closely, all of the members opposite will also have noted that at page 187 the bill removed from the authority of the Auditor General of Canada the power to request that the CFIA provide information about the agency's performance. Certainly, it is within the mandate of the Auditor General to examine whatever departments he or she sees fit, but there are restrictions on how many audits he or she can perform yearly.

Furthermore, if the Conservatives object so strenuously to the Auditor General performing the review, they should open up a transparent third-party, arm's-length process so that we might finally know which resources are required, where they are required and if we have enough, among other things. Sadly, for the government it is all about communications victories, not real assistance for Canadians. In the minister's speech today, he talked more about us in the opposition than his own bill. While this bill contains a number of important measures that we could support, it does not go far enough to ensure there are appropriate resources allocated, and we have given the Conservatives every opportunity to date to add viable and important measures like an audit, yet every time they have refused.

We agree with Bob Kingston when he says:

> Generally speaking, the bill is a good start but we need to ensure that the proposed appeal mechanism does not give industry too much power to undermine the work of CFIA inspectors.... The government has made an important policy statement today with the tabling of the Safe Food for Canadians Act. Now it's up to the government to provide the CFIA with the resources to enforce the new rules and CFIA management to adopt a prevention mindset.

We will be moving this bill to committee next. I sincerely hope that the government will be more amenable to making the necessary changes to ensure that our inspectors have adequate resources. I hope that the members opposite can make this about more than scoring cheap points, and I look forward to the opportunity to take a closer look at the bill in the coming days.

● (1310)

Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC): Mr. Speaker, in his recent speeches on the issue of food safety in the House there have been inaccuracies that have had to be corrected. I too hope that the opposition will not play partisan politics with Bill S-11, an important food safety bill before the House that will be moving to committee.

However, I want to follow up on a comment the member made during his speech and in earlier speeches too. He said that the CFIA currently has all the powers it needs and he asked why it did not do more. Sylvain Charlebois is the associate dean of the University of Guelph's College of Management and Economics, a university that is, of course, in this member's riding. Mr. Charlebois recognizes that the CFIA does not have all the powers that it needs today and says: "The CFIA...does not have the authority to compel the speedy delivery of information from industry during an outbreak". What Mr. Charlebois said seems to be contradicting what this member just said. Could the member clarify for the House who is right?

Mr. Frank Valeriote: Mr. Speaker, the parliamentary secretary never relinquishes an opportunity to mention Mr. Charlebois' name, because he knows that I know Mr. Charlebois. While I know him and while he is in my riding, I do not always agree with him, but we have a deep respect for each other's opinion.

If the CFIA did not have the authority it needed, why is the plant closed? If it did not have the authority it needed, why are other abattoirs in Canada functioning properly? If it did not have the authority it needed, why did it ultimately take the steps necessary for requiring compliance? I said in my speech and the government has said it in its bulletins as recently as February of this year that it must do everything necessary to accommodate any request by the CFIA.

What is troubling is that the member and his party are trying to deflect from the fact that there is no comprehensive audit required for us to fully understand the needs of the CFIA, and they are using it as a ruse so that Canadians will forget about the fact that 15 people are sick because of the government's failure to act on time, and are now claiming that this act would be the panacea for food safety when it is not.

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, I welcome some of the comments by my colleague from Guelph on how this food safety legislation, if it had been passed in the spring, would have made no difference to XL. We would have been faced with the same situation because there is no teeth in this legislation. It is the proverbial toothless tiger. One can talk about having some dates. It reminds me that we have some fines too.

Could the member speak to the fact that we have fines in the present legislation. The new fines will go up, but what do the fines really matter if no one actually applies them, if no one sanctions folks who break the rules, makes them comply and if they do not, they will pay a penalty? We teach youngsters that for certain types of behaviour there are repercussions. Why do we see a certain type of behaviour, yet we see no repercussions for that behaviour? Could my colleague comment on that aspect of the legislation?

● (1315)

Mr. Frank Valeriote: Mr. Speaker, I want to thank the member for Welland for his insight and for his work on the bill and at committee. It is funny that we had this conversation before when the bill was first discussed before the summer recess. This is yet another typical response by the Conservative Party, which will not provide the resources, will not provide the programs, the training so this will not happen again, but it will increase the fines. We know that tough on crime government has solution to everything that ails us, which is to increase the fines. From my understanding, no fines were levied under the old legislation.

If members do not think a $5 million fine is not the answer, XL has lost a heck of a lot more than $5 million for this food outbreak. Just the loss in the marketplace from sales should be sufficient for it to avoid these kinds of circumstances.

I repeat, at the risk of the comment being ignored, that we need to know what exists at CFIA through a comprehensive audit and then provide it with the resources it needs to implement good, sound policy. Increasing fines is not the answer.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, I listened to the member and he used a lot of interesting phrases such as "scoring cheap political points". I have not heard more cheap political points in five minutes than I heard coming from his corner. Because members raise their voices and yell does not make their point that much truer. The truth is we did increase the number of inspectors.

The member also asked why one plant was closed and the other plants were open. That is because this plant failed to comply and that is why CFIA closed it.

Why does the member choose to utilize certain phrases when in actual fact he is the perpetrator of most of these phrases? Why does he not recognize the fact that Bill S-11 is designed to make a good system, a system that the OECD says is a good system, in fact, it has used even higher words of praise? We want to make it even better. Why is it so difficult for the member to admit that and say that he wants to work with us to make it better? Why does he have to score those cheap political points?

Mr. Frank Valeriote: Mr. Speaker, I will speak less loudly. It is not a cheap political point to ask for what Sheila Weatherill asked. It is not a cheap political point to ask for a comprehensive resource audit. It is not a cheap political point to ask for the very thing that is needed for which the people at the CFIA asked, which is a full comprehensive audit to know what they have, where they are, how many inspectors, what they do. We cannot know what we need if we do not know what we have.

I regret the hon. member opposite thinks that these are cheap political points, but they are what has been requested by Sheila Weatherill in the inquiry. To reduce my request to a cheap political point undermines the efficacy of the effort that was made by the Weatherill committee on its investigation into the listeriosis outbreak.

● (1320)

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, while we would agree there needs to be a thorough audit of what went on, along the lines of what Sheila Weatherill recommended for listeriosis, would the member agree that it would be useful, as was the case under the Environmental Protection Act, to actually bring in the field level inspectors and union representatives?

The member for Medicine Hat had previously said that not only temporary foreign workers but refugees also work in this plant. Would the member agree that it would be useful to take these hearings to Brooks and hear from the people who work on the ground?

Mr. Frank Valeriote: Mr. Speaker, I asked for an investigation into exactly what went wrong, both of the CFIA and XL Foods managers and staff, and it was refused by the Conservative-dominated committee.

I completely agree with the member that we should attend the XL plant. However, to have a fulsome inquiry and discussion about this, we need the co-operation of the government. But for this act, everything else is refused.

The Acting Speaker (Mr. Barry Devolin): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Barry Devolin): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And five or more members having risen:

The Acting Speaker (Mr. Barry Devolin): Call in the members.

And the bells having rung:

The Acting Speaker (Mr. Barry Devolin): A request has been made to defer the vote on this matter until the end of government orders tomorrow.

* * *

[*Translation*]

COMBATING TERRORISM ACT

The House resumed from October 19 consideration of the motion that Bill S-7, An Act to amend the Criminal Code, the Canada Evidence Act and the Security of Information Act, be read the second time and referred to a committee.

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, unfortunately, I was interrupted the last time we were in the House because the time allocated to this bill ran out. I will therefore continue my speech.

I took the time to review the content of Bill S-7 and the text of our international agreements, as I mentioned the last time I rose to comment on Bill S-7.

As I pointed out then, I delved deeper into our stance on terrorism, particularly at the international level, and into the international agreements that Canada signed or agreed to in principle. I believe it was important to do that in order to get to the heart of the issue of terrorism and examine what has and has not been done about it.

I looked at the Counter-Terrorism Committee and what it was introducing. The members of that committee have a very interesting guide called the "Technical Guide to the Implementation of Security Council Resolution 1373 (2001)". The resolution was unanimously adopted by the United Nations on September 28, 2001, if I am not mistaken, following the attacks on September 11, 2001. The events required an immediate response and an international consensus, and that is what was achieved.

It is interesting to note how quickly it was adopted, and unanimously at that, by all the countries represented at the United Nations, including Canada. I looked at chapter 2 of that technical guide, a chapter that deals with two very interesting points. The second point talks about eliminating the supply of weapons to terrorists and point number 10 talks about effective border controls.

I began by exploring the issue of effective border controls, an extremely important aspect of combatting terrorism. It is interesting that we are talking about these things now. On the weekend, some of my colleagues and I went to the Canada-U.S. border at Stanstead, which is about a two-hour drive south of Montreal. I learned some very surprising things, along with my colleagues, the member for Compton—Stanstead, the member for Brome—Missisquoi and the member for Sherbrooke, who is also affected by this, since his riding is only 30 minutes away.

Many surrounding communities are affected. Unfortunately, Stanstead is known as a porous border crossing. In 2006-07, there were about 42 illegal entries. This number has gone up every year. By August of this year, there had been over 300 illegal entries at that border crossing. This is a growing problem.

I know the mayor of Stanstead has tried to mitigate the problem in several ways, for instance, by closing Church Street to traffic. Unfortunately, this only moved the problem elsewhere. People are going around the barriers, simply not stopping at all at the border and continuing straight ahead.

People caught recently were mostly refugee claimants. There are international treaties to deal with such cases. Canada welcomes immigrants, and the case of every individual who claims refugee status must be examined.

I completely agree that we must examine the case of every refugee claimant. However, what I found troubling—although oddly enough, a Conservative senator said yesterday that it was not all that troubling—is the fact that the people who entered the country illegally then phoned the police when they reached Magog. They phoned the police to inform them that they had arrived and to ask them to come and get them. As soon as they cross into Canada, they are the ones who contact the police. Honestly, I find that a little troubling.

Why have we not caught these people ourselves, questioned them ourselves or discovered that they have crossed the border?

● (1325)

These illegal immigrants are the ones who contact us to inform us that they are here and are claiming refugee status. That is troubling.

The Conservative senator believes that this is not troubling and that they are simply people claiming refugee status. I agree that we must examine refugee status claims. The NDP filed access to information requests and discovered that human trafficking was taking place through Stanstead. That is very serious. It seems that clandestine networks are being set up, especially at this border crossing. This is a very serious problem that we must deal with.

What is the connection to terrorism? Those people are able to cross the border, reach Magog and then telephone police to announce their presence without anyone going after them or trying to stop them. However, if people enter Canada illegally, not to claim refugee status but to illegally transport weapons, drugs or tobacco, for instance, they will not call the police to inform them of their whereabouts and ask to be arrested. They will probably continue on their way in a truck carrying weapons. They will not stop.

The fact that the government is not taking action in this regard is of serious concern. What is even more worrisome is that the Conservatives are boasting about attacking the problem of terrorism through Bill S-7 when, in the last budget, they cut funding for Canada's border services by over $140 million.

In Quebec, the border services officers' union indicated that 260 jobs were in jeopardy, which means that 260 people would have received a notice telling them that they were going to lose their jobs. For all of Canada, that number was 1,351. That is a lot of staff when other more practical solutions could have been found.

This measure is completely unrealistic, and the government should be increasing the staff when our country is facing such problems. Officers could be mobile so that they could leave their posts to pursue people who cross the border in this manner.

The Government of Canada website clearly indicates that "[The Government of] Canada supports action by the Security Council on international terrorism." I think that we should focus more on effective border control than on passing a bill that, as we can see, will clearly not make a very big difference when it comes to terrorism.

The second thing that I found interesting in this technical guide is the proposal to eliminate the supply of weapons to terrorists. I considered this issue a little more carefully and wondered exactly what was being referred to in this chapter. I therefore checked the exact definitions that are found on page 16 of the technical guide against terrorism, where it talks a little bit about arms brokering. It says:

> (iii) With respect to brokering: regulate brokers and sellers of SALW...

We are talking here about small arms and light weapons, and the point just before that says:

> (ii) With respect to possession: set rules and regulations governing civilian acquisition, possession, transportation, licensing of dealers, record-keeping, and tracing of the various categories of SALW, and rules requiring the reporting of lost or stolen SALW...

That made my hair stand on end. Last year, the firearms registry was abolished here in the House. We fought against it on this side. My colleague from Gatineau and I fought tooth and nail to save the registry. Quebec recently won a court case regarding the data from Quebec, which will not be destroyed. I have also heard that the government will unfortunately appeal that decision.

The Conservatives will not give up. I cannot believe it. This government proudly adopted a resolution condemning the September 2001 terrorist attacks in the United States, and it has since supported the anti-terrorism measures taken by the Security Council.

● (1330)

This guide calls for tracing or a firearms registry. But what did the government do the first chance it got as a majority government? It abolished the registry.

That is not a good way of doing things. It is demagogic to think that it can introduce a nice little bill coming from the Senate that will not change much at the end of the day, when we already had practical solutions.

The firearms registry may not have been perfect, but it was a tool that could be used. We could have improved it so that it would be more robust, more relevant, more interactive and less expensive. The parties here could have come to a consensus. We missed out on a great opportunity to work together on this. What is more, the government has signed agreements with other countries, but it does not even honour these commitments. It is very disappointing to see this.

Also—and I have often mentioned this in the House—I am a hunter and I come from a family of hunters. We had no objection to registering our guns. In fact, we feel safer. Many people I know and many members of my family find that it is safer and that it makes sense to register guns. Personally, I completely agree with the United Nations resolutions. I find it sad that those resolutions are not being honoured here.

Why not deal with the real problem? I think it is sad that with this bill, the government is missing an excellent opportunity to work with the other parties. This bill will make unnecessary amendments to the Anti-terrorism Act. In fact, many experts, including the Canadian Muslim Lawyers Association, Mr. Copeland of the Law Union of Ontario, the Canadian Islamic Congress and plenty of other individuals, agree with us that the measures in Bill S-7 are not necessary.

I agree that we must take all threats of terrorism seriously. Members on this side of the House feel that we must do anything but take these threats lightly. Indeed, we must tackle terrorism more efficiently, but unfortunately, with Bill S-7, I do not see how we can tackle international terrorism efficiently. I find that terribly sad.

I would like my colleagues opposite to consider the fact that our very own land borders are becoming porous. We have serious problems at borders in many of our communities, not just in Quebec. I would suggest that the government talk to Canada Border Services Agency officers to see what the people on the ground think of the situation.

As for gun control, as noted in the Special Senate Committee on Anti-terrorism's technical guide, it is time to deal with this issue, not to turn a blind eye to it. We have to do this because it is extremely important.

As an expectant mother, I am very worried that the government is not taking this issue seriously enough. I am extremely disappointed that the government is turning terrorism into an extremely political issue. The government should focus on national security, it has to honour our international agreements, and it is really missing an excellent opportunity to work with all parties in the House.

● (1335)

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I thank my hon. colleague. I especially appreciated the link she made between some of this government's decisions, which do not always seem to make sense.

We are debating the issue of terrorism. Bill S-7 was introduced in the Senate and touches on certain basic rights. At the same time, we also talked about the elimination of the firearms registry. For the international community, as my colleague put it so well, gun control is a very important aspect of this because, as we know, the two are often connected.

I do not know if she talked about this, because I missed the beginning of her speech on Bill S-7, which she began here in the House the other day. One particular aspect of this bill really struck me. Several experts have said that everything we need already exists in the Criminal Code. It has been at least four years since this government has made any serious attempt to change the terrorism provisions the way Bill S-7 does, and this does not appear to have had much impact on the hunt for terrorists. I wonder what my colleague's thoughts are on that.

Ms. Rosane Doré Lefebvre: Mr. Speaker, I would like to take a moment to thank my colleague from Gatineau for her very wise and interesting comments on this matter.

Indeed, the Conservative government has never before tried to legislate against terrorism as it is now with Bill S-7. As my colleague pointed out, the Criminal Code already covers all of this. Most experts agree that there is no need to initiate all of this or stir things up to change anything, since we already have the standards and legislation we need.

I have to wonder about the government's real motives for amending the Criminal Code and the Anti-terrorism Act. That is one of the big questions I have right now. Once again, I invite the government to reread the technical guides used by the counter-terrorism committee to determine whether the government knows the basics and what laws are needed.

● (1340)

Ms. Annick Papillon (Québec, NDP): Mr. Speaker, like my colleagues, I have questions about this bill. Security seems to be an important focus of the Conservatives' agenda but, when we look at where their priorities lie, we see that that is not true, at least not in Stanstead, which unfortunately is known as a sieve. It is not very pleasant. The fact that we are unable to post a sufficient number of staff at the border crossing at Stanstead prevents us from maintaining good relations with the United States. This is a very simple measure, but it seems that when it comes to taking real action that does not require very much effort—just a specific measure that produces results—the government introduces a bill that focuses on terrorism when that is clearly not the priority.

This morning, I would prefer it if the government talked about Stanstead and said that it would react by adding staff at that location. Instead, it is making cuts across the country, and we have seen the harm that this has done. What is more, from what the Parliamentary Budget Officer has said, we do not get the impression that the cuts are being made in a serious and effective way.

Ms. Rosane Doré Lefebvre: Mr. Speaker, I thank my colleague from Québec, who has raised some very important points in today's debate.

All members of the House, no matter what their affiliation, agree that national security is extremely important. We must protect our country and our people. No one is opposed to showing goodwill, but what I find unfortunate are the means used by the other side to achieve its objectives.

The Minister of Public Safety constantly says that the government is tough on crime. Allowing people to cross the border illegally is not being tough on crime. Double-bunking inmates in our prisons and making inmate populations and our employees vulnerable is not being tough on crime. Abolishing the gun registry is not being tough on crime. The government is not taking the action needed to prove to the international community that we are ready to defend ourselves and to tackle terrorism effectively. On the weekend we saw that there are problems at our borders, and the government is missing out on a really good opportunity.

[*English*]

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, I have been listening to the member talk about the anti-terrorism legislation. I see the member going all over the map. She refers to some technical things from the United Nations. I had the privilege of sitting on the special committee on anti-terrorism after the 2006 election when we had to deal with the sunset clauses. I think the member also leads people to believe there are cutbacks at Canadian border services. Actually the number of officers has been increased under this government by some 25-plus per cent. The member also infers that there is something internationally illegal or something wrong with this legislation.

What the member does not say is that the Supreme Court has upheld similar legislation. What the member does not say is that countries like the United States, the United Kingdom, Australia and South Africa have all initiated legislation along this line.

What is it about Canada that we would not want to be with our partners, fighting terrorism that we see on the news is rampant throughout the world?

● (1345)

[*Translation*]

Ms. Rosane Doré Lefebvre: Mr. Speaker, I would like to thank the member opposite for his question. He also works very hard on the Standing Committee on Public Safety and National Security. It is interesting to have different viewpoints on an issue as important as our national security. We do not always agree, but it is very important to have this debate today and to bring different ideas to the fore.

I would like to go back to many things my colleague just said. It is very important that I make it clear that I am not attacking the existing Anti-terrorism Act. However, I find it very intriguing that Bill S-7 is being brought forward. Our existing legislation is sufficient, and all the provisions we need are already in the Criminal Code.

I will come back to the increase in the number of border agents. I am glad that my colleague mentioned that in the House, since that gives me the opportunity to talk about it. In some places, part-time staff were hired to work at night to improve things, but the hours have still been cut at border crossings. So this changes absolutely nothing. Furthermore, there will be over $140 million in budget cuts to border services. In Quebec alone, 260 border agents received notice that they would lose their jobs, and there were another 1,351 in the rest of Canada. This has yet to happen. When these positions disappear, what happens in the coming years will be catastrophic.

[*English*]

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, it is curious that, over the course of the government's anti-terrorism regime since the occurrence on September 11, outside commentators have pegged the amount of money Canadians have spent at $92 billion.

One wonders how much these new measures are going to cost and why the government has not tabled those numbers.

I would like my colleague to comment on that.

[*Translation*]

Ms. Rosane Doré Lefebvre: Mr. Speaker, I thank the member for Davenport for his very interesting question.

Once again, this goes back to what the member for Gatineau said earlier. The government must answer these questions and tell us what is going on. It must also tell us why it introduced Bill S-7 in the Senate. Why does it want to change laws that are working very well? Why is it eliminating things that are essential to our security?

[*English*]

The Acting Speaker (Mr. Bruce Stanton): Before we resume debate, I will just let hon. members know that we have had more than five hours' debate since the first round on the bill that is before the House.

Accordingly, all the interventions from this point on will have the maximum of ten minutes for speeches and, of course, the five minutes for questions and comments.

Resuming debate, the hon. member for Esquimalt—Juan de Fuca.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, I rise today to speak on Bill S-7, which proposes to do a number of things in amending the Criminal Code, the Canada Evidence Act and the Security of Information Act, but I want to focus on just two things that this bill proposes to do, the two that I believe are the most significant. These are the reintroduction of the provisions for investigatory hearings and the reintroduction of preventive detention in national security cases, also known as recognizance with conditions.

Regrettably, Bill S-7 places measures before the House that the House had already wisely sunsetted in February of 2007 during the 39th Parliament by a vote of 159 to 124, a decisive vote. These measures were wisely rejected again by opposition parties when reintroduced by the Conservatives in 2009 in the 40th Parliament. Of course, these two measures were part of the package passed quickly in the aftermath of 9/11 when Canada's new Anti-terrorism Act was adopted by the House of Commons on November 28, 2001, and received royal assent on December 18, 2001, just over two months after the terrorist attack on the twin towers in New York.

Even in that climate of intense fear and even panic over national security, such was the concern about the two measures for investigatory hearings and preventive detention that a sunset clause was inserted so that these provisions would expire in five years. Yes, there was a climate of fear and panic that all of us remember well. I have personal reasons for recalling that day and its aftermath very clearly. My mother was flying from Washington, D.C., to Seattle that day, and a friend of my partner was flying from Boston to New York.

Fortunately, we located my mother safe on the ground in Denver, but my partner had to tell his friend's parents that their son had not been so lucky. He had to tell them we had confirmed their son was on the flight from Boston. He who had been late for everything in his life managed to catch that flight, unfortunately. We had to tell them that his body would never be recovered to be returned home to them in Indonesia as his was the second flight to hit the twin towers that day. My family remembers that day, but as residents of Vancouver Island we also remember that fear and panic can do harm, as well as responding emotionally to these kinds of issues.

Canadian history itself tells us a climate of fear and panic, no matter how real the threat, can all too easily lead to great injustice when governments act too hastily. I want to reflect a bit today on what happened to Japanese Canadians at the outbreak of World War II, action taken in a climate of panic also in the name of national security. I am going to offer my comments on Japanese Canadians as a kind of cautionary tale that relates very directly to the kind of measures we are asked to consider adopting in Bill S-7.

Much of what I will say here is based on the work of Ann Sunahara, her 2005 book titled *The Politics of Racism*. She has very interesting things to tell us about decision making with regard to the deportation of Japanese Canadians, because she was the first author to have access to government documents from that period after the expiry of the 30-year secrecy rule for these documents. In her book, Sunahara clearly demonstrates that government actions ordering the internment of more than 20,000 Japanese Canadians and the confiscation and sale of their property were based on nothing but fear and panic, often stemming from overt racism and ultimately facilitated by the latent racism against Japanese Canadians present throughout Canada at that time.

Again, it is a cautionary tale when we see members of the Canadian community today, especially Muslim Canadians, often targeted by anti-terrorism measures and the fear and panic that terrorism tends to cause.

Of the 23,000 Japanese Canadians in 1941, less than one-third were Japanese nationals. The rest were either native-born Canadians, some 13,500, or naturalized British subjects, some 3,650. Therefore, two-thirds of Japanese Canadians at that time should have enjoyed exactly the same rights as any other Canadian. Yet even Japanese Canadians born in Canada were denied the right to vote, denied the right to practise most professions and discriminated against in many ways. The so-called gentleman's agreement between Canada and Japan in 1907 had limited immigration from Japan to Canada to 400 per year, and in 1928 that number was revised downward to 150 per year.

Given this climate of latent or overt racism against Japanese Canadians, it is perhaps not all that surprising that after the outbreak of World War II in the Pacific, with the Japanese attack on Pearl Harbour in early December 1941, the Canadian cabinet adopted an order in council under the War Measures Act on January 14, 1942, ordering confiscation and sale of the Japanese Canadian fishing fleet and removal from the coast of all male Japanese nationals. Cabinet said explicitly this was for reasons of national security and to prevent sabotage or collaboration with a possible Japanese landing force.

● (1350)

In taking this action, Prime Minister King was following the lead of the United States and giving in to demands from B.C. provincial and federal politicians who continued to demand the removal of all Japanese Canadians from the coast: men, women and children.

On January 23, 1943, as a solution to the problem of how to pay for the internment of Japanese Canadians, and as a way to prevent their eventual return to the coast, the Canadian cabinet passed an order in council, again under the War Measures Act, that granted the custodian of enemy property the right to dispose of Japanese Canadian property in his care without the owner's consent.

What is important about these two things? What is the lesson they have brought today? At that time, cabinet did all of this against the advice of senior public servants and military officers. They did this, according to Sunahara, against the advice of the RCMP commissioner, the deputy minister of defence, the deputy minister of labour, the deputy minister of fisheries and the vice chief of the general staff of the Canadian military.

The actions against the Japanese were opposed, publicly and consistently, only by 28 CCF MPs, the predecessors of the NDP here in the House, to be joined in 1943 by a few Liberal senators after the disposition order was made.

The deportation of Japanese Canadians from the coast is often justified after the fact by selectively pointing to the U.S. experience, citing a similar experience for the removal of Japanese Americans from the U.S. Pacific mainland. However, relying on the U.S. mainland experience ignores the other U.S. experience and the awkward fact that in the U.S. territory of Hawaii there was no legal action taken against Japanese Americans. This is an area in which Japanese Americans were definitely on the front lines in the Pacific war, but where they constituted 32% of the population and so the economic impacts of internment would have been too difficult.

In Canada, at the end of the war, Prime Minister King was eventually forced to admit in the House that not only had not a single Japanese Canadian ever been convicted of sabotage or aiding the enemy, none had ever even been charged with these offences. Yet cabinet still refused to rescind the restrictions imposed by the order in council and did not end the exclusion of Japanese Canadians from the B.C. coast until 1949, again citing national security as the justification.

I have devoted most of my speech today to this dark period and this dark piece of Canadian history, one which took us nearly 40 years to come to terms with. Not until 1988 did Canada officially apologize and offer some compensation both to surviving internees and in the form of support for the National Association of Japanese Canadians. Obviously, this came far too late for most of those who suffered injustice.

In Esquimalt, where I live, we are only now restoring the Takata Gardens, the oldest Japanese gardens in North America, where the Takata family had operated a very successful tea house before being dispossessed for reasons of national security. This is a powerful local reminder to Esquimalt residents that injustice caused by fear and panic has costs for all Canadians, not just those who are the direct victims.

I see the experience of Japanese Canadians in World War II as a cautionary tale for all members in the House as we contemplate Bill S-7, a bill the government insists is necessary for national security. It is a cautionary tale that tells us of the sometimes ugly consequences of letting fear rule over rationality.

The provisions that we are talking about restoring here were never used in the five years they were in place. Some will cite the Air India inquiry where an application to hold an investigatory hearing was approved but challenged in court, and that hearing was ultimately never held as the sunset clause came into effect in the meantime. Therefore, we are left with no concrete example where an investigatory hearing was actually used. Yet in the 10 years since the Anti-terrorism Act was passed, the government has managed to get terrorism convictions for Momin Khawaja, Zakaria Amara, Saad Khalid and Saad Gaya of the so-called Toronto 18.

Therefore, I would ask this. Has our security been more at risk in the last five years since these provisions were allowed to expire? Does the government have any examples to show us when these powers could have been used?

Instead, I look back to the Japanese Canadian experience and we see the obvious contradiction of having fought a war for freedom and democracy and against racism, while at the same time treating a portion of our own citizens so unjustly.

Can we not see now the risk of a new contradiction? In the struggle to protect freedom, human rights and rule of law, we risk trampling the fundamental rights that are the basis of our democratic and legal system: the right to freedom from detention without charge and the right to protection against self-incrimination.

● (1355)

We also risk the unfair treatment of Muslim Canadians. Though perhaps not as severe as the deportation of Japanese Canadians in World War II, this constitutes a potential blot on our human rights record, which I know all in the House would like to avoid.

Let us not repeat the past but rather learn from it. Let us not stampede to trample rights because of our fears for national security. I urge all members of the House to reject the false security offered by Bill S-7 with its all too likely consequences of weakening our rights and the principles that are the foundation of our justice system.

We know that the best response to threats to our national security is to be found in giving resources to law enforcement and security agencies so they can do their jobs, while working within our system of rule of law and respecting those very rights that give meaning to the question for national security.

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Esquimalt—Juan de Fuca will have five minutes for questions and comments when the House next returns to business on this issue, the motion that is before the House.

STATEMENTS BY MEMBERS

● (1400)

[*English*]

ROTARY CLUBS

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Speaker, I rise today to highlight the good work done by Rotary clubs across our great country.

In my riding, the Mississauga Centre Rotary Club has worked hard to better our community for over 30 years. I have had the pleasure of going to many of its events and seeing first-hand the good work it does for seniors and many charitable causes, and the hard work and dedication of its board members and all volunteers.

Since 1985 Rotary International has put a focus on eradicating polio, a disease that still afflicts too many people and of which too many people are still at risk. Rotary has given over a billion dollars to help this cause, but there is still much to be done. I am pleased with our government's Pennies and More for Polio initiative to match donations to Rotary Canada through CIDA. Funds are also being matched by the Bill and Melinda Gates Foundation.

I hope that with our contribution to this global effort we can finally end polio.

[*Translation*]

SENIORS' ORGANIZATION

Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP): Mr. Speaker, today I am very pleased to congratulate Action centre-ville on its 25th anniversary. Action centre-ville is an organization in my riding that works to combat isolation among seniors by fostering peer support and solidarity.

Seniors are a tremendous asset to our community, not only for what they have contributed in the past, but for everything they continue to contribute, their involvement, their breadth of experience and their knowledge as well. Our seniors play an essential and very active role in our society within their own networks and as volunteers, mentors and activists.

I would therefore like to congratulate the entire Action centre-ville team, which works hard every day to support seniors' involvement and to enable all seniors to keep being the best they can be.

* * *

[*English*]

SUNSHINE FOUNDATION OF CANADA

Mr. Ed Holder (London West, CPC): Mr. Speaker, this week the Sunshine Foundation of Canada, based out of London, Ontario, celebrates its 25th anniversary.

As a national charitable organization, Sunshine has done some pretty special things for some very special kids, Canada's kids. Its goal is to provide a unique dream for children with severe physical disabilities or life-threatening illnesses. Over these 25 years, thousands of Canada's kids have had their dreams realized because Sunshine cares and Canada cares.

At their recent gala, Sunshine's amazing volunteer, Ginger Metron, received the Wayne C. Dunn spirit of service award. Sunshine also announced the Brian and Heather Semkowski Foundation challenge champion grant, where contributions will be matched dollar for dollar in support of our kids.

Thanks to executive director Nancy Sutherland, president Pat DeMeester and all the staff, board and volunteers who worked so diligently to make this night a success.

This Wednesday, October 24, Sunshine will have a Disney World DreamLift leaving from Halifax, where 80 kids from Canada's eastern provinces will get to realize their dreams. More than 7,000 kids have had their dreams fulfilled over 25 years and we thank Sunshine for making this happen.

* * *

[*Translation*]

CANADIAN COUNCIL ON AFRICA

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, the G8 in Kananaskis, Alberta, in 2002 and the importance that this international meeting placed on the future of Africa led to the creation of the Canadian Council on Africa, a non-governmental organization that brings together private companies, universities, colleges and government organizations.

Last week, CCAfrica celebrated its 10th anniversary at a gala with the theme "Looking Forward: the Next Decade".

[*English*]

The Canadian Council on Africa is celebrating 10 years of facilitating and promoting trade between Canada and Africa. During this time it has led 20 missions to Africa, hosted 40 incoming delegations and organized numerous conferences and seminars about Africa.

Mr. Robert Blackburn, senior vice-president for SNC-Lavalin, was instrumental in creating CCAfrica and became its first chairman.

[*Translation*]

Soon after that, Lucien Bradet became the president and CEO and is still doing a wonderful job in that role today.

[*English*]

I wish to congratulate CCAfrica on its first decade and offer my best wishes for the next one, as it accompanies the African continent on its progression.

* * *

SOLDIER ON PROGRAM

Hon. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, yesterday I joined the fine people of Russell, Ontario for their inaugural 15-kilometre Volksmarch in support of our Soldier On program.

The Russell Legion Branch 372, Royal Canadian Air Cadets' 5 Cyclone Squadron, and volunteers and walkers from the local fire department and community gathered to enjoy a beautiful fall Sunday morning and to raise money for a worthy cause.

That cause is the men and women who have soldiered around the world on our behalf and, when things have not gone as planned for them personally, they soldier on, sometimes against seemingly insurmountable odds.

Members of Soldier On battle injuries of the body and injuries of the mind and achieve rehabilitation through sport. They are an incredible group of Canadians for whom defeat on any battlefield, military or personal, is simply not an option.

They have conquered the march at Nijmegen, Mount Kilimanjaro, the Paralympic Games, many personal mountains and are currently in Nepal conquering the 6,000-metre Island Peak in the Himalayas.

I want to thank the people of Russell Township and everyone who supports our Solider On program, but most of all I want to thank and salute those who do soldier on and provide inspiration to all Canadians.

* * *

● (1405)

EXPERIMENTAL LAKES AREA

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, over the last six months, Canada has witnessed an outpouring of stunned disbelief in the wake of the Conservative decision to de-fund the Experimental Lakes Area.

Nowhere else in the world are whole-lake ecosystem studies done and the long-term effects of experiments monitored on anywhere near the scale or with the path-breaking scientific success of the ELA.

What is the operational cost of the ELA? It is approximately $2 million per year. That is all. To put this in perspective, compare this to the massive subsidies to the fossil fuel industry, which will still be $1.2 billion per year by the end of 2016.

A major mistake has been made but there is still time for the government to recognize and rectify the error. If the government were indeed to change its mind, I would be the very first to stand here and give credit to the government for doing the right thing and for showing that goodwill and good sense are still possible in this Parliament.

* * *

MEDICAL TECHNOLOGY INDUSTRY

Mr. Ted Opitz (Etobicoke Centre, CPC): Mr. Speaker, on October 10, I was delighted to announce, on behalf of my hon. colleague, the Minister of State (Federal Economic Development Agency for Southern Ontario), a $990,000 investment in an Etobicoke Centre-based association, the Canadian MedTech Manufacturers' Alliance.

Anyone in the medical technology industry knows that CMMA and its small and medium-sized business division, MEDEC, has been in the business of strengthening and growing the industry since 1973. This new investment will allow CMMA-MEDEC to continue to deliver results. Funding will help southern Ontario medical technology companies achieve their export development goals and will create an anticipated 30 jobs in our region and more in the future.

Local investment such as this demonstrates that our government's top priority remains the creation of jobs, growth and long-term prosperity. We will continue to help our local companies become more innovative, productive and competitive in the global market.

I wish CMMA-MEDEC continued success in this project.

* * *

ROTARY CLUBS

Mr. Patrick Brown (Barrie, CPC): Mr. Speaker, I rise today to recognize the ongoing efforts of three Rotary Clubs in Barrie for their excellent fundraising work.

The Rotary Club of Barrie-Huronia hosted its second annual fall fishing festival during the third week in September. Don Jerry and his fellow Rotarians raised almost $20,000 to support local environmental projects, as well as their Christmas hamper program.

The Kempenfelt Rotary Club held its third annual great Canadian beaver race festival on the last weekend of September. Krista LaRiviere and her Rotary team raised $55,000 for local charities.

The Rotary Club of Barrie's annual Oktoberfest festival was once again a smashing success. The team of co-organizers Adam Attarock Smith and Bruce Shipley raised over $50,000 for local causes, including our hospital's cancer care centre.

I am incredibly happy to report that the spirit of giving is alive and well in the city of Barrie.

* * *

[*Translation*]

ANNIVERSARIES OF QUÉBEC ORGANIZATIONS

Ms. Annick Papillon (Québec, NDP): Mr. Speaker, this fall, a number of organizations in the riding of Québec are celebrating anniversaries. These organizations play a key role in supporting the well-being of everyone in our communities. Respect, solidarity and helping one other are values that guide our community and that define my riding.

Here are some anniversaries of note: 10 years for Fiducie de la maison de Lauberivière, 15 years for Maison des Jeunes L'antidote, 20 years for Croissance travail, 20 years for Centre Jacques-Cartier, 20 years for Le Pignon Bleu, 25 years for Café rencontre, 25 years for the Centre de crise de Québec, 25 years for the Centre d'interprétation de la vie urbaine in Quebec City, 25 years for Maison Marie-Frédéric, 25 years for Petits Frères des pauvres, 30 years for the Centre des femmes de Québec, 30 years for the Sainte-Monique parish charity fundraiser, 30 years for the Les Accompagnantes collective, 40 years for the Association Québec-France, 50 years for the Centre multiethnique, 75 years for the Société historique de Québec, and 150 years for the Voltigeurs de Québec.

Congratulations to all of these organizations and thank you to all of the volunteers and donors for their many years of service to others.

* * *

● (1410)

[*English*]

ANATOLIAN CANADIAN COMMUNITY

Mr. Bob Dechert (Mississauga—Erindale, CPC): Mr. Speaker, I would like to bring to the attention of all members the large number of Turkic Canadians who have come to Parliament Hill today to celebrate the independence of the Republic of Turkey.

The Anatolian Heritage Federation represents 23 member organizations across Canada and will be hosting its first annual reception this evening. Tonight's event will be an opportunity for parliamentarians to experience elements of Turkic culture, such as art, food, music and traditional clothing. It is also an opportunity to learn about the many contributions of this community to Canada.

The federation was established to advance the already healthy dialogue between Canadians and people from the Anatolia region, which includes Turkey, Azerbaijan, Turkmenistan, Uzbekistan, Kyrgyzstan and Kazakhstan.

I urge all parliamentarians to come to the Sheraton Hotel this evening and show their support for the Anatolian Canadian community.

LINCOLN ALEXANDER

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, I rise in the House today to pay tribute to a cherished Hamiltonian, a man with both the royal jelly and the common touch, the Honourable Lincoln Alexander, who passed away peacefully last Friday.

First elected to the House in 1968, the man we knew simply as Linc became Canada's first black member of Parliament in the then riding of Hamilton West, which would later become my riding of Hamilton Centre.

Regardless of whether he was Lieutenant Governor of Ontario, Canada's minister of labour, Honorary Commissioner of the OPP or any of the other positions he would hold, to many of us he was first and foremost a Hamiltonian.

Linc took great pride in our city and our pride in him was equally matched. The evidence is all around Hamilton where people will see his name on street signs, schools, buildings and highways.

I am honoured to have known Linc and to have served with him at Queen's Park.

On behalf of Hamiltonians and the House, I extend our condolences to the Alexander family as we celebrate the life of this remarkable man.

Thanks Linc.

* * *

JAMAICA

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, today, the Prime Minister is meeting with the Prime Minister of Jamaica, Portia Simpson Miller, on her first official visit to Canada. The leaders will discuss matters of mutual interest, such as regional security, trade and investment, and multilateral co-operation. They will then meet with Jamaican Diaspora here in Canada.

[*Translation*]

I am proud to say that this official visit marks the 50th anniversary of bilateral relations between our two countries. Canada and Jamaica have built a solid partnership that has lasted for decades, and our relations are based on strong personal ties as well as shared values and roots.

[*English*]

We continue to work together to advance our joint objectives of increasing prosperity, security and democracy in our shared hemisphere.

We are pleased to welcome Prime Minister Simpson Miller to our great country and look forward to continued good relations with our friends and allies in Jamaica.

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HARVIE ANDRE AND LINCOLN ALEXANDER

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I rise today to pay tribute to two distinguished parliamentarians, Harvie Andre and Lincoln Alexander, who passed away recently.

Harvie Andre served with distinction in opposition and government as a member of Parliament from Calgary. I knew him as a committed Conservative, a feisty debater and an extraordinarily hard-working member of Parliament and minister.

Lincoln Alexander was elected to this place in 1968 and resigned his seat in 1981 to chair the Ontario Workers' Compensation Board, then to serve as Lieutenant-Governor of Ontario and Chancellor of Guelph University. Linc, it is fair to day, was loved by all of us who knew him. Speaking personally, my wife and I have lost a dear friend. I salute his wonderful vitality, his dignity, sense of public service and sense of humour. Ontarians will rightly be paying tribute to him all week before the state funeral in Hamilton on Friday.

In the words of the hymn, "Time like an everlasting stream bears all its sons away", but let us who are waiting our turn pause to reflect on the loss of such friends. Our thoughts and prayers are with their loved ones.

* * *

● (1415)

NEW DEMOCRATIC PARTY OF CANADA

Mr. LaVar Payne (Medicine Hat, CPC): Mr. Speaker, my constituents told me loud and clear that they did not want to pay higher taxes. I was pleased to assure my constituents that our government would not raise taxes. In fact, we have continually lowered taxes.

The NDP's plan, on the other hand, is the stark opposite. It would impose a carbon tax that would raise the price on everything, including gas, groceries and electricity. The NDP members have made their sneaky carbon tax scheme very clear. On page 4 of their platform, it notes in black and white that they will bring in $21 billion in revenues from this tax on carbon.

We believe that Canadians should keep more of their hard-earned money in their pockets. The NDP actually wants to take $21 billion out of Canadians' pockets. This is simply outrageous.

Will the leader of the NDP enlighten the House on his $21 billion tax scheme? Will he explain why he would like to impose more taxes on Canadians?

* * *

MEMBER FOR MISSISSAUGA—BRAMPTON SOUTH

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, since her return from the summer, the member for Mississauga—Brampton South has given four statements but none highlighted events in her riding. She did not mention the United Achievers' Club Annual Scholarship and Recognition Awards held on September 15, or the Sikh community town hall meeting held on September 30.

Brampton Day, a celebration of all things local in Brampton, happened just one month ago. Again, nothing from the member.

Just yesterday, the Brampton Battalion hosted a special Olympics day. Players and fans bought red laces in support of the Special Olympics.

Why were none of those events worthy of celebrating in this House?

There are many wonderful community events happening in every riding all across Canada.

I encourage members to take this time to highlight the Canadians who help build our vibrant communities and not simply repeat fabrications cooked up in the Prime Minister's office.

* * *

THE ENVIRONMENT

Ms. Michelle Rempel (Calgary Centre-North, CPC): Mr. Speaker, I have some wonderful news for my colleague from Trinity—Spadina.

According to "Canada's Emissions Trends" report, Canada's emissions in 2010 virtually stabilized while we saw a growth in our economy by 3.2%.

What does that mean? It means that our greenhouse gas emissions are lowering while our economy is growing. Our policies with regard to regulating the coal-fired electricity sector and the transportation sector and investing in clean energy technology and in climate change adaptation are seeing a reduction in greenhouse gas emissions. This is great news for our constituents.

However, what we will not do is take $21 billion out of the pockets of Canadians to see these things happen. We are getting the job done without taxing Canadians. Canada is in good hands.

ORAL QUESTIONS

[*Translation*]

FOREIGN INVESTMENT

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, in 2010, the Conservatives promised a clear and transparent foreign takeover review process.

That was two years ago, and Canadians and foreign investors are still thoroughly confused. At midnight last Friday, like a thief in the night, the Minister of Industry rejected Malaysian state-owned company Petronas's bid to take control of Progress Energy. But why?

What criteria did the minister use in deciding to reject Petronas's offer?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, Petronas did propose a transaction. As Minister of Industry, I was not satisfied that the transaction would be a net benefit for Canada. Under the act, starting from that point, the company has 30 days to make additional representations. We are ready to welcome foreign investment that is in the best interests of the country.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, that does not mean a thing. We still have no idea.

[*English*]

Is this the kind of transparency we are going to get? The criteria for evaluating foreign takeovers are not clear or transparent. Conservative ministers make multi-billion dollar decisions in the dead of the night. No wonder investors are left in the dark. It is not good for business and it is not good for the economy.

Without clear criteria, we do not know whether these decisions are influenced by cronyism or by partisan political purposes. The Conservatives promised reform of the Investment Canada Act, but have not delivered. Why can they not make the net benefit test clear for investors, for Canadians and for all to see?

● (1420)

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, on Friday night, I announced, as the Minister of Industry, that I was not satisfied with the fact that the proposed transaction would be a net benefit for the country. Therefore, starting from that point, the company has 30 days to make additional representations. We all know we welcome foreign investment that is in the best interests of Canadians.

* * *

CANADA MORTGAGE AND HOUSING CORPORATION

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, speaking of lack of transparency, today we learned from *The Globe and Mail* that the Minister of Finance was moving toward the privatization of the Canada Mortgage and Housing Corporation.

Could the Minister of Finance inform the House, and, indeed, all Canadians, why he wants to dismantle a 60-year success story at the CMHC? It was just four years ago that private mortgage insurance schemes in the United States nearly sank the global economy. Why does the Minister of Finance now want to take Canada down the same road?

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, the fact is, despite what *The Globe and Mail* said, there are no plans to make that change at this time. Our government is focused on implementing economic action plan 2012 and if the opposition members had cared to read that, they would have seen that we had actually included action to improve the oversight at CMHC.

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, the minister says "at this time".

[*Translation*]

If the minister goes forward with his plan to privatize the CMHC, thousands of homeowners and those who dream of buying their first home will suffer disastrous consequences. We saw the same thing happen in the United States: the privatization of Fannie May and Freddie Mac was a complete fiasco.

Are the Conservatives really following in the footsteps of one of the greatest economic failures of all time?

[*English*]

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, as I said, there are no plans to do that at this time. However, we always need to recognize that we can strengthen oversight in our country. We have seen examples in other countries where there was a lack of oversight. That is why we have actually strengthened CMHC's role.

* * *

THE ENVIRONMENT

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, it is not surprising that he does not know, and it turns out Conservatives do not even know what was in their own budget. They are so used to making things up they just cannot stop themselves any more.

On Friday, the Minister of Foreign Affairs said that changes to the Navigable Waters Act were on page 282 of the budget. There is no mention of that on page 282 of the budget, only reckless plans to cut transportation.

Why would the Conservatives remove environmental protection for thousands of lakes and river, even though they never once mentioned it in their budget?

Hon. Steven Fletcher (Minister of State (Transport), CPC): Mr. Speaker, this legislation has always been and remains about navigation and navigation only. The amendments would focus resources to ensure that this would still be the case. This would not affect the government's protection of the environment. In fact, I can list several pieces of legislation that do deal with the environment : the Canada Environmental Protection Act; the Federal Sustainability Act; the Fisheries Act; the Migratory Birds Convention Act; the Species at Risk Act. Shall I go on?

* * *

FOREIGN INVESTMENT

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I wonder if the Minister of Industry could explain to us how Petronas will tell the government what is of net benefit if the government has not told it what is not of net benefit. If the government has had those conversations with Petronas, could it please tell the Canadian people?

This whole process is in the dark. It should be transparent.

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, as the leader of the Liberal Party mentioned, the investor has the opportunity to make additional representations in the next 27 days.

I announced that I was not satisfied that the proposed investment would bring a net benefit to Canada.

As the member knows, we have the law. It is clear. There are factors under article 20, plus guidelines. As we all know, we welcome an investment that is in the best interests of our country.

● (1425)

[*Translation*]

ABORIGINAL AFFAIRS

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I have a question for the government regarding the Indian Act. A member opposite described this legislation as a colonial statute from Canada's past that has nothing to do with the present.

Will the government now tell us what it plans to do to ensure true equality between the Government of Canada and Canada's aboriginal populations? When will that day come?

[*English*]

Hon. John Duncan (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, all parties in the House agree that the Indian Act has held back first nations for over 136 years.

What the Liberals are now proposing is more talk, more delays and more inaction.

What we are doing is taking concrete steps to improve education, access to safe drinking water, transparency for first nations governments and protecting the rights of women and children. Our approach is practical and is delivering results for first nations.

* * *

NATIONAL DEFENCE

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, the leakage of information, the sharing of information, the selling of information by Mr. Jeffrey Delisle to the Russians has been described by members of the government as the damage is astronomical, the damage is exceptionally grave, the damage is simply huge. This went undetected for 50 months.

When a breach of security of this kind happens, it is usually followed by a judicial inquiry. When will there be a judicial inquiry in the case of Jeffrey Delisle?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, I can assure the hon. member, and certainly assure the House and all Canadians, that the Canadian Forces takes these issues very seriously, particularly, where sensitive information is involved.

The member will knows that the matter is still before the court and this individual is still facing sentencing. For that, we will not be discussing it in the House of Commons or publicly.

* * *

[*Translation*]

CANADA MORTGAGE HOUSING CORPORATION

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, measures to tighten the rules on mortgage loans did not have the desired effect. Household debt continues to rise. And so the Minister of Finance's latest proposal is to privatize the Canada Mortgage and Housing Corporation?

The main goal of any private company is to make a profit, and not to help people find solutions to their housing problems.

Why privatize the CMHC when the housing sector is at risk? Why favour the private sector at the expense of the interests of Canadians?

[*English*]

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, the suggestion of that hon. member is incorrect. There are no plans to privatize that at this point.

We have recognized that there are challenges and we have, on four different occasions, reduced the amortization period for home-owners. That is prudent, and we have actually seen the improvements in the market.

Canadians are investing in homes, but they are investing prudently.

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, the Conservatives denied changes to the Museum of Civilization, too, and look at what happened.

What the Conservatives are saying is that we need to get out of the business of providing confidence in the housing market. They say we need to abandon CMHC, the best tool middle-class Canadians have for ensuring stability in the housing market.

However, the example of Fannie Mae and Freddie Mac in the United States shows what happens when we make private companies too big to fail.

If the privatized CMHC fails, who do the Conservatives think will pick up the pieces?

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, I would like to remind the hon. member that her party actually voted against strengthening the rules to protect CMHC. Opposition members stand in the House and criticize what we are doing to ensure we actually protect the savings or Canadians. We put in place improvements to our pensions, to pension plans for Canadians. They voted against that.

I am not sure what it would take to offer something that the opposition would actually vote in favour of that helps Canadians.

* * *

[*Translation*]

FOREIGN INVESTMENT

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, housing is not the only area where the Conservatives are improvising. Three minutes before midnight on Friday, the Minister of Industry announced that he would not approve the Progress Energy Resources takeover.

Investors and analysts do not understand the reasons for this decision. They are calling for more transparency and clear criteria for determining what constitutes a net benefit.

When will the Conservatives finally do their homework and bring clarity to the process?

● (1430)

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, as my colleague knows, section 20 of the act sets out the established criteria. We must take into account certain factors when evaluating whether or not a proposed transaction is of net benefit.

As for the transaction in question, I informed the investor that I was not convinced that it would be of net benefit to Canada. The investor has 30 days from the date of the decision to make additional proposals. Hence, as of today, it has 27 days.

[*English*]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, an arbitrary decision made behind closed doors at midnight on Friday is no way to run an economy. Canadians deserve better than that. Canadians are asking if the government is going to be as arbitrary on the CNOOC proposal to take over Nexen. Canadians want transparency and accountability on foreign takeover applications. The Conservatives are mismanaging multi-billion dollar issues. The Conservatives have broken promise after promise.

When will there be clarity and transparency on the foreign takeover review process?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, the member should know that article 20 in the law contains factors for evaluating net benefit.

As I said, I told the investor that I was not satisfied that the proposed transaction was going to provide net benefit for the country. The investor has 30 days from the decision to make additional representations.

Our government welcomes foreign investments that are in the best interest of the country.

* * *

THE ENVIRONMENT

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, no answers, no clarity is no way to run an economy. Its mismanagement is making investors and the public lose confidence in the government. They can join the crowd.

The premier of B.C. has also lost confidence and is concerned now that Conservatives are looking at using the disallowance power of the federal government to revoke B.C. laws. This has not been invoked since 1943.

Is the government so out of touch that it thinks it can ram through northern gateway over B.C. objections? When will Conservatives start listening to the province, to first nations and to British Columbians?

Hon. Joe Oliver (Minister of Natural Resources, CPC): Mr. Speaker, the northern gateway project is currently before an independent joint review panel, which will review it on the basis of independent science. We look forward to hearing its recommendations.

In the meantime, our government continues to enhance environmental protection, pipeline and maritime safety and aboriginal consultation.

[*Translation*]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, the Conservative attacks on the Navigable Waters Protection Act are irresponsible. The quality of water and environment of millions of Canadians will be affected, as will the country's tourism industry. The Conservatives are endangering our wetlands, lakes and rivers. There are approximately 4,500 rivers in Quebec and over 31,000 lakes in Canada, but only 97 lakes and 62 rivers throughout the country will be protected from now on.

Why does the minister not think that the Dumoine, Bonaventure, Diable and Moisie rivers also deserve to be protected?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, the hon. member should read the legislation that she is talking about. The Navigable Waters Protection Act is not an environmental law. The changes that we are making to it will therefore not have any impact on the environment. Fortunately, there are laws that protect the environment: the Canadian Environmental Assessment Act, the Fisheries Act, the Migratory Birds Convention Act, the Species at Risk Act and the Canadian Environmental Protection Act. The changes to the Navigable Waters Protection Act will not have any impact on these laws or on the environment.

[*English*]

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, instead of working for Canadians, this monster budget bill protects the oil pipelines and puts our pristine lakes and rivers at risk. These changes are not about transportation at all. They are about the Conservatives' refusal to protect the environment. They need to get their priorities straight and put the water back in the Navigable Waters Protection Act.

Will the minister come to the committee and defend his decision to change a water protection act into a pipeline protection act?

● (1435)

Hon. Steven Fletcher (Minister of State (Transport), CPC): Mr. Speaker, the member is making up acts. This act is dealing with navigation and has always been, and remains, about navigation and only navigation. It has nothing to do with the environment. There are other pieces of legislation that are focused on the environment. This one is focused on navigation.

I can help you navigate through the legislation if you wish.

The Acting Speaker (Mr. Barry Devolin): Order. I would remind all hon. members to direct their comments to the Chair rather than their colleagues.

The hon. member for Rimouski-Neigette—Témiscouata—Les Basques.

Oral Questions

GOVERNMENT ACCOUNTABILITY

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, Canadians want to know how budget cuts will affect the services they rely on. It is a sad day when the Parliamentary Budget Officer has to go to court because the Conservatives are hiding information.

The Parliamentary Budget Officer has a mandate to provide analysis to Parliament on the planned spending of the government and the state of the nation's finances. Why are the Conservatives refusing to give the Parliamentary Budget Officer this information?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, we continue to give the budget officer information that falls within his mandate. We have done so in the past. We are doing so in the present. We will undoubtedly do so in the future. We continue to report to parliamentarians and Canadians using the normal means, including the quarterly reports, the estimates and the public accounts. We will continue to do so in the future as well.

[*Translation*]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, what is the point of voting on accountability legislation when we cannot enforce it?

On the very day that the Conservatives introduced another massive budget bill, they are refusing to take action and implement important recommendations that would allow Parliament to better monitor government spending. The unanimous recommendations of the parliamentary committee would have made the budget process clearer and easier to understand, but the government rejected those recommendations outright.

Why are the Conservatives opposed to the committee's recommendations? Why are they allergic to transparency?

[*English*]

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, again, we overwhelmingly approved most of the recommendations. I believe 15 out of the 16 recommendations we either agree with or referred them to Parliament, as it is the purview of Parliament. We agree with the recommendation, for instance, that helps us trace the spending that is found in one set of estimates to actual departmental spending to make it easier for parliamentarians to understand the process by which these spending decisions are made. We will continue to find ways to report to Parliament.

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, in refusing to give information on spending cuts to the Parliamentary Budget Officer, the government makes the truly ridiculous argument that the PBO's job is to examine levels rather than cuts in spending, as if he could examine the true level of spending without first knowing the cuts. It makes no sense. Why, given the central importance of MPs in scrutinizing the government's spending, is the government forcing the PBO to take it to court to get the information he needs to do his job?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I say again to another hon. member that we have co-operated with the budget officer in the past. We do so in the present as well and undoubtedly will do so in the future. As the hon. member knows, having been in this place for a number of years, we report to this place through the quarterly financial reports, through the estimates process, through other parliamentary means and we report to Canadians as a result of that as well. We will be proud to do so in the future as well.

[*Translation*]

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, not only is the government opposing the Parliamentary Budget Officer on transparency, but it is also opposing the Standing Committee on Government Operations and Estimates, which presented a unanimous report in June on how to make the government more responsible and transparent.

Will the minister commit to supporting my motion for concurrence so that the House can move forward on this important matter?

● (1440)

[*English*]

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, there is an echo in the chamber, but I am happy to answer the hon. member as well and indicate that we have agreed with and approved 15 out of the 16 recommendations either as government action or to go to a parliamentary committee, because it pertains to Parliament rather than the Government of Canada. We have agreed to making sure that on spending approvals and specific government programs, there is better traceability than now. These are reforms that we have done. When Liberals were in power, they did none of them.

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CANADA MORTGAGE AND HOUSING CORPORATION

Hon. Scott Brison (Kings—Hants, Lib.): Mr. Speaker, in budget 2006, the finance minister introduced to Canada U.S.-style 40-year mortgages with no downpayment. This failed policy helped lead to record Canadian consumer debt levels. Now the minister says he wants to privatize CMHC.

With record household debt and weakening housing prices, why would the Conservatives privatize the CMHC and give up a key federal lever in the housing market? Why do the Conservatives seem so intent on following failed U.S. economic policy?

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, speaking about failed Liberal policy, it was under the Liberal watch that the CMHC actually moved to 40-year mortgages. The Liberals sat and watched that happen. We are watching out for Canadians. We are helping Canadians. We are not intending to make any changes to CMHC, other than the ones they are planning on voting against, and those are to provide more oversight over CMHC.

* * *

[*Translation*]

ETHICS

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, eight members of the Conservative cabinet, including the Prime Minister, have spouses whose investments are not held in blind trusts.

The ministers know that their better halves own shares in banks and oil companies that are directly affected by federal government decisions.

They could potentially profit from decisions made by their spouses. I highly doubt that all Conservative members of the House see nothing wrong with this.

Can the Conservatives admit that there is a problem and that this could result in conflicts of interest, or even insider trading?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, spouses disclose their assets to the Ethics Commissioner, in accordance with the rules, and follow the Commissioner's advice concerning potential conflicts of interest.

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, we would have hoped for a bit more courage from a government that talks about transparency and that always finds itself mired in scandals and perceived conflicts of interest.

This is not the Conservative government's only problem, as we can see in the case of the Minister of Intergovernmental Affairs.

After exceeding electoral financing limits by thousands of dollars, and having had to negotiate an unusual agreement with an airline company to avoid further violations of the Elections Act, the minister continues to refuse to rise in the House and provide a better explanation than, he did it once and he would never do it again.

Can the minister justify election campaign overspending and explain why his official agent was rewarded with a job?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, there is an official representative who will answer all of Elections Canada's questions.

[*English*]

The minister's official agent will respond to all questions through Elections Canada. The hon. member across the way has not responded to the obvious questions that Canadians are posing to him. He gave not one, not two, but twenty-nine donations to the hard-line separatists, Québec solidaire. All we are asking is that he tell us his position on Québec solidaire's support for sovereignty. Is he a federalist, yes or no?

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, we all enjoy that member's performances, but he is ignoring serious issues here.

The Prime Minister's own guide to accountable government states, “Ministers, ministers of state and parliamentary secretaries must avoid conflict of interest...and situations that have the potential to involve conflicts of interests”. Eight spouses of cabinet ministers hold portfolios of publicly traded securities. This gives the appearance of a possible conflict of interest.

Will the Conservative cabinet members do the right thing and disclose all family holdings?

● (1445)

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, as I have already said in this place today, spouses disclose their holdings to the Ethics Commissioner in accordance with the rules and follow any instructions from the Ethics Commissioner on potential conflicts of interest.

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, we would like to see the government take some action itself before it is told what to do.

Here is another ethical problem that Conservatives are hiding from, a cabinet minister who won by 79 votes and clearly broke the election laws to do it and is now avoiding all accountability.

The Prime Minister promised to finally deal with the ethical mess that he inherited, but he has done the unthinkable and made it even worse. When will the Conservatives stop the blatant hypocrisy and start taking some responsibility?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, this member has taken responsibility and has acted in complete transparency and integrity. We have confidence that Elections Canada will get all the answers it needs.

That is in stark contrast to the practices of the NDP, which accepted over $300,000 in illegal union money for five years and refused to come clean until they were caught. That is exactly why we need the new Conservative bill on union financial transparency.

Why will the NDP not stand up and support more transparency in union spending? What more does the NDP have to hide?

SMALL BUSINESS

Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC): Mr. Speaker, in a period of global economic instability, small businesses across the country continue to face challenges. They need our continued support.

Unfortunately, the only ideas we hear from the NDP involve just that, a $21 billion carbon tax that would be devastating to small businesses. Small businesses simply cannot afford the NDP high-tax agenda.

Can the Minister of State (Finance) please tell Canadians how our economic action plan 2012 will help small businesses?

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, our Conservative government recognizes the contribution that small businesses make to this economy. We have actually consulted with small businesses, and they have asked us to extend the hiring tax credit that was in last year's budget. That is there for this House to support.

It supports the creation of 536,000 net new jobs. It is a $200 million tax credit to small businesses. I have no idea why the opposition is going to vote against that.

* * *

NATIONAL DEFENCE

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, Conservative bumbling on the national security file has reached new heights in the Delisle case.

It turns out that Australia, Great Britain and the United States all had their secret information compromised by this incredible four-year long leak. The Conservatives still cannot tell our allies what the full scope of the damage is.

Protecting the information coming from our intelligence networks needs to be a real priority, and the government is treating this as a sideshow. Instead of photo ops and attempts at preemptive damage control, when will the Conservatives get serious about cyber security?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, as I indicated just moments ago, there is nothing more important than national security. The Canadian Forces work closely with other security agencies, including Public Safety, in the country.

The member knows full well that this matter is still before the courts. Surely the most irresponsible thing that we could do would be discussing that national security incident here on the floor of the House of Commons or publicly in any way.

[*Translation*]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, "enormous consequences" and "astronomical proportions" are the terms being used by security experts in the Jeffrey Delisle cyber espionage scandal.

He has irreversibly damaged our relations with our closest allies. He spied for Russia over a 50-month period. In fact, during that time, he went in and out of an ultra-secure building with a USB device potentially containing top secret information about Five Eyes.

How could the Conservatives have allowed this fiasco to occur under their watch?

● (1450)

[*English*]

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, the member left out that he was caught and prosecuted.

As I mentioned, the reality is that these issues remain of very serious concern. This is why this matter has proceeded through the courts, where it will remain until the matter is brought to sentencing.

I would ask that the member and all members opposite respect that process and allow that conclusion, that sentencing, to occur.

* * *

[*Translation*]

PUBLIC SAFETY

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Mr. Speaker, in my region, problems at the border are a reality that cannot be ignored. Yet the Minister of Public Safety has announced $146 million in cuts to the Canada Border Services Agency. Some 260 jobs will be eliminated. There is already a network of smugglers at work, and several hundred immigrants have been the victims of human trafficking. This is not the time to be making cuts.

Why is the minister not taking this seriously?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, as I have said on numerous occasions, our government increased front-line officers by 26%, but while we were doing that, that member was voting against Bill C-31, the legislation that provides tools to address exactly the issue the member is now complaining about.

[*Translation*]

Mr. Jean Rousseau (Compton—Stanstead, NDP): Mr. Speaker, once again, it is completely absurd and irresponsible for the minister to just bury his head in the sand. If smugglers are at work in Stanstead and human trafficking is a problem, how do we know that drugs and weapons are not also being smuggled in through that border crossing? What is the government hiding? The solution to this problem is not rocket science: the Canada Border Services Agency must be given the resources it needs, period. The problem already exists and now is not the time to be making cuts.

Is the minister willing to work with us to come up with solutions, to come and see the extent of the damage for himself and to work with the community?

[*English*]

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, we do know that it is not the NDP that is preventing any of that, whether it is drug trafficking, human trafficking or guns. That party voted consistently against all of the measures, including Bill C-31, that this government has taken in order to stop those measures.

The member can go back to his constituents and tell them that he sat down on the job when he should have been standing up and voting with us on Bill C-31.

* * *

INTERNATIONAL TRADE

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, it is clear that the Canada-China investment agreement is different from all other investment agreements, and in a bad way.

Since 2004, every Canadian government has required a transparency clause, yet in this agreement DFAIT has told us that China can refuse to allow public hearings or the release of documents to the public.

The best interest of Canadians is transparency. Canadians fear the worst. They deserve an explanation. Could the minister tell the House why his government has agreed to this violation of transparency?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, this agreement is designed to protect the interests of Canadian investors, to ensure that they are secured. That is why it has received such strong support from Canadian investors who are looking to see that their investments in China are protected. We know in the past there have been concerns about whether they are properly safeguarded.

We are working to make sure that Canadians' investments and Canadian jobs are protected.

* * *

FOOD SAFETY

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, on Friday I asked the minister to consent to amending Bill S-11 to include a third-party comprehensive CFIA audit, like the one that was requested by the Weatherill report. The minister said he had a panel "waiting for this type of an issue to move forward on". The recommendation for an independent comprehensive audit was made three years ago and yet no action was taken. What panel is the minister talking about?

Could the minister confirm that he was not waiting for another outbreak like this to act? Will he tell us who his experts are, otherwise will he finally do the right thing and call in the Auditor General?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, the Auditor General already has those powers and may do an audit if he sees fit.

Having said that, coming out of the listeria situation and the Weatherill report, an expert panel was put together at that point. All of the CVs of the expert panel are up on the CFIA website. I would point the member in that direction.

* * *

● (1455)

[*Translation*]

CANADIAN HERITAGE

Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP): Mr. Speaker, after rechristening the Ottawa River Parkway and the Canadian Museum of Civilization, the government now wants to spend even more taxpayer money to rename a key part of Canadian heritage. The Conservatives want to rename the Trans Canada Trail the Queen's Jubilee Trail. How far will they take this unconditional love? Are they going to change the flag and our country's name while they are at it?

Can the Minister of Canadian Heritage explain to us why he wants to change the name of the Trans Canada Trail?

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, on this side of the House, we know that investments in the cultural sector are very important to the Canadian economy. That is why we have made historic investments in this sector.

Unfortunately, every time we make these investments—as we did last week, when we invested $25 billion in the new Canadian Museum of History—we know that the NDP will vote against them.

[*English*]

Perhaps if we had a museum of tax and spend and highlighted such classics as an increase in the GST, increase in taxes for families and the ever-unpopular $21 billion carbon tax, then maybe we would get some support.

[*Translation*]

Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP): Mr. Speaker, I am very disappointed in my colleague. Frankly, I expected more than another broken record.

The Trans Canada Trail evokes our country's vastness, diversity and beauty. The name says it all: it crosses Canada. It is the same idea as the Trans-Canada Highway. "Trans Canada" represents something concrete. To paraphrase today's guest of honour, the Prime Minister of Jamaica, we love the Queen, but there comes a time when we must define ourselves as a government.

Can the Conservatives set aside their nostalgia for the British Empire and realize that this is the 21st century? Now is the time to move forward, not backward.

[*English*]

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, how ironic a question. In the same vein, the member is talking about forgetting about our historic connection to the monarchy.

On this side of the House, we know and understand what Canadians want. They want to talk about the history, the events, the places and the people that have made this country great. Contrast that to the opposition, with separatists sitting in their party making 29 donations to separatist parties. We will never apologize on this side of the House for investing in arts and culture. We will never apologize for doing all of those things and celebrating all of the things that have helped make this the best country in the world in which to live.

I would remind the members why they sit in this place: to defend the best country in the world in which to live and not to talk it down every chance they get.

* * *

VETERANS AFFAIRS

Mr. Randy Hoback (Prince Albert, CPC): Mr. Speaker, our Conservative government has acted to ensure that the necessary support is in place to help Canada's men and women in uniform as they transition into civilian life. That is why our government supported the helmets to hard hats initiative, which helps veterans find employment in the construction industry.

Could the Minister of Veterans Affairs tell the House what other steps this Conservative government is taking to assist releasing members of the Canadian Forces?

Hon. Steven Blaney (Minister of Veterans Affairs, CPC): Mr. Speaker, I thank the member for Prince Albert for his outstanding work with respect to our veterans as we are entering Veterans' Week soon.

Today, I formally asked the Public Service Commission to explore options to give our medically released Canadian Forces members hiring priority in the public service, to assist their transition into civilian life.

[*Translation*]

I also asked it to take the necessary measures to increase the number of Canadian Forces veterans within Veterans Affairs Canada.

[*English*]

These initiatives will help our men and women in uniform to transition into civilian life. This is still the beginning. There is still more to come for our vets.

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, last night the Conservatives delivered the final blow to a decorated veteran. The Conservatives fired Harold Leduc of the Veterans appeal board.

Mr. Leduc was repeatedly harassed by Conservative appointees to the board. They even poked around in his personal medical files, all because he often sided with the veterans, giving them the benefit of the doubt on their appeals.

How can it be that this man and so many other veterans, who actually served their country with dignity, bravery and honour, have been treated so disgracefully by a government consumed by spin and propaganda? Let the spin continue.

● (1500)

Hon. Steven Blaney (Minister of Veterans Affairs, CPC): Mr. Speaker, I can assure the member that over the course of the summer indeed some tribunal members' mandates came to an end, and I thank them. Indeed, appointments are not for life, and our government will work continually to appoint new qualified candidates to this important board.

As of yesterday, our government has moved to appoint four new highly qualified candidates who all hold military or medical experience. These appointments announced yesterday make the number of board members with medical and police backgrounds the highest in the history of the tribunal.

That is what veterans and veterans' organizations have asked us for and that is what we are delivering.

* * *

[*Translation*]

INTERNATIONAL TRADE

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): Mr. Speaker, the government likes to boast about its trade record, but let us examine the facts. Yes, the facts.

In August, Canada had a $1.3 billion trade deficit, and exports of industrial goods were 13% lower than they were this time last year. There is bad news on the import front as well. Our companies spent almost 4% less on machinery purchases last month.

When will the government take its poor—if not pathetic—record seriously and do something about it?

[*English*]

Mr. Gerald Keddy (Parliamentary Secretary to the Minister of International Trade, for the Atlantic Canada Opportunities Agency and for the Atlantic Gateway, CPC): Mr. Speaker, the NDP is simply wrong and is spreading false information. The reality is that our trade deficit narrowed in August. It did not increase in August.

The irony, however, is that the NDP's recklessness and irresponsible anti-trade agenda, which it would impose upon Canada, would put Canada's trade deficit to zero; not decrease it, but put it to zero.

Ever since the NAFTA, the NDP has opposed trade and it continues to oppose trade. What the NDP members need to do is explain to us how they are going to support trade.

We have an ambitious trade agenda. We look for their support.

* * *

ABORIGINAL AFFAIRS

Mr. Kyle Seeback (Brampton West, CPC): Mr. Speaker, as a member of the Standing Committee on Aboriginal Affairs and Northern Development, I have heard first-hand from first nations who have expressed frustration with the complicated and lengthy land designation process.

We know that land designation is an important tool for economic development on reserve. Can the minister please tell the House what the government is doing to assist first nations to unlock the economic potential of their land?

Hon. John Duncan (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, I would like to thank the member for his question.

I am pleased to report that we proposed amendments that would speed up the process to designate reserve lands, as part of the jobs and growth act 2012. These changes would increase economic development opportunities and reduce red tape for first nations.

We continue to create the conditions for first nations to participate more fully in Canada's economy, so that they can achieve the prosperity they seek and Canada needs.

[*Translation*]

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, the Canadian Human Rights Tribunal has to decide whether the Conservatives retaliated against the First Nations Child and Family Caring Society.

The Conservatives do not like to be told that they are discriminating against aboriginal children. However, discrimination is clearly happening, and it must be eliminated immediately with sufficient funding.

Why does the government attack those who do not agree with it? Why does it defame them? Why shoot the messenger instead of fixing the problem?

[*English*]

Hon. John Duncan (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, the member's allegations are completely false.

Funding for child and family services has increased by 25% since 2006. This includes a new prevention model, which is now being implemented to benefit first nation families and children on reserve. We continue to work in partnership to ensure that children and families have the support they need.

ROUTINE PROCEEDINGS

[*English*]

FOREIGN AFFAIRS

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, pursuant to Standing Order 32(2) I have the honour to table, in both official languages, the treaty entitled, "Exchange of Notes between the Government of Canada and the Government of the United States of America constituting an agreement amending Chapter 4 of Annex IV of the Treaty between the Government of Canada and the Government of the United States of America concerning Pacific Salmon", done at Washington on October 15 and 16, 2012. An exploratory memorandum is included with the treaty.

● (1505)

COMMITTEES OF THE HOUSE

JUSTICE AND HUMAN RIGHTS

Mr. Dave MacKenzie (Oxford, CPC): Mr.Speaker, I have the honour to present, in both official languages, the 13th report of the Standing Committee on Justice and Human Rights in relation to Bill C-36, An Act to amend the Criminal Code (elder abuse).

The committee has studied the bill and has decided to report the bill back to the House with an amendment.

* * *

PETITIONS

PUBLIC SAFETY

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, I have two petitions to present today.

As we are in the midst of debating Bill S-7 in this House, I am pleased to present a petition with respect to the report and recommendations of the Standing Committee on Public Safety and National Security of the House of Commons of 2009, concerning the cases of Abdullah Almalki, Ahmad El Maati and Muyyed Nurredin.

The petition calls on the House of Commons to demand that the Prime Minister act immediately on those recommendations and bring a much-needed measure of justice and closure to these cases.

FOREIGN AID

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, the second petition is from residents of Toronto who draw to the attention of the House that Canadian values, including the rule of law, equality and accessible education are well-known, cherished and sought after worldwide. They state that as a nation with a reputation for being a peacekeeper, Canada has a duty to reach out and improve the conditions of nations ravaged by war. They also state that promoting positive Canadian values, such as the rule of law and human rights while delivering humanitarian assistance to Afghanistan, will benefit Afghanis by advancing security and improving regional diplomacy. They also state that investing in the future of Afghanistan's children and youth through the development of programming in education and health has the capability to improve future living conditions for Afghanis.

Therefore, the petitioners call upon Parliament to continue funding Canadian aid and development programs in Afghanistan.

[*Translation*]

ACCESS TO MEDICINES

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, I am honoured to rise today to present a petition signed by over 700 people from my riding of Wellington—Halton Hills.

[*English*]

The petitioners live in and around, I should add, my riding of Wellington—Halton Hills. They are calling on the House to pass Bill C-398 which would facilitate the distribution of generic medicines to developing countries in Africa.

COMMUNITY ACCESS PROGRAM

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, I rise today to table a petition on behalf of many Ottawa residents who are urging the government to reinstate funding to the community access program. The signatures on this petition were collected by the South-East Ottawa Community Health Centre, which I am fortunate enough to have in my riding of Ottawa South.

Sadly, the Conservative government, according to the petitioners, is disconnecting Canadians from their communities, from business opportunities and from government services. They are shutting people out of the online conversations that are shaping our society. I am pleased to table this petition this afternoon.

EXPERIMENTAL LAKES AREA

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I have two petitions to table today.

Nothing could really be more important than the preservation of freshwater in this country. That is why thousands upon thousands of Canadians from coast to coast to coast have signed a petition calling on the federal government to recognize the importance of the Experimental Lakes Area and reverse the decision to close the ELA research station. I present that to the House today.

CITIZENSHIP AND IMMIGRATION

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, in the second petition, Canadians continue to be concerned about the Conservative government's plans for immigration and refugees as expressed in Bill C-31. This petition widely criticizes the government and raises several concerns about this issue. I would like to table that today as well.

● (1510)

RIGHTS OF THE UNBORN

Mr. Bob Zimmer (Prince George—Peace River, CPC): Mr. Speaker, I have the honour to present a petition stating that Canada's 400-year-old definition of a human being says that a child does not become a human being until the moment of complete birth, which is contrary to 21st century medical evidence, and that Parliament has the solemn duty to reject any law that says that some human beings are not human.

The petitioners call upon the House of Commons and Parliament assembled to confirm that every human being is recognized by Canadian law as human by amending section 223 of our Criminal Code in such a way as to reflect 21st century medical evidence.

AGRICULTURE AND AGRI-FOOD

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, I have the honour to present a petition signed by thousands of people across Saskatchewan who are concerned about the closure of the Prairie shelterbelt program, including, specifically, the tree farm at Indian Head that is part of the budget cuts that are going forward.

The people who have signed the petition are from places like Abernethy, Lemberg, Balcarres, Lake Alma, Beaubier, Radville, and so forth. They call upon the Prime Minister to reverse his decision to discontinue the funding of the Prairie shelterbelt program and they want that program to be allowed to continue contributing to the sustainability of Canada's agriculture and the environment.

KATIMAVIK

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I have three petitions to present today.

The first petition is from people in Edmonton, Sherwood Park, Bonnyville, St. Albert and Lac La Biche in Alberta who are calling upon the government to restore federal money for Katimavik.

HEALTH

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, the second petition is from people in Leduc, Edmonton, Calgary, Fort Saskatchewan, Red Deer, St. Albert, Spruce Grove and Nanton who support Bill C-393, the bill to reform Canada's access to medicines regime to provide affordable, life-saving generic medicines to developing nations.

POVERTY

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, the third petition is from Albertans calling on the government to stop muzzling government scientists, to reverse the cuts to science research and to restore the National Council of Welfare and the First Nations Statistical Institute.

HEALTH

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

The first petition calls upon the House of Commons to pass Bill C-398 without significant amendments to facilitate the immediate and sustainable flow of life-saving generic medicines to developing countries.

The Grandmothers Advocacy Network has been hard at work gathering signatures.

FISHERIES ACT

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, I have another petition to present in which the petitioners state that since destruction is the most common reason for a species decline and extinction, it is critical that any changes to the Fisheries Act do not jeopardize the ecosystem upon which future generations depend simply to provide short-term profits for a few.

Therefore, the petitioners call upon the House of Commons to keep section 35(1) of the Fisheries Act as it is currently written, with its emphasis on habitat protection.

FALUN GONG

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, I rise to present petitions calling upon the government to publicly condemn the Chinese government's persecution against Falun Gong and to help rescue the listed family members of Canadians who are incarcerated for their belief in Falun Gong.

PUBLIC TRANSIT

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, in the last petition I have to present, the petitioners call upon the Government of Canada to enact a Canada public transit strategy.

[*Translation*]

EMPLOYMENT INSURANCE

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I am pleased to rise in the House today to present two petitions. The first has to do with employment insurance and the government's proposed changes, which will be very harmful to the seasonal workers in my riding. These workers will have to travel for about an hour to find a job that often does not exist. The people of my riding are calling on this government to reconsider those changes.

[*English*]

HEALTH

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, the second petition is from a group of grandmothers and others from the Tantramar area of my constituency, around Sackville, who are very concerned about access to life-saving generic medicines in Africa and other developing countries.

The petitioners are calling upon Parliament to support Bill C-398 which, in my view, would do a great deal to encourage Canadians to support these people in very difficult circumstances.

EXPERIMENTAL LAKES AREA

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, following on from my Davenport colleague, I rise to present a petition from dozens of people, mostly from Toronto, calling upon the government to reverse the decision to close the ELA.

Canadians, like the petitioners, wish the government to remember that without a 28-year Experimental Lakes Area experiment on the effects of acid rain on lakes, sulphur dioxide emissions would not have been curbed by Canada and the U.S. through treaties and statutes, or without an ELA experiment on algal blooms, we would still have lakes choking to death as they were in the 1960s.

What major findings could be next if the ELA were to live on?

The petitioners ask the government to give the ELA a new lease on life.

● (1515)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I, too, am tabling a petition concerning the Experimental Lakes Area. Many people are very concerned about our lakes, rivers and bodies of water and they are calling upon the government to reverse its cuts to the ELA and, in particular, to recognize the importance of the ELA to the government in studying, preserving and protecting our aquatic ecosystems, and to continue to staff and provide the financial resources necessary to support the ELA.

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QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I ask that all questions be allowed to stand.

The Acting Speaker (Mr. Barry Devolin): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

COMBATING TERRORISM ACT

The House resumed consideration of the motion that Bill S-7, an act to amend the Criminal Code, the Canada Evidence Act and the Security of Information Act be read the second time and referred to a committee.

The Acting Speaker (Mr. Barry Devolin): When this matter was last before the House, the hon. member for Esquimalt—Juan de Fuca had completed his remarks but had not done questions and comments. Therefore, we have five minutes of questions and comments.

The hon. member for Gatineau.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I thank my hon. colleague, our public safety critic, who is doing a great job on Bill S-7. The Conservative government is describing this bill as extremely important to public safety, with an angle related to terrorism.

I would like to ask my colleague a question that I like to ask almost everyone, since I have yet to receive a satisfactory response, before this bill is sent to committee. It has to do with how long it took this government to introduce a bill—and not even in this House, but as I said in my speech, in the Senate—a bill that, according to the government, is fundamental to the safety and security of Canadians. Yet this government took years to bring it before this House.

Does my colleague believe that the exisiting provisions in the Criminal Code are adequate?

[*English*]

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, we have many contradictory messages going back and forth from the government. It says that it is extremely urgent but took forever to get it back before the House.

The other contradictory message that is very important, which I did not mention in my remarks, is the message it sends when the two main measures in the bill, preventive detention and investigatory hearings, were not used by the police and prosecutors for the entire five years it was in force. If these are such wonderful tools that are so necessary, why were they not used by police and prosecutors?

I will be very interested, when we actually get this bill to one committee or another, to hear what the police and prosecutors might have to say about this issue. For me, it seems quite obvious that we have had convictions for terrorism in the 10 years since the Anti-Terrorism Act was adopted and these did not use preventive detention or investigatory hearings. Obviously, the provisions of existing legislation were adequate for those cases.

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I am pleased to rise in the House today to ask a question of my colleague who gave a speech a little earlier.

Earlier, we had some discussion on whether the Conservatives were being a bit paradoxical—I do not think that is the right word, but it is the first one that comes to mind—in their tough on crime agenda. There are several measures and budget cuts that suggest the opposite.

The bill from the Senate is a bit of a smokescreen in the fight against crime. The bill does not really contain concrete measures. There are many other things that could be done.

Could he mention some other measures that the Conservatives did not implement but should have implemented instead of debating this bill today?

[*English*]

Mr. Randall Garrison: Mr. Speaker, the member raises a very important point, which was also addressed by the member for Alfred-Pellan in her speech. The government does say that we need to do more in this area but it then cuts the public safety budget by 10%. It takes more than just putting a bunch of words on a piece of paper. It takes more that just some speeches or answers to questions in the House of Commons. It takes resources to be given to those people who actually do the hard work of investigating terrorism, the law enforcement agencies.

The government likes to say that since 2006 the budgets have increased. Yes, they have increased but then they have decreased. The government likes to take credit for when it increases the budgets but it fails to acknowledge that in the last budget it made some very serious cuts to funding for national security matters.

● (1520)

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, I am very pleased to stand today in the House to speak against Bill S-7, An Act to amend the Criminal Code, the Canada Evidence Act and the Security of Information Act. The genealogy of Bill S-7 takes us back to Bill C-36, the Anti-terrorism Act, which was tabled by the Liberal government in 2001. The original intent of the Anti-terrorism Act was to provide the Canadian legislative response to the events of September 11, 2001, 9/11 as we now know it.

There is no question that day should not and indeed cannot be forgotten. The images of passenger planes flying into those iconic towers repeat themselves over and over again in news, television and film, and undoubtedly in the mind as the memories of the many who were personally impacted by that act of terror.

I note with sadness that my colleague from Esquimalt—Juan de Fuca and his partner have such memories to bear.

As these images repeat themselves, we witness the deaths of nearly 3,000 innocents, including 24 Canadians over and over again. That day we awoke to a new kind of threat and a new level of threat. Most importantly, we awoke to a new and profound sense of vulnerability, so we responded.

Several provisions of Bill C-36 became permanently enshrined in other legislation such as the Proceeds of Crime and Terrorist Financing Act, the Criminal Code and the Access to Information Act. However, several parts of the Anti-terrorism Act had sunset clauses expiring in February 2007. These provisions concerned investigative hearings and recognizance with conditions or preventive arrest provisions.

These measures were largely without precedence in Canadian law and for good reason. We believe that these provisions run contrary to fundamental principles, rights and liberties enshrined in Canadian law. The rights and liberties violated include the right to remain silent and the right not to be imprisoned without first having a fair trial. We believe that these are important restrictions on the authority of the state because in their absence there is not sufficient protection of an individual's freedom.

As per the terms of the Anti-terrorism Act, these provisions, in order to be extended, had to be adopted by way of resolution by both Houses of Parliament. However, the resolution was defeated soundly, 159:124 in this House, and these controversial provisions of the Anti-terrorism Act sunsetted.

We know that the efforts did not end there. Similar bills were proposed in 2008, 2009 and 2010 in the forms of Bill S-3, Bill C-19 and Bill C-17 respectively. It seems this is an annual, or almost annual rite. Now they are back.

Time has passed in the interim, a decade roughly since Bill C-36 was brought before the House, and time has been instructive. Since the passage of the Anti-terrorism Act, the recognizance with conditions or preventive arrest provision has never been used. The investigative hearing provision has been used once in the Air India case. Many consider that exercise to have had no positive effect, in fact quite the opposite.

Paul Copeland, a highly experienced and respected lawyer representing the Law Union of Ontario, speaking about this sole experience with the investigative hearing provision, said to the Standing Committee on Public Safety and National Security in 2010 that the Law Union characterized this episode "as a fiasco, and I think that's an appropriate description". He went on to say about all the provisions examined:

> The provisions you are looking at here, in my submission, change the Canadian legal landscape.... They should not be passed, and in my view they are not needed. There are other provisions of the code that allow for various ways of dealing with these people.

This seems to be the nub of the issue. Without such extreme provisions, without changing the legal landscape of Canada, without breaching the rights and civil liberties of Canadian citizens, we have successfully protected the safety and security of Canada and Canadians from terrorist attack. These provisions have proven over the course of time to constitute an unnecessary and ineffective infringement.

● (1525)

As the former NDP justice critic said in the House in 2010:

> When facing a crisis, we as political leaders feel that we have to do something even when all the evidence shows that the structures we have, the strength of our society, the strength of our laws, are enough to deal with it. We passed legislation in early 2002 to deal with terrorism when we panicked. We have learned in the last eight years that there was no need for that legislation.

The only thing to add to that summation is that in the past decade we have learned that we did not need this act.

The proof, as they say, is in the pudding. As Denis Barrette, spokesperson for the International Civil Liberties Monitoring Group, noted before the standing committee on Bill C-17 in 2011:

> Since 2007, police investigations have succeeded in dismantling terrorist conspiracies using neither one of the provisions we are talking about today.

He concluded:

> We believe that Canadians will be better served and better protected under the usual provisions of the Criminal Code, rather than others that are completely unnecessary. Reliance on arbitrary powers and a lower standard of evidence can never replace good, effective police work. On the contrary, these powers open the door to a denial of justice and a greater probability that the reputation of innocent individuals...will be tarnished.

We have borne witness to that in this country.

While these provisions have proven to have no effect on the fight against terror, they have had a profound social impact on Canada and many Canadians. On the eve of 9/11 this year, I showed a film at my local review theatre, the Fox in the Beach. The film is called *Change Your Name Ousama*. It was produced and directed by local filmmaker Fuad Chowdhury and focuses on a community in my riding of Beaches—East York called Crescent Town. Crescent Town is a very densely populated and diverse community, which is largely made up of Bangladeshi Canadians, most of whom are Muslim.

The film is not a point of view film. It was made for television and screened at the Montreal film festival. It includes significant interview footage, for example, of the assistant director of CSIS. It also includes footage of our Prime Minister in a fairly recent CBC interview telling Canadians that the major threat to Canada is still Islamicism. The film also tells the story of what it feels like to be one of about a million Muslim Canadians living in a political climate where their religion has been held to be a threat to the security of their country.

It is noted in the film by a University of Toronto academic that governments, through their actions, have the power to create stigmas and to marginalize communities. Of this we need, in this place, to be very mindful and sensitive. This is where the film gets its title. It was the advice, amidst the political fallout of 9/11, of a Muslim leader of Crescent Town to members of his community, “Change your name Ousama. Shave your beard. Do not wear your kufi”. In essence, “change or disguise your identity”.

Motivated as they have been, bills such as that introduced in 2001 by the Liberals and its partial reprisal today in the form of Bill S-7 have had that impact. They have left so many across this country and in my riding feeling like they have something to apologize for, as if the onus rests on them to demonstrate somehow that they are not terrorists.

Herein lies a great tragedy. In Bill S-7, as with Bill C-36 before it, we have before us a bill that contradicts not just the legal heritage of this country but a fundamental social and political heritage that takes us back decades at least, a heritage of which we should be proud and protective. The heritage I speak of is the opportunity to maintain and exercise one's culture and religion in Canada freely and still be and feel fully Canadian. This social and political heritage is one that has made us a great place, a place where so many around the world long to come to live.

● (1530)

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I thank my hon. colleague for his dissertation and intervention in this debate. He referenced one of the communities in his riding.

This anti-terrorism legislation, which was enacted after September 11, 2001, has by some estimations cost Canadian taxpayers about $92 billion.

My colleague will know that for the folks in Crescent Town and other communities in Toronto who try to get government subsidies and grants to do community projects, every single dime and nickel of that has to be accounted for and the government puts onerous systems in place to guarantee that. Yet here we have a piece of legislation that comes with no price tag at all.

I wonder if my colleague would comment on the juxtaposition of those two realities.

Mr. Matthew Kellway: Mr. Speaker, there is a contradiction here that one cannot ignore. The community of Crescent Town is what we call in Toronto a priority community. It is a place that has been designated as having structural poverty and is in need of extra intervention, yet that intervention does not come easily.

As my colleague notes, the social services that these communities rely on, such as settlement services for recent immigrants, have been cut and are very difficult to come by. We have a federal government that has become absent from cities in this country and does not support them. The policing that this community needs to deal with crime is not available when it needs it.

We note too, in terms of the contradictions here, that there have been a number of cuts on the security front. On the front line of border crossings, 325 jobs have been cut. These are very important jobs for the safety and security of these communities because they stop the import of guns into the community and the forms of violence that follow, which are so prevalent.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, my colleague's argument that we were all in shock during the events of September 11, 2001, rang true for me. Another NDP colleague was saying in his speech the other day that this was one event that we will all remember. We will all remember where we were at that exact moment and what we were doing.

I remember that I was trying to interview someone on the radio who must have thought that I was the world's most impolite person because she was talking to me, but I was no longer listening. I was too mesmerized by the image on the screen in front of me, the image of that plane hitting one of the towers.

Obviously, we are all a bit thin-skinned when it comes to the issue of terrorism, but we must still find that perfect balance between protecting the public and ensuring that people's fundamental rights are not violated because of a very dramatic moment in time. I would like to know what my colleague thinks about that.

The Acting Speaker (Mr. Bruce Stanton): We have time for one answer.

The hon. member for Beaches—East York.

[*English*]

Mr. Matthew Kellway: Mr. Speaker, I thank my colleague from Gatineau for her leadership and wisdom on this particular issue.

What is interesting is that if it were only so complicated, what we would need to do here would be to find a balance between national security and our rights and freedoms and the protection of civil liberties. However, what history has shown us over the last decade, which is a long time to have a look at this question, is that these provisions that were brought forward in Bill C-36, and now are being reprised in Bill S-7, were fundamentally ineffective and unnecessary. Therefore, it is not really a matter of finding the balance here.

What we have found is that our current laws, criminal justice system and security arrangements have been sufficient to protect Canadians from acts of terrorism in this country.

● (1535)

[*Translation*]

The Acting Speaker (Mr. Bruce Stanton): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Bruce Stanton): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bruce Stanton): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Bruce Stanton): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bruce Stanton): In my opinion the yeas have it.

And five or more members having risen:

[*English*]

Mr. Pierre Lemieux: Mr. Speaker, I would ask that the vote be deferred until tomorrow at the end of government orders.

The Acting Speaker (Mr. Bruce Stanton): Accordingly the recorded division stands deferred until tomorrow at the end of government orders.

* * *

STRENGTHENING MILITARY JUSTICE IN THE DEFENCE OF CANADA ACT

The House resumed from June 19 consideration of the motion that Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts, be now read a second time and referred to a committee, and of the motion that the question be now put.

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, it is an honour to offer a few observations with respect to Bill C-15.

At the outset, the Liberal Party will support the bill. However, there are some issues that we wish to raise in a collegial fashion as much as possible in this place. There are some questions that do bear some exploration. Hopefully that will take place at committee and that the committee will be given a fulsome amount of time to discuss it.

The bill has been kicking around for a while, somewhat like the previous bill. Its previous iteration was Bill C-41 and before that I have lost track of what numbers it has seen over the course of several Parliaments.

I will confine my remarks to basically three points: first, with respect to sentencing; second, with respect to judges; and third with respect to the supervisory power of the vice chief of the Defence Staff as it relates to the provost marshal.

The first observation has to do with military sentencing generally. It is beyond arguable that military sentencing is harsher and less flexible than is civilian sentencing for comparable offences. The bill does make some effort to reconcile the sentencing that would take place in a military tribunal with sentencing that would take place in a civilian tribunal. That is by and large a good thing. We recognize that flexibility in sentencing is to the benefit of the justice system. It is to the benefit of the Crown and the accused.

However, I would note that it is somewhat ironic that the government on the one hand is introducing flexibility in sentencing with respect to Bill C-15 and military personnel, while simultaneously in other legislation introducing more and more minimum mandatory sentences, all of which takes away from flexibility in sentencing where a judge, Crown and defence may arrive at a better sentencing option than possibly a minimum mandatory does.

To be consistent, the Liberal Party agrees there should be greater flexibility in sentencing, such as in Bill C-15, and where appropriate, the sentence should be more flexible and possibly less harsh.

We do hold our military personnel to a higher standard than that of civilians. There are cases where the sentence should reflect not only the civilian component, but also the code of discipline that applies to all military personnel. It is one thing to go running around the countryside as a drunk driver in a civilian motor vehicle, but it is another thing altogether to be drunk with a military vehicle, which could have far more serious consequences and is clearly a breach of discipline. The law should recognize that concern as it is an additional responsibility that a person in the military takes on. It should recognize that these are very serious accusations and breaches of not only the Criminal Code, but of the code of conduct expected of military personnel.

The second point I want to make is with respect to judges. It is a good idea that part-time judges be made available in various tribunals. There is, after all, a population of only about 68,000 serving personnel, while the gross population of the military is roughly 100,000. The availability of part-time judges is a good idea.

● (1540)

Interestingly, the bill maintains the retirement age of 60 years of age. Where I come from, judges are actually just coming into their judicial career somewhere between 55 and 65 years of age, because of the argument that not only does it takes quite a while to accumulate the knowledge base for reviewing Criminal Code offences, but also to arrive at wise and intelligent judicial discretion.

It is somewhat counterintuitive that we do not limit civilian judges until they are age 75, but we limit military judges to age 60. The argument is that the judges need to be deployable. At one level, that is probably a good argument. At another level, I do not know that they need to be terribly deployable while actually sitting as a military judge in places like Ottawa, Montreal, Toronto or any other base in Canada, where the issue of deployability is not as necessary.

It strikes me as counterintuitive when we walk away from some very capable people who are, in fact, quite able to administer justice to those members of the military who find themselves on the wrong side of the law.

The final point I want to make has to do with section 18.5, which concerns the Canadian Forces provost marshal. In the ranking, the vice chief of the Defence Staff is, in effect, the second most powerful military figure in our hierarchy. He or she, as the case may be, under subsection (2), "may issue general instructions or guidelines in writing in respect of the responsibilities described in paragraphs 18.4 (a) to (d). The Provost Marshal shall ensure that they are available to the public".

As a general proposition, the vice chief may issue guidelines. Those guidelines are communicated to the provost marshal and the provost marshal in turn is able to make those public. This is the military police. This is telling the police officers what they are supposed to do in terms of investigations as a general proposition, which, if it were left there, would be perfectly acceptable.

However, there is a further section with respect to the same issue. It says, "The Vice Chief of the Defence Staff may issue instructions or guidelines in writing in respect of a particular investigation". What is objectionable about that?

Let us cast our minds back to Somalia. We will recall that as a blight on the otherwise exemplary record of our forces operating abroad that led to an inquiry. It was not a happy outcome for any of the parties involved, particularly the military.

This section, in effect, gives the vice chief the option of shutting this whole thing down, shutting any investigation down on his or her say so. That, I would suggest, is a significant departure from what we expect of civilian police officers.

The analogy is imperfect but is an analogy which may help people appreciate the significance of this section. It is as if police officers were faced with an investigation and the mayor came along and said, "Don't do it", or the premier came along and said, "We don't want you to do that one", or the Prime Minister came along and said, "We don't want you to conduct this investigation". That is inconsistent with the general independence of police officers, the independence that they have from political supervision.

● (1545)

The government from time to time will rightly say in question period and elsewhere that it has no authority to intervene if a case is under police investigation. That is a recognition of a file called Campbell and Shirose, the case that was decided by the Supreme Court, which gives an enormous amount of protection to the independence of a police officer to pursue a police investigation in the fashion and the manner and with the distance it requires in accordance with the views of the investigating officers. That, however, is being pulled back in this particular case, and it will be potentially circumscribed by the Vice Chief of the Defence Staff, presumably on the instructions of the Chief of the Defence Staff.

Therefore every investigation that potentially could get launched and investigations that could go in directions that maybe the CDS or the Minister of National Defence or the government of the day does not want it to go, could be yanked. The way it could be yanked is through this particular section. It would violate some of the core concepts of police independence. It would allow the vice chief to issue instructions and guidelines in specific cases.

That is possibly one of the more difficult sections of this particular bill, which should be explored at committee. I am hoping members will be given a real opportunity to mine into this issue. For those who hold the independence of the police as, for want of a better term, sacrosanct, this is a very significant pullback of the authority of the police to do their job. Anytime the state intervenes in a police investigation, whether it is through a vice chief, the CDS, the military, the government or the minister, it is potentially a bad thing for our system of government and probably quite offensive to our way of government and our way of life here. Allowing the second highest ranking officer in the Canadian Forces to shut down a military police investigation, in our judgment, would not be the way to go.

We need to understand that we respect the RCMP, for instance. I am just using the RCMP as an example. There is no comparable section in the RCMP legislation, which would allow the minister of the day or the deputy minister of the day to shut down an RCMP investigation, and were it to happen, there would be a political price to pay.

We agree that, on the sentencing aspect, there should be a significant overlap between the code of discipline and the Criminal Code. We question the advisability of limiting judges to age 60. We really want to ask some questions with respect to Section 18.5(3), which gives the vice chief what I would argue are extraordinary abilities to limit investigation.

● (1550)

Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC): Mr. Speaker, Bill C-15 provides a statutory articulation of the objectives, purpose and principles of sentencing in the military justice system. This would provide military judges presiding over courts martial, presiding officers at summary trials and appellant judges in the Court Martial Appeal Court and the Supreme Court of Canada with parliamentary guidance similar to that which is provided to their civilian counterparts, while recognizing the unique characteristics and requirements of the military justice system.

Does the hon. member agree that providing statutory articulation of the objectives, purpose and principles of sentencing to these important actors in the military justice system is something that should be supported by all members of the House?

Hon. John McKay: Mr. Speaker, I thought that is what I just said in the last 15 minutes. I take it the hon. member missed the opening sentence of my speech, which was that the Liberal Party will be supporting this.

Frankly, we think articulation of the principles of sentencing is nothing but a good idea. If we go to the Criminal Code, we see there is an entire section on the sentencing guidelines appropriate to a particular offence. We think, as much as possible, there should be a parallel between the Criminal Code and the code of discipline, recognizing that the military has a unique and special role in our society, and that role still has to be recognized in a code of discipline that may impact on a sentence in any given case.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I appreciate the hon. member for Scarborough—Guildwood's answer. I would like to ask him if that amounts to the Liberal Party giving the Conservative government a blank cheque for the passage of Bill C-15.

Fairly recently, when a similar bill reached committee stage, the Liberal Party agreed that it needed a lot of amendments. There was also a Liberal government in place when the Honourable Justice Lamer presented some 95 recommendations, of which only a few dozen are being implemented in Bill C-15. I hope the Liberal Party is not giving the Conservative government a blank cheque.

[*English*]

Hon. John McKay: Mr. Speaker, it is far from a blank cheque. I think I have articulated at least three areas where there are legitimate questions to be raised. I do not think that is an exclusive list by any means.

I agree with the hon. member that the bill has seen a number of reiterations.

Mr. Justice Lamer's report was a good report. It was quite useful. I think a lot of the justice's recommendations see their way into Bill C-15. Without having my arm twisted behind my back, I would commend the government for actually recognizing that. I do wish, though, that it were not quite the last item on the government's agenda in each and every Parliament. However, we are here and let us hope we can get it into committee.

● (1555)

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, it is true that this bill has seen many iterations. Unfortunately, many important amendments that the NDP moved in the last Parliament are not present in this current iteration.

We ask enormous things of our men and women in uniform. Many Canadians would be surprised to know that important due process is not granted to them in these summary trials.

I would like to know how the hon. member in the corner squares that circle.

Hon. John McKay: Mr. Speaker, I like our little corner down here. It seems to me that in another life this hon. member might have seen this corner as well, and maybe in the future.

Actually, there is a squaring of this particular circle in that there is, in effect, a merger of the sentencing guidelines that apply. First, we would have a military person who is charged, the standard of evidence would be heard in the normal fashion, the conviction would be entered or not in the normal fashion and then we would get to the sentencing. Up to the point of sentencing, it was actually a fairly parallel system.

Where it ceased to be parallel was in the harshness and inflexibility of the sentencing. I like to think that the Criminal Code guidelines that are applied to Criminal Code sentencing would actually be the guidelines for the military, unless either on the balance of probabilities or even beyond reasonable doubt, we can show that the code of discipline is something that should override in a particular case.

I also take note that there is a reconstituting of the panels, so that members of similar rank are, in effect, doing a peer review of each other. I do not want to call it a peer review because that is not quite the right language, but sergeants will be sitting in on corporals and privates, and colonels will be addressing issues with respect to officers. Therefore, I think this bill actually moves the yardsticks quite substantially toward a Criminal Code system.

Mr. Andrew Cash: Mr. Speaker, notwithstanding what the member has said, when we get into summary trials there are no transcripts, no record, and for members of the military who are tried on some minor variances and are stuck with a criminal record that could be harmful to them in the future, this is an issue we think is of serious concern. I wonder if the member agrees.

Hon. John McKay: Mr. Speaker, actually I think the hon. member does make a legitimate point, and there are minor things that happen to a member of the military where there is no record and no ability to appeal that. It is in effect a double jeopardy. I do not disagree with that. However, it also is a function of being a member of the military, and when someone takes on that uniform, he or she in effect takes on a level of responsibility that civilians do not take on. The consequence of that is, when someone gets in a bit of trouble, the consequences are potentially more serious than if it were a parallel civilian offence.

I agree with the member as far as transcripts go, whether a record can be viewed or not viewed, particularly by a potential employer, and the relevance it has to any other aspect of the military person's life.

● (1600)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I wonder if my colleague can provide comment in regard to Bill C-15 and what he perceives as one of the shortcomings of the bill, maybe something the government could have done, either in a more timely fashion or in general with regard to the bill. Does he have any thoughts in regard to that?

Hon. John McKay: Mr. Speaker, my main comment had to do with the supervisory function of the Vice Chief of the Defence Staff as it relates to potential police investigations. Some very thoughtful people, and I think of the late Kent Roach as one, have given a great deal of thought to the issue of a vice chief being able at any given time in a point of investigation to issue "guidelines". Guidelines is a nice word, but it can be used in a very expansive way. So we can actually circumscribe an investigation in a manner that is far more extensive than any other civilian police officer or civilian police would put up with. That is the main criticism of the bill.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, it is an honour to rise in the House today to speak to Bill C-15.

First, I would like to congratulate our national defence critic, the hon. member for St. John's East, who is doing an amazing and remarkable job on a file that can be difficult, given that we are dealing with a government that would rather act like G.I. Joe than seriously examine the country's national defence needs, analyze the cost to Canadian taxpayers and have a comprehensive view of Canada's defence role as it relates to the deployment of military personnel in our country and abroad.

I have tremendous respect for the Canadians who work for our Canadian Forces. I have met many of them, since there are obviously a number in my riding, it being in the national capital region. In my riding, it is not unusual for people to frequently come across Canadian Forces members. I really admire the work that they do, here, inside our borders, and around the world, especially in light of what has been going on. It takes a special person to put his or her life in danger to protect our values, rights and what we stand for every day.

That is why we cannot afford to let the government take so many years to introduce this bill. I said "so many years", because in 2003, retired Chief Justice Lamer was asked to produce a report on the situation and to make recommendations regarding the bill.

The summary of Bill C-15, which was produced and which I will give a little background on shortly, states the following:

> This enactment amends provisions of the *National Defence Act* governing the military justice system. The amendments, among other things,
>
> (*a*) provide for security of tenure for military judges until their retirement;
>
> (*b*) permit the appointment of part-time military judges;
>
> (*c*) specify the purposes, objectives and principles of the sentencing process;
>
> (*d*) provide for additional sentencing options, including absolute discharges, intermittent sentences and restitution;

> (*e*) modify the composition of a court martial panel according to the rank of the accused person; and
>
> (*f*) modify the limitation period applicable to summary trials and allow an accused person to waive the limitation periods.
>
> The enactment also sets out the Canadian Forces Provost Marshal's duties and functions and clarifies his or her responsibilities. It also changes the name of the Canadian Forces Grievance Board to the Military Grievances External Review Committee.
>
> Finally, it makes amendments to the delegation of the Chief of the Defence Staff's powers as the final authority in the grievance process and makes consequential amendments to other Acts.

As I said a moment ago, I believe this quite lengthy bill has been long due since 2003. However, "long due" does not mean we should hand out blank cheques, even though the bill concerns national defence and our men and women working for the Canadian Forces. The NDP is not in the habit of handing out blank cheques.

This bill has previously appeared in a number of forms, as bills C-7 and C-45, which died on the order paper when Parliament was prorogued in 2007 and when the election was called in 2008. In July 2008, Bill C-60 was introduced and it came back with a vengeance. Bill C-60 simplified the structure of courts martial and established the method for selecting the type of court martial that would harmonize best with the civilian justice system. In 2009, the Standing Senate Committee on Legal and Constitutional Affairs examined the bill and recommended nine amendments to the National Defence Act.

This happened after 2003, when the Right Honourable Antonio Lamer tabled a report on his review of the National Defence Act, a report that contained 88 recommendations concerning military justice, the Military Police Complaints Commission, the grievance process and the Canadian Forces provost marshal.

● (1605)

Looking at Bill C-15 as it currently stands—because that is the one we have to consider—we realize that it is supposed to be a legislative response to those recommendations. However, only 28 recommendations have been included in the bill.

I will say it right away—and the critic said this—we will not support this bill at second reading because, in any case, the government will be referring it to committee. However, there are so many flaws, serious flaws, in this bill, and it is not because it should have been introduced so long ago that we should adopt any such poorly constructed legislation. That is our position on the matter.

In 2010, Bill C-41 was introduced in response to the 2003 Lamer report and to the Senate committee's 2009 report. It contained the military justice-related provisions respecting, for example, sentencing reform, judges, military panels, summary trials, the court martial panel, the Canadian Forces provost marshal and certain provisions respecting the Military Police Complaints Commission.

It can nevertheless be said, for those who were here at that time—I was not—that bills C-41 and C-15 resemble each other and are similar to what was introduced by the Senate committee during the last Parliament.

The amendments stood included those concerning the composition of a court martial panel, and security of tenure for military judges until retirement.

However, other important amendments—and I want to emphasize this—adopted at the committee stage at the end of the last parliamentary session were not included in Bill C-15. That includes the NDP's amendments respecting the authority of the Chief of Defence Staff in the grievance process—a direct response to a Lamer report recommendation—changes in the composition of the grievance committee so that 60 % of members would be civilians and the provision to ensure that a person guilty of an offence on summary conviction would not unfairly be given a criminal record. That is the amendment under clause 75 of Bill C-41.

We have been in favour of bringing the military justice system up to date for a long time now. There is no doubt about that and I do not want to hear anybody say otherwise in this House. Members of the Canadian Forces are known to be subject to extremely strict rules of discipline and they deserve a justice system that is subject to comparable rules.

I remember when I first started out as a lawyer, doing criminal law, that there was a judge in the Outaouais district—he is still there–near Gatineau, where I am a member of Parliament, who used to tell us, because he had a military background, that nothing could be as secret and closed as military justice. This is understandable, because it operates in accordance with a very closed system of discipline. It is understandable. I think that members of the Canadian forces voluntarily submit to these extremely strict rules of discipline.

They often have absolutely critical work to do, and the chain of command is not very tolerant of exceptions. All of that is understandable and yet, sometimes there are certain types of behaviour problems—I repeat, "behaviour problems". And those who are not accustomed to this environment can be completely flabbergasted at what can lead to a criminal record for a member of the Canadian Forces. Anyone practising criminal law in civil society, or dealing with labour rights or grievances, will find provisions in these bills that are rather surprising.

To begin with, they mention reform. For us, the problem is that the reform under discussion is of the summary trials system. The amendments in bill C-15 do not adequately address the injustice of summary trials. At the moment, a summary trial conviction in the Canadian Forces means a criminal record. Some might say, "good for them". However, summary trials are held without the accused being allowed to seek legal or other counsel. They have no recourse and there are no transcripts of the trial. Moreover, the judge is the accused's commanding officer. This is too harsh for some members of the Canadian Forces who are convicted for minor offences. Once again, some may say that there is no room for exceptions, but there are times when it is completely ridiculous.

I have had people come and consult me, but the problem was that everything had already been taken care of.

● (1610)

Let us put ourselves in the place of a member of the Canadian Forces who has committed an offence, for example, absence without leave or a quarrel with another member. The member's own commanding officer tells him he will have a summary trial. We cannot seriously think that a member of the Canadian Forces is going to go against what his own commanding officer suggests. We cannot really call this transparency. That may be too harsh for some members of the Canadian Forces who are convicted of minor offences. I will say it again, because it is important to know what we are talking about. These minor offences include insubordination, quarrels, misconduct, absence without leave, drunkenness, disobeying a command, and so on. This is certainly very important for military discipline, and I am not saying otherwise, but does it call for giving someone a criminal record? It is important that we ask ourselves that question.

Having a record will have an effect when the member leaves the Canadian Forces. He may have trouble finding a job once he rejoins the civilian world. Bill C-15 does provide an exemption so that if there is a minor sentence handed down under the act or a fine of less than $500, certain offences are not entered on the person's record. This is one of the positive aspects of the bill, but we think it does not go far enough. We hope the committee will do its job. I do not know whether the Standing Committee on National Defence is as extraordinary as the justice committee. At the Standing Committee on National Defence, even when self-evident amendments are moved, they are not adopted.

Last March, at committee stage, the amendments to Bill C-41 proposed by the NDP called for the list of offences that could be considered to be minor, and so would not merit a criminal record if a minor sentence were imposed for the offence in question, to be increased to 27 from five. The amendment also adds to the list of sentences that a tribunal may impose without them being entered on the record: for example, a severe reprimand, a fine equivalent to a month's salary and other minor sentences.

This was an important step forward for summary trials. However, the amendment to Bill C-15 was not accepted. It is therefore entirely to be expected that we would want to include it again. A criminal record can make life after a person's military career very difficult. It can mean losing a job, being refused housing, having trouble travelling, and so on. If Canadians knew that members of the military who served our country so courageously are being treated this way for the kinds of misconduct I have referred to, I think some of them would be in shock, as I was when I read the bill and what had gone on over the last 10 years in this regard.

There is also the question of reforming the grievance system. As a labour lawyer, I have always advocated the greatest possible transparency and independent arbitrators, because it affects the labour relations between the parties. The same is true when we talk about a Military Grievances External Review Committee. At this time, the Canadian Forces Grievance Board does not allow for external review. The people who sit on the Military Grievances External Review Committee are retired Canadian Forces employees and some very recent retirees. So if the Canadian Forces Grievance Board is to be seen as an external, independent civilian body, as it should, the appointment process definitely needs to be amended to reflect that. The committee should therefore be composed, in part, of civilian members.

The amendment that the NDP suggested, and that it will certainly suggest again when the bill is examined in committee, is that at least 60% of the grievance committee members never have been officers or members of the Canadian Forces. I repeat: it is the Military Grievances External Review Committee. The amendment was adopted in March 2011, for Bill C-41, but it was not incorporated into Bill C-15.

● (1615)

It is extremely important that people from the outside be part of the external review committee, and I am persuaded that my colleagues will agree with me. It is therefore important that the amendment be included again.

There is the whole question of the authority of the Chief of the Defence Staff in the grievance resolution process. There is a major weakness in the military grievance system. The Lamer report contained a recommendation concerning the fact that the Chief of the Defence Staff does not have the power to settle financial claims in grievances. In spite of the fact that the Minister of National Defence approved the recommendation, no concrete action has been taken in the last eight years to implement it.

The ministers responsible for certain portfolios who come before our committees need to agree to the amendments we recommend. When it comes time to amend legislation, those ministers need to remember what they have said.

During committee examination, the NDP proposed an amendment, which was adopted in March 2011. Nonetheless, the amendment was not incorporated into Bill C-15. If this bill is referred to committee, the NDP, under the leadership of the official opposition's national defence critic, the member for St. John's East, will continue to fight for this.

There is also the question of strengthening the Military Police Complaints Commission. Very little has been said about granting that commission greater powers so that it acts as an oversight body. The commission's powers must be expanded by legislation so that it is able to investigate legitimately and report to Parliament.

The NDP is not alone in making the case for the need to amend Bill C-15. A number of organizations support our positions, including the British Columbia Civil Liberties Association, which has said that fundamental fairness requires that systems that impose serious penalties on individuals provide better procedural protection.

In *R. v. Wigglesworth*, the Supreme Court of Canada, an arm of our democracy, confirmed that, if an individual is to be subject to penal consequences such as imprisonment, he or she should be entitled to the highest procedural protection known to our law. I believe that will come as a shock to no one.

That is often where the problem lies. Military justice is often opaque or not very transparent. No one knows exactly what goes on, except those curious individuals who want to know more. It is important that justice indeed be done. That is even more important for the members of our Canadian Forces who dedicate themselves body and soul to each and every one of us, to all the Canadians we represent. They go to other countries to promote fundamental values and rights, democracy, the right to a fair trial and so on. And yet, once back in Canada, those members, for all kinds of reasons, are sentenced without receiving the advice of counsel or being able to obtain a transcript. When a former Canadian Forces member consults a civilian lawyer, that lawyer has trouble representing the member because the member's file contains absolutely nothing other than what he or she has said.

I would not go as far as my colleague from Scarborough—Guildwood, who spoke before me, but I believe that is a small step. Many years have elapsed since the Lamer report, and I believe the members of the Canadian Forces deserve a lot better than Bill C-15.

● (1620)

[*English*]

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I think it is important in this place that we remember why the previous iterations of this bill died. In first instance, it died because the government decided to prorogue Parliament, and in the second instance it died because the government was found in contempt of Parliament. That is why these iterations of this bill died.

We supported those iterations. They were better than what we have right now. The reason they were better is that the government was listening to wise counsel from the opposition, something it would be well advised to do in this instance.

The reason we are not supporting the bill at second reading, though there are some things in it that we do support, is that we want to see this go to committee and see some of the issues rectified that my hon. colleague laid out in a very clear fashion.

Why does the government consistently waste taxpayers' money continually redoing these bills and actually watering them down and making them less effective than they were in the first instance?

[*Translation*]

Ms. Françoise Boivin: Mr. Speaker, that is an excellent question. The problem lies in trying to answer it for the Conservative government. That is impossible for me. I absolutely fail to understand the logic behind three-quarters, if not all, of its decisions.

On the one hand, the Conservatives tell us they are tough on crime, and they make bad decisions that are overturned by the courts. On the other hand, they tell us they stand behind the members of our forces. We constantly hear that from the Minister of National Defence. Listening to him, you would think he is the only person concerned about the members of the Canadian Forces. However, when it comes to protecting them by means of a major amendment in a major bill such as Bill C-15, the minister abandons the members of the Canadian Forces, sacrificing them on the altar of false promises.

And yet he should be protecting them. After all the service these people have rendered to their country, it seems to me the least we can do is to be fair with them.

● (1625)

[*English*]

Mr. Corneliu Chisu (Pickering—Scarborough East, CPC): Mr. Speaker, the last time the House debated the matter, much was said about the fairness and administration of summary trials in the military justice system.

I served in the military, including in Afghanistan, and I would point out that Justice LeSage's review concluded that:

> The summary trial system is vital to the maintenance of discipline at the unit level and therefore essential to the life and death work the military performs on a daily basis.

He also concluded that:

> —regarding the constitutionality of the summary trial process, I am satisfied, as was former Chief Justice Dickson, that "the summary trial process is likely to survive a court challenge as to its constitutional validity".

Given the strong endorsement for the place of summary trials in the military justice system by Justice LeSage, will the opposition support the government in passing this key piece of legislation at second reading so that it can be studied in greater detail at committee?

In view of the urgency of this matter, I think we should go forward.

[*Translation*]

Ms. Françoise Boivin: Mr. Speaker, it is so urgent that we have been waiting to see major changes to the National Defence Act since 2003.

It has become urgent because the government in power has allowed the situation to continue. As my colleague from Davenport said, the problem is that the government prorogued Parliament when the time came to pass the bill with proper amendments. In one stroke, prorogation erased all the work that had been done in committee, everything that had been adopted, and everything that had been agreed upon between the parties in a minority government context, in which political parties should work together, something the government does not do.

In his report, Chief Justice Patrick LeSage does not give the government a blank check. He agrees with many of our positions, that a lot of things should be changed to make Bill C-15 palatable.

Mr. Tarik Brahmi (Saint-Jean, NDP): Mr. Speaker, I would like to thank the hon. member for Gatineau; among other things, she made an important point about the terms used in the two previous bills.

Most importantly, there is the term "external" as, for instance, in the Military Grievances External Review Committee. In fact, if there are too many non-external members on such a committee, its external nature may be questioned.

The last time such a bill was studied, the MPs on the Standing Committee on National Defence concluded that a committee with 60% of its members from outside the military would be a good compromise. The Conservative members, however, thought it would be a serious mistake to limit the military presence to 40%.

I would like my colleague to give us her interpretation of the reason the Conservatives were opposed to making this committee more external.

Ms. Françoise Boivin: Mr. Speaker, I shall try to steer clear of impressions.

What I have noticed, in actual fact, is that the Conservative government likes to do things in a very contained and isolated way.

When we are discussing an external committee but no one from the outside is accepted, and everything is being done by people from the inside, alarm bells start to ring, and I am extremely concerned.

The value of having a committee composed of external people is that it makes it possible, as in a jury trial, that a group of peers, not experts, studies the situation and make sure that the system is working well.

Why did the Conservative government not retain this amendment, which had been negotiated and discussed, and which was a generous compromise? There is no logical explanation except that the government does not like transparency.

As in the popular film, *A Few Good Men*, "They just can't handle the truth."

● (1630)

[*English*]

Hon. Lynne Yelich (Minister of State (Western Economic Diversification), CPC): Mr. Speaker, there have been repeated assertions by the hon. members opposite that none of the amendments made at committee to the predecessor Bill C-41 were retained in Bill C-15.

Is the hon. member aware that in fact two of the amendments made at committee are present in Bill C-15? They are found in clauses 101 and 135 of the bill. Could the member please clarify?

Ms. Françoise Boivin: Mr. Speaker, I am not aware if my esteemed colleague was present throughout my speech, but I never once referred to "all our amendments", but to very essential and important amendments. The member is correct that there were some amendments incorporated.

However, the point is not the fact that no amendments were accepted or reproduced in the bill, but that some very fundamental points have been tossed away by the Conservative government. It does not seem to like anything that asks for transparency and fairness for the people who are at the top of the line and who will be affected by the end result of the work toward Bill C-15.

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, I am pleased to rise and participate in the debate. I thank my colleague, the member for Gatineau, for a very interesting presentation that I enjoyed very much.

I will be sharing my time with the capable and hon. member for Sherbrooke, who will likewise participate in this debate and enlighten all members as to just how this affects him and his constituents and what we think needs to be done to this bill as it relates to the Canadian Forces.

There is a large population of Canadian Forces members in Dartmouth—Cole Harbour, which I hear from on a fairly regular basis on a number of different matters relating, for instance, to community volunteer activities; to what is going on at the market; to our support, as the official opposition, for a proper procurement process to make sure that our Canadian Forces women and men who are asked to serve on behalf of this country are provided with the best equipment to do their job in a safe and effective manner.

We also are standing with our Canadian Forces women, men and their families as it relates to the government's support for the members when they return from active duty from various spots around the world. It is certainly my commitment and that of my party that if we ask our women and men, our brothers and sisters, our fathers and mothers, our uncles and cousins and community colleagues to risk their life and limb, the least we can do is to ensure, whether or not they return to this country, that they or their families are properly cared for. That is certainly my commitment to the people of Dartmouth—Cole Harbour. I know that feeling is shared by my colleagues in the official opposition.

It would be fair to say that most Canadians only have a glimpse of the nature of justice in the Canadian Forces. Frankly, I think that Canadians would be shocked to learn that the people who bravely serve our country can get a criminal record from a system that lacks the due process usually required in civilian criminal courts. We know there is an incredible need and requirement within the armed forces for a strong disciplinary system. However, we also need to recognize that the women and men who work for and serve this country should, at the very least, be subject to the same rights and benefits under the Charter of Rights and Freedoms as civilians. That is simply not the case as it relates to issues like summary convictions and the grievance procedure. I will talk a bit about the concerns we have with respect to those systems.

As has been described, Bill C-15 is the latest iteration of the bill as a result of a recommendation from an internal review of the National Defence Act in 2003 by a former chief justice of the Supreme Court, the Right Hon. Antonio Lamer. Contained within the report were 88 recommendations relating to military justice and the Military Police Complaints Commission, the grievance process and the provost marshal.

● (1635)

It is important to recognize that Bill C-15 is the latest response to these recommendations and that only 28 recommendations thus far have been implemented in legislation, regulations, or via a change in practice. As the NDP critic and deputy critic have said so well, it needs to be underlined that it is important that we do this better and that we do more. Even in previous Parliaments more was done.

All parties on the defence committee worked very hard on the recommendations by the Lamer inquiry and a number of changes were passed in previous parliaments. Unfortunately, those amendments to the National Defence Act did not find their way into Bill C-15. Frankly, not moving forward with those amendments is almost a sign of disrespect to the hard work of the members of the defence committee.

If immediate passage of this bill were as important as some government members have suggested, why did they not bring this bill in forthwith when the new Parliament began? Why did they not bring in the bill that was accepted by all members of the House but that died on the order paper when the government decided to hold an election last year? If it were so important, and we believe it is, why did they not bring forward the bill that we had all agreed on? Undoubtedly, that bill would have found its way through committee and been passed into law by now. That is an indication of how big a hurry the government is in. It tabled Bill C-15 in October of last year. It does not seem to be a priority because the bill has not received the attention it deserves.

Other important amendments passed at committee include the following. One dealt with the authority of the Chief of Defence Staff in the grievance process, responding specifically to Justice Lamer's recommendation. It related to the ability of the Chief of Defence Staff to levy a financial award in one shape or another. That does not exist now but it was recommended that it be done.

A second dealt with changes to the composition of the grievance committee to include 60% civilian membership. Right now the grievance committee generally consists of Canadian Forces members, often at the officer level or, at the very least, recently retired Canadian Forces members. That needs to be changed to bring in some greater external oversight.

Third, there was a provision ensuring that a person who was convicted for an offence during a summary trial would not be unfairly subject to receiving a criminal record as a result. That is a serious problem. The summary trial system needs to include some of the provisions of the Charter of Rights and Freedoms so it will not as onerous and potentially damaging a system as it is now to the future of many of these women and men in the Canadian Forces.

This is a important issue for New Democrats and the people of Dartmouth—Cole Harbour. We want to make sure that the right thing is done and the proper changes are made.

● (1640)

The Acting Speaker (Mr. Barry Devolin): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Gaspésie—Îles-de-la-Madeleine, Search and Rescue; the hon. member for Random—Burin—St. George's, Employment Insurance.

Questions and comments, the hon. member for Québec.

[*Translation*]

Ms. Annick Papillon (Québec, NDP): Mr. Speaker, I am quite certain you have once again made the right choice.

I would first like to thank my distinguished colleague for his very interesting speech. He was able to highlight our concerns regarding Bill C-15, on military justice.

One of our greatest concerns, in fact, is the chance of someone ending up with a criminal record following a process that is not entirely fair and equitable, without the benefit of legal assistance, before a tribunal that is not totally independent. This structure worries us.

My colleague surely knows that the United Kingdom, Australia, New Zealand and Ireland, whose military justice systems resemble Canada's, have seen fit to change their summary trial system in the interests of procedural fairness.

Why are we depriving the Canadian Forces of such positive changes to the summary trial system? That is my question.

[*English*]

Mr. Robert Chisholm: Mr. Speaker, I thank the member for Québec for her insight into a key part of our opposition to the bill, the summary trial process, which is completely closed. It is often presided over by a Canadian Forces member's commanding officer. There is no record of the process, no appeal process, and no opportunity for the person subject to the trial to have access to counsel. The penalty may very well be a criminal record, a Criminal Code violation for offences without there being due process. We believe that is wrong.

[*Translation*]

Mr. Pierre Nantel (Longueuil—Pierre-Boucher, NDP): Mr. Speaker, I too would like to thank my colleague, the member for Dartmouth—Cole Harbour. I also have a question for him.

In his opinion, how did our soldiers feel when parliamentarians once again dragged their feet on this issue and put off correcting this injustice, namely excessively harsh penalties enforced in military discipline?

● (1645)

[*English*]

Mr. Robert Chisholm: Mr. Speaker, the Canadian Forces members I talk to in Dartmouth—Cole Harbour get extraordinarily frustrated from time to time. They stop me in the market or on the street or come to my office and we have a conversation about the way they feel they are being treated by the government and previous governments regarding things like returning from the fields of battle. When it comes to issues like dealing with matters of justice, having the right of appeal, getting an answer from the Minister of National Defence, they get discouraged sometimes. I would not say everyone is, but I have heard this from Canadian Forces members in my constituency. They do get frustrated when the government talks with great relish about how it honours the women and men who fight for our country, yet it will not move with the necessary speed to provide them with the rights and benefits they are duly entitled to.

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I thank my hon. colleague from Dartmouth—Cole Harbour for sharing his time with me. I am very grateful.

It is a great pleasure to speak about this issue, as the city of Sherbrooke is proud to be home to two Canadian Forces reserve units, two institutions, the Fusiliers de Sherbrooke and the Sherbrooke Hussars. I have had the pleasure and privilege to meet with them many times over the last year or so. I have great respect for them and am eternally grateful for the work they do day after day. My respect for their work is why I feel a duty to rise today to speak to Bill C-15. Our men and women in uniform protect our lives, so I have a duty to protect their interests in the House of Commons.

I would like to give some background about the legislation we currently call Bill C-15, which has had many past iterations. On October 7, 2011, the Minister of National Defence introduced An Act to amend the National Defence Act and to make consequential amendments to other Acts. Bill C-15 will strengthen military justice. It is a direct response to the 2003 report of the former Chief Justice of the Supreme Court, the Right Honourable Antonio Lamer, and subsequent to that, in May 2009, work done by the Standing Senate Committee on Legal and Constitutional Affairs.

The NDP believes the bill is a step in the right direction to harmonize military justice and civilian justice. It has gone off course, however, just like a defective submarine. There will be a few colourful expressions in my speech. I sometimes enjoy expressing myself that way. Our summary trial and grievance systems are in urgent need of an overhaul, and the Military Police Complaints Commission needs to be strengthened.

I would like to delve into the background a little to better illustrate the need for reform. In 2003, the Right Honourable Antonio Lamer, former Chief Justice of the Supreme Court of Canada, submitted his report on the National Defence Act. It contained 88 recommendations aimed at demining various areas, including military justice, the Military Police Complaints Commission and the grievance process. Only some of the mines were cleared, however, as only 28 recommendations have been implemented. I think we would all agree that a partly demined field remains quite hazardous.

Bill C-15 has donned many types of camouflage. First off, Bills C-7 and C-45 both died honourably in combat because of prorogation in 2007 and the elections in 2008. It is our contention that we would not be here debating this bill right now if the government did not have a nasty habit of hitting the panic button and proroguing Parliament.

Later, Bill C-60 was sent to the front lines wearing slightly different camo. It simplified the court martial structure, bringing it more in line with the civilian justice system. In its report, the Standing Senate Committee on Legal and Constitutional Affairs made nine recommendations regarding potential amendments to the National Defence Act.

In 2010, Bill C-41—we have amassed a number of bills, making things somewhat complicated, and I hope everyone is able to keep track of the numbers—was sent out to the front lines in response to the Lamer report and the Senate committee. Bill C-41 proposed reforms to sentencing, military judges and commissions, and summary trials, among other things. We could say that Bill C-15 is the brother-in-arms of C-41. The amendments brought forward cover the composition of the court martial panel and the appointment of military judges with security of tenure to a fixed retirement age.

However, some basic amendments made at committee at the end of the last session of Parliament were not included in Bill C-15, and that poses a problem for us. Is it by chance that three amendments that were very important to the NDP are not included in today's version, Bill C-15?

The three amendments relate to: the chief of Defence Staff's authority in the grievance process, which was a direct response to one of the Lamer report recommendations; changes to the composition of the grievance committee to include a 60% civilian membership, as discussed earlier today; and the provision ensuring that a person convicted for an offence during a summary trial is not subjected to a criminal record, which we also discussed earlier. I will talk about these three amendments, which—we do not know why—are not included in Bill C-15, the bill we are debating today.

Bill C-15 does not deal effectively with the unfairness of summary trials.

● (1650)

Right now, a conviction during a summary trial in the Canadian Forces results in a criminal record. What is sad for our troops is that those who are accused are not able to consult with counsel. There is no right of appeal and no transcript of the trial. Everything is off the record. What is more, the judge is the accused's commanding officer. So much for an impartial hearing.

An expert in military law, retired Colonel Michel Drapeau, said the following in February 2011:

> I strongly believe that the summary trial issue must be addressed by this committee. There is currently nothing more important for Parliament to focus on than fixing a system that affects the legal rights of a significant number of Canadian citizens every year....As well, it is almost impossible for any other form of legal challenge to take place, since there are no trial transcripts and no right to counsel at summary trial.

A soldier slips up because of ongoing stress. We are not talking here about major offences but about misconduct, absence without leave or disobedience of a lawful command. We recognize that a soldier's code of ethics and code of conduct are the fundamental pillars that have become the pride of the Canadian army, but first and foremost, soldiers are human beings. They go through things that few people in our society experience. They live in a state of perpetual stress. We are not asking for military immunity but simply to put into perspective these acts of misconduct, which do not in any way warrant a criminal record and everything that goes along with that.

In committee in March, we proposed to expand the list of offences that could be considered minor and not worthy of a criminal record from 5 to 27 in order to give soldiers more latitude. This amendment was abandoned and we want it to be restored. We do not want this amendment to become the unknown soldier of the bill. We want it to be acknowledged. When soldiers who have a criminal record as a result of a minor misconduct finish their military service, they will find it difficult to find a new job or even to rent an apartment.

While our soldiers ought to be held to the very highest standard of behaviour, the reality is that soldiers are human and thus imperfect. Soldiers are also entitled to a fair and equitable justice system, just like all other Canadians. It is a constitutional right to be represented and to have access to a fair trial.

The second amendment concerns the reform of the grievance system. The current grievance board does not allow for external review. Are we still living in the fearful cold war era when everything must be hidden? Retired Canadian Forces personnel serve on that board. In fact, almost everyone on that board is from some kind of military background. We think that is not at all reasonable. The Canadian Forces Grievance Board should be seen as a civilian, external, independent body. That is why we proposed that 60% of the board or committee's members should be neither officers nor enlisted personnel in the Canadian Forces. That amendment was approved for Bill C-41, but it is not included in Bill C-15 before us today. We wonder why not.

The third amendment that had been included in the previous bill, C-41, and that we would have liked to see in this bill is the strengthening of the Military Police Complaints Commission. The idea of giving this commission more powers so that it could act as a watchdog has been almost ignored. Its scope of action must be broadened so that it can legitimately investigate and report to Parliament.

The question must be asked: why have the Conservatives not kept the amendments proposed by the NDP and adopted by the committee in 2010 when Bill C-41 was studied? These amendments were good soldiers that could have protected the interests of our military personnel. The Conservatives are continuing to undermine the progress made by all members of the Standing Committee on National Defence and the recommendations made by the representatives of the Canadian Forces.

Such good soldiers as those amendments must not be abandoned. Even our allies—the United Kingdom, Australia, New Zealand and Ireland—have decided to modernize the summary trial process. Why has Canada—having dithered so long on the issue—not got down to the task of finding the necessary tools to ensure that our military personnel are properly represented and judged?

As we have said many times, we are opposed to Bill C-15, because we see it as a tank without any firepower and without armour, one that makes it impossible for our soldiers to get a fair and impartial trial.

● (1655)

[*English*]

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I thank the hon. member for his speech on this critical matter and for trying to keep us awake and alert in the House because it is an important matter to be paying attention to.

There is a lot of material that has come forward here and in committee. Many experts have testified, including Colonel Michel Drapeau who is a renowned Canadian lawyer, professor and author on military justice. His commentary on the way that the government has proceeded with this legislation is along these lines. He has said that what the government is bringing forward is still deficient in major areas and "requires more than tweaks and tinkering to bring it into the 21st century".

It has been made clear today that in the last iteration of the bill, of which there have been many since 2003, there were substantive changes brought forward to the bill tabled by the government, which were agreed to by all members of the committee. The concern is that the majority of those amendments have disappeared.

Is the member concerned that it becomes a pointless exercise in the House when the government is simply going pro forma through the process of going to committee? What is the likelihood that the Conservatives will actually accept the amendments this time around and make it a proper bill?

[*Translation*]

Mr. Pierre-Luc Dusseault: Mr. Speaker, the likelihood is close to zero. Since the amendments proposed in 2010 to the earlier version of Bill C-15 were rejected at the Standing Committee on National Defence, we wonder what chance there would be to get them adopted in committee when the 2012 version of Bill C-15, when it was the Conservatives that introduced it. It would be astonishing to see the government members change their minds. As we have seen in many files, the Conservatives rarely accept the opposition's recommendations. I cannot see why they would change their minds today.

Of course, we are using our time today to suggest these amendments to them. Moreover, we hope to light a little candle that may show them it is a good idea.

Today, we are showing them that recommendations coming from outside their party can sometimes be very good and worthy of deeper consideration.

[*English*]

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, on this side of the House we stand shoulder to shoulder with our men and women in uniform. When they come back from service, which we as parliamentarians have asked them to serve, we want to ensure that they have access to all of the instruments and rights that every other citizen has and we also want to support them in terms of how they retire, reintegrate and get back into the workforce. Those are areas which many members of the military have complained about with the current government in terms of access to retirement, pensions and those sorts of things.

In this legislation, we see another example of a way in which the government would fail to stand in support of our men and women in uniform. Would my hon. colleague care to talk a bit about the process here and how the Conservative government has failed Canadians in terms of the process that has gotten us to this bill?

● (1700)

[*Translation*]

Mr. Pierre-Luc Dusseault: Mr. Speaker, I thank the hon. member for Davenport for his question.

There are a number of questions we might ask about this bill and the process that now applies within the Canadian Forces.

It is a very opaque process and the government has the opportunity to introduce a bill that would improve it, but it refuses to do so, and so we react. We do find it very sad.

Of course, we would have liked it to be amended because, as I mentioned in my remarks, I think it is a very unfair process.

Naturally, there must be different rules because these people are in the Canadian Forces, where all the rules are different. They must obey orders and commands. For everything to work smoothly, some small details have to be different.

I think members of the Canadian Forces deserve our utmost respect. As such, we must give them the right to be represented during legal proceedings and to have the same constitutional rights as other Canadians, in other words, the right to a fair trial.

Ms. Annick Papillon (Québec, NDP): Mr. Speaker, I am very pleased to take part in today's debate on Bill C-15 on military justice.

As a former member of the Standing Committee on Veterans Affairs, I have nothing but the utmost respect for the work done by the men and women of the Canadian armed forces. I believe that these exemplary citizens deserve nothing but the best.

Bill C-15 amends the National Defence Act to strengthen military justice. The military justice system is a separate yet parallel system of justice within the Canadian legal framework. It is distinct from, but similar in many ways to, the civilian criminal justice system.

I would like to say a few words about the importance of military justice in the proper functioning of the Canadian Forces. The Supreme Court of Canada has, on more than one occasion, recognized and confirmed the requirement for a separate system of military justice to maintain and enforce discipline. A clear articulation of the court's view on this point was expressed by Chief Justice Lamer in 1992:

> The purpose of a separate system of military tribunals is to allow the armed forces to deal with matters that pertain directly to the discipline, efficiency and morale of the military. The safety and well-being of Canadians depends considerably on the willingness and readiness of a force of men and women to defend against threats to the nation's security. To maintain the armed forces in a state of readiness, the military must be in a position to enforce internal discipline effectively and efficiently.

This excerpt addresses several basic themes of military justice. Discipline is the cornerstone of a professional military. It is critical to the success of Canadian Forces operations. However, when we talk about military justice, there has to be an emphasis on the justice side as well. We want to be able to count on excellent morale among our troops and we demand loyalty.

However, it is a two-way street. The system must also be seen as fair for the members of our armed forces. In the two areas of our military justice system that I want to focus on today, that fairness is somewhat lacking. I will therefore focus on summary trials and the issue of grievances.

In our military system, grievances are written into the National Defence Act. Our armed forces are subject to military discipline and are in a rigid, chain-of-command, top-down structure. Their only recourse when it comes to dealing with issues affecting their pay and benefits, their release, medical issues, getting adequate medical treatment and issues of that nature is through a grievance system. This grievance system is in disarray, and the proposed changes in the legislation do not really deal with that.

I would like to quote retired Colonel Michel Drapeau, who is very familiar with the military and the armed forces. Here is what he had to say about the grievance system:

> Given the mounting number of grievances by CF members and the current state of disrepair of the CF grievance system, the last thing the CF leadership ought to do is attempt to mitigate problems related to grievances. In the Armed Forces, the submission of a grievance is normally seen as a measure of last resort imbued with significant career risks.

I think that when a member of the Canadian armed forces decides to submit a written grievance to his or her commander, it is because he or she sincerely believes that the issues in question justify filing a grievance and that they will be dealt with non-judgmentally. But as it stands, the grievance committee does not allow external reviews. If the Canadian Forces grievance committee is to be seen as an independent, external civilian body, as it should be, then the appointment process must be amended to reflect that reality. The committee should be made up of some civilian members. The NDP suggests that at least 60% of grievance committee members must never have been an officer or non-commissioned member of the Canadian Forces. This amendment was adopted in March 2011 for Bill C-41; however, it was not retained for Bill C-15, and that is unacceptable.

Another major flaw in the military grievance system is that the Chief of Defence Staff has little power to resolve financial aspects related to the grievances.

● (1705)

The NDP proposed an amendment in order to resolve this problem at committee stage for Bill C-41. Unfortunately, once again, this amendment was not retained in Bill C-15.

The second aspect I would like to talk about is summary trials. Summary trials are a suitable and fair means of dealing with minor service offences. A commanding officer or someone delegated by him or her may preside over a summary trial. These officers attend a training seminar, but often they do not have the necessary skills to preside over trials similar in nature to civilian criminal trials. Conversely, the court martial is in some ways a civilian court with military jurisdiction. A set of rules, including the rules of law, apply in courts martial.

The following quote is from the annual report of the Canadian Forces' Judge Advocate General:

> A total of 1,998 service tribunals were held during the reporting period, representing 1,942 summary trials and 56 courts martial.... [The number of summary trials represents] approximately 97% of all service tribunals held in a given year.

Summary trials are therefore the norm rather than the exception. They can result in fines, imprisonment or a period of detention for up to 30 days, if the trial is presided over by a commanding officer. In addition, a number of military personnel dealt with by summary trial and found guilty could end up with criminal records similar to ones they would receive had they gone to trial before a civilian court, with all the applicable rules and procedures.

We do not oppose having a summary trial system in order to maintain order, discipline and morale, but we must nevertheless ensure that members of the Canadian Forces do not end up with criminal records that they must attempt to have expunged through the parole board after leaving the military. Imagine that. Our concern is that, in the military justice system, we need to have speedy trials, as former Chief Justice Lamer said. However, the trade-off should be that members of the military do not get a criminal record unless they are tried by a court that has the required support.

What is worrisome, at the end of the day, is that people could find themselves with a criminal record at the conclusion of an inequitable proceeding, without a lawyer, before a tribunal that is not independent. We still fear that the summary trial structure and process are a far cry from their civilian counterparts.

As I was saying earlier, the United Kingdom, Australia, New Zealand and Ireland, whose military justice systems resemble Canada's, deemed it appropriate to change their summary trial system to provide a more equitable judicial process.

Why then deprive our Canadian Forces of the constructive amendments that could be made to summary trials? That is the question.

To conclude, Canadian military law is essential for the maintenance of discipline and order among the troops. However, our soldiers deserve a military justice system that is above all fair and equitable for the accused, while remaining sensitive to the need for military discipline. Although Bill C-15 includes a number of legislative provisions, some of which are welcome because they strengthen military justice, I, like my colleague the member for Sherbrooke, believe that it is a leaky old boat and that soldiers deserve much better. Frankly, we could do better.

The government's bill also includes too many provisions that do not go far enough or that are simply useless for dealing with the pressing problems within our military justice system. As I said previously, and having been a member of the Standing Committee on Veterans Affairs, soldiers deserve better than to find themselves with a criminal record after having served their country with pride and dedication. The government says that it is thinking of our veterans' transition to civilian life, but what kind of shadow or cloud hangs over them when they are told that they may end up with a criminal record? Frankly, it makes no sense. These are not the kind of conditions that would allow us to say that we love our veterans and will take care of them. It is not true and it is wrong.

● (1710)

[*English*]

Hon. Lynne Yelich (Minister of State (Western Economic Diversification), CPC): Mr. Speaker, my question is about the composition of the grievance board. It has been talked about this afternoon that 60% of the board should be made up of other than ex-military participants and they should not have a military background. In the defence act, clause 29 (16) refers to establishing the board by the Governor-in-Council. Then further on it says how every member, before commencing the duty of office, takes an oath. That says to me that the board perhaps should be made up of military participants. We know the integrity of the members and participants cannot be in question because they take an oath. Plus, being ex-military personnel, they could apply their expertise on the tribunal. This expertise and experience would be beneficial.

Could the member please comment on that and the makeup of the board and why she would not put her trust in ex-military participants on the grievance board.

[*Translation*]

Ms. Annick Papillon: Mr. Speaker, it is not that I do not have confidence in the women and men who have served our country. Not at all. I believe in fact that it should consist of 60% civilians, but that these people should also be able to provide the benefit of their experience. I believe it to be a good and useful compromise.

I would also like to add that my thoughts are with the Standing Committee on Veterans Affairs, which is meeting at the moment, as they are questioning Mr. Harold Leduc, who sat on the Veterans Review and Appeal Board and was ignored by this government. He was a member of the Canadian Armed Forces. I would really like the government to show more sympathy towards extraordinary veterans like Harold Leduc.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I appreciate the hon. member's overview of the bill and the concerns of our party. One thing that disturbs me is that the bill had many former interventions. The report came from 2003. Then there were Bill C-7 Bill C-45, which died on the order paper. Then there was a prorogation. Then we had Bill C-41 in 2010. What is very interesting is that under Bill C-41, the NDP actually did make some very good amendments in the committee, which have now been left out of the new bill.

There was a process to acting in good faith on the bill. Now all these amendments have been left out. Could the member comment on that?

● (1715)

[*Translation*]

Ms. Annick Papillon: Mr. Speaker, with this bill as with other bills, we see a number of recommendations coming from experts, members of our party and other parties and people in the field with relevant expertise and something to contribute. But the government chooses to turn a deaf ear and to just ignore everything.

I even see, sometimes, recommendations from former Conservatives saying the government should do something about this issue. But again, the government does not listen. The fact is, we are serious and we are trying to study the recommendations more thoroughly. However, I have noticed that, as soon as we are close to being right, they shut down the debate, which is not necessarily any better. We do not get a chance to study issues thoroughly, to try to understand why they disagree or why a more thorough examination would be preferable. This kind of attitude makes it tough for us to do a good job of representing constituents from our ridings, of representing Canadians.

I see the same thing happening from one bill to the next. They are steamrolling us. That is not a very constructive approach, in my opinion, and they should be ashamed of themselves.

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is a pleasure to speak today to Bill C-15.

I had the privilege of serving in the Canadian Forces for a few years. When I joined the forces, the last thing I thought about was military justice. There is no real explanation for the difference between military justice and civilian justice. The difference was never pointed out or anything of that nature.

After being in the forces for a relatively short period of time, I grew to believe that there was a need for a military justice system. Members of the forces face unique situations and, under those types of situations, there are dispositions that they would not get in a civil court system. The whole concept of respect, support and listening to our superior officers is a good example of that.

I was posted to two bases in Edmonton, Griesbach and Lancaster Park. I was living in Lancaster Park but Griesbach is where the military jail was located. Quite often I would be commuting between the two military sites and I would pass through the Griesbach jail. It was interesting, even though it was highlighted within the military, I think we need to put it into perspective.

At that time, the Canadian Forces consisted of somewhere in the neighbourhood of 60,000 personnel and many more participated in our reserves. However, the numbers fluctuate. We do not have a huge force today nor is it really necessary. We do not need to have 100,000 members. I think there is a growing dependency on our reserves and I do not know whether that is good or bad. A lot depends on our obligations and how that structure is put in place at a time when there is a greater demand. Right now, the numbers are relatively reasonable. Many would argue that we should be looking at expanding our regular force. There are some concerns related to that.

We have been talking all afternoon about some of the technicalities of what is within the law. What we are really talking about is somewhere in the neighbourhood of 40 to 60 individuals in the forces who might require some sort of judicial intervention known as a military court martial of some form. The types of offences vary significantly, just like in a civil court. At the end of the day it is a fairly small percentage of military personnel who are on the other side of the bench where they must defend themselves or get someone to defend them. I would suggest, and many would argue, it is a relatively small network but it is a growing network.

Colonel Drapeau authored a book on military justice, which was about 2,000 pages. We could probably all learn a great deal by reading what he was talking about. I must be honest and say that I have not had the opportunity to read it. It is a fairly extensive read. However, for those who are interested in getting a better understanding of some of the intricacies of military justice, I would suggest that they give some serious consideration to reading this book.

● (1720)

It is important to note that the government has not been successful in making the necessary changes. Many individuals for a number of years have been arguing and suggesting that the government be more proactive at making some of the changes that are being proposed today. We could go back to 2006 and Bill C-7, to which one member made reference. I was not here at that time but I understand it was a bill of a similar nature, which the government was unable to get passed. Afterward, it came up with Bill C-41, which again the government was unable to get passed. Then it brought forward Bill C-45 and it failed to get that legislation passed.

We have a different and new dynamic with the majority government and we now have before us Bill C-15. The Liberal Party has been very clear on the issue. We plan to support the bill because we see the merit of having a system that is more effective, fair and more transparent. We think that at the end of the day Bill C-15 would do all three of those things. As such, even though we have other concerns related to the legislation and we will have to wait to see after it goes to committee what ultimately happens, there is strong merit for this bill to go to the committee stage.

As has been pointed out, a series of amendments have been proposed over the last number of years. It was implied that some of those amendments would ultimately be incorporated into the bill. I should acknowledge at the very least that the government took into consideration a couple of the amendments but there was a sense that the government could have done more in terms of acknowledging other amendments. Now that there is a majority government, we anticipate that the bill will pass.

However, it can be very frustrating being in opposition when we have thoughts and ideas that make sense, we bring them forward in the form of amendments at committee stage and the government shies away from them. It is, indeed, unfortunate. We have seen a negative consequence of the government shying away from Liberal Party amendments in particular. I am thinking of bills like Bill C-10, where the Senate had to reintroduce Liberal Party amendments because at the committee stage the government did not see the merit in passing them. I suspect that, unfortunately, very few amendments will be received well enough to pass. However, we are hopeful that the government will recognize that we are trying to support and enhance this legislation. That is one of the reasons we felt it was important to support this bill going to committee.

It is also important to recognize some of the sentences being proposed in the bill: the concept of absolute discharge, intermediate sentences and the whole issue of restitution. If we can narrow the gap between military law and civilian law, we would see that as a positive thing. We want to ensure as much as possible that we are dealing with a system that is fair and, in part, this bill moves us in that general direction. It is fair to say that military law is quite often harsher and has less flexibility. In certain situations, one can understand that and see how it could be justified.

● (1725)

I just want to highlight two very important points as we continue to debate this, whether it is inside the House or in the committee. First is the importance of trying to narrow the gap between the military law and civilian law, thereby ensuring more rights, transparency and a sense fairness within the military structure. Second is to realize that a vast majority of members of the Canadian Forces are outstanding and there is never a need. As I indicated, we talking about 40 to 60 cases a year.

[*Translation*]

Mr. Tarik Brahmi (Saint-Jean, NDP): Mr. Speaker, I listened to my colleague's speech.

He mentioned at one point that he was optimistic and believed that the Conservatives on the Standing Committee on National Defence were going to agree to the recommendations made by the opposition. At least, that is what he thinks.

I would like to know what prompts that optimism, given that at the committee in the previous Parliament, when Bill C-41 was examined, the main amendment that meant that 60% of members of the grievance committee would be civilians, and that was accepted by all of the opposition parties, was rejected by the Conservatives. They were the only ones who rejected it. And we can see exactly that, with that amendment having been deleted in the new Bill C-15.

What prompts my colleague to be so optimistic?

[*English*]

Mr. Kevin Lamoureux: Mr. Speaker, I am somewhat optimistic in the sense that the bill has had a couple of modifications from its original format of years ago. It does not necessarily mean that I hold out very much hope that when it goes to committee the government will be receptive to opposition amendments. However, I do believe that even if the bill passes as it is being proposed currently, it will improve upon the system.

Unfortunately, if the government does not make additional necessary changes, it will be selling the system short. There are some things the government could do that would make the bill even stronger. What is being hurt the most is the institutions and the need to bring the system closer to civilian law, which non-military personnel have to go through.

I am very much concerned and aware of the issues of harshness and fairness. The best way to deal with that is to at least try to make some progress. I would like to think the government would make more progress on the issue but it has far more—

The Acting Speaker (Mr. Bruce Stanton): Questions and comments. The hon. Minister of State for Western Economic Diversification.

● (1730)

Hon. Lynne Yelich (Minister of State (Western Economic Diversification), CPC): Mr. Speaker, I would like to ask the member the question I posed to the NDP earlier. I am asking that member particularly because he talked about having a military background. Does the member think that should preclude him from being a participant on a grievance board? There have been a lot of comments this afternoon that 60% of the board should be made up of non-military personnel.

Does the member think he could be fair or impartial, especially under the circumstance where he would take an oath, and that he would not by any means be taking an oath if he felt for one moment that he could not do a very good job of being part of this tribunal and ensuring that he could apply his expertise to this particular area of law?

Mr. Kevin Lamoureux: Mr. Speaker, I think it would be a mistake if we were to attempt to exclude individuals who have military experience from the process.

The actual percentage is something I would be open to hearing about in terms of what people who are much more familiar with the process actually have to say on the issue. Hopefully we will get a greater insight on that very issue once it goes to committee.

I do believe that it would be a mistake if we were to draw the conclusion that individuals with military experience do not have a role to play. I do not necessarily think that is what I am hearing from the member.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I would like to thank all who have risen to speak to the bill, particularly my colleagues in the New Democratic Party who are making a valiant attempt trying to persuade the government that we should be respecting the hard work at committee and the consensus that was reached.

I have to say at the outset that I appreciate the optimism of the speaker before me, but frankly, my experience since the Conservative government gained majority control has been that the hard work done in committee seems to be for naught. I hope the government will take heed. However, I would think it is an indication that, since the government chose not to include the consensus amendments, it is going to be an uphill battle to get them back in. However, we look forward to being surprised.

Canadians would be shocked to discover that under the current law, and even with the passage of Bill C-15, many who have bravely served our country, supporting the democratic processes, due process and rule of law for this nation and others, may obtain a criminal record through a system that lacks the due process that is available in civilian criminal courts to other Canadians.

Bill C-15 is the most recent of more than half a dozen tabled iterations, which the government let die. From that standpoint, what is the rush? We should spend time in committee, and if the amendments were previously valid, then let us discuss if they are still valid.

The changes that were previously brought forward and that we continue to call for were put forward not just by opposition members but by Justice LeSage; a former justice of the Supreme Court of Canada; Professor Michel Drapeau, from the University of Ottawa; a noted author and military lawyer; members of the armed forces; and many legal experts and defence counsel for military members.

While some of the needed reforms are included in Bill C-15—and we have been clear about that—regrettably, many of the most important ones are not.

In 2003, retired Supreme Court Justice Antonio Lamer provided a report outlining 88 recommendations to reform the system of military justice and bring it into the 21st century. He was retained to undertake a review of the court martial procedures under the National Defence Act and he did issue a report, again, with 88 recommendations relating to military justice, the Military Police Complaints Commission, the grievance procedures and the provost marshal.

As one of my colleagues has stated, Bill C-15 is a step in the right direction, yet no rationale has been provided by the government as to why, at this point in time with this iteration, it has now thrown out the majority of the agreed amendments.

Retired Colonel Michel Drapeau, noted legal expert and author on military justice, has commented that the National Defence Act "requires more than tweaks and tinkering to bring it into the 21st century".

However, this is what we have before us today. Yes, there are some amendments and, yes, they are worthwhile, but it is still tweaking and tinkering rather than bringing forward a bill that is appropriate for this century.

In this century, is it not time that the military courts and grievance procedures were amended to instill independence of the decision makers, judicial independence, trial by peers and penalties on par with those in the civilian courts for other Canadians?

I wish to echo the sentiments of the member for Windsor—Tecumseh, who clearly presented his rationale for opposing Bill C-15. As he stated in the House: "...I am never going to vote for a bill that would treat our military personnel unfairly".

That is the stance of all my colleagues in the official opposition.

The member stated that the second reason he was voting against the bill was that, despite the efforts of the committee members in the last Parliament to agree on amendments, the experience under this majority government has been continually, where we seek all-party consensus, that the PMO overrides and rejects that consensus.

● (1735)

Many in the House have noted the many iterations prior to this bill. We had the Lamer report in 2003, outlining significant, thoughtful changes to bring military tribunals into this century. In 2006, we had Bill C-7, which died on the order paper. In March 2008, we had Bill C-45, which died on the order paper. In 2008, we had Bill C-16 on courts martial. That was given royal assent. We had a little tinkering and it was good that one change was made, but it did not do overall reforms as had been recommended by Justice Lamer. There was a Senate report on equal justice for court martials in May 2009. Again in 2010, we had Bill C-41. The government tabled one amendment, but it died on the order paper. Then we had Bill C-16 in 2011. It passed narrow provisions to improve the appointment and tenure of military judges, but again it was just a tinkering at the edges. In March 2011, the Minister of National Defence commissioned yet another review by Justice LeSage.

It is time for a full, all-encompassing reform of the military justice regime. It is not merely the opposition saying this; it has been senior judges, military law experts and representatives of the military. It has been said over and over again. It has been agreed to by all party members of the committee.

Despite the six iterations since 2003, including this one, little concrete action has been taken to expedite a more just and equitable trial process for military accused. As my colleagues have reiterated to questions from the other side of the House, we do agree that Bill C-15 does provide a number of measures, including greater flexibility in sentencing, more sentencing options including absolute discharge, restitution and intermittent sentences. These are good measures. It modifies the composition of court martial panels and changes the power of delegation of the Chief of the Defence Staff for grievance procedures. Good on the Conservatives for agreeing to make some of those changes.

Unfortunately, the bill falls short in key issues: in reforming summary trials, in reforming the grievance system and in strengthening the Military Complaints Commission. Only 28 of Mr. Justice Lamer's 88 recommendations to improve military justice, the Military Complaints Commission, the grievance procedures and the provost marshal have been addressed.

Many amendments tabled by the New Democrats and put forward by the armed forces and passed at committee have been excluded from Bill C-15—for example, the authority of the Chief of the Defence Staff in grievance processes; changes to the composition of grievance committees and, as my colleague previously mentioned, to include 60% civilians on panel reviews; or to ensure that the persons convicted at summary trial are not unfairly subjected to a criminal record, particularly when we are dealing with minor offences.

Some of the critical reforms we brought forward previously and that have not been included provide the reasons that we cannot support the bill, including the reforms to the summary trial system; reforms to the grievance system; and strengthening the Military Police Complaints Commission. Again, these are matters that were tabled at committee and agreed to, but they are not found in Bill C-15.

Reforms to the summary trial system would include removing the criminal record for an expanded list of minor offences. In other words, there are a good number of offences where a young member of the military could be given a criminal record, where it is deemed inappropriate and would not happen in the civil system. Again, there is no right of appeal, no transcript, no access to counsel and often the judge is the accused's commanding officer.

As I mentioned, major reforms to the grievance system include reconstituting the panels with civilian members and strengthening the Military Police Complaints Commission to provide oversight.

In closing, it is a question of justice and equity for our dedicated military.

● (1740)

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, I am very happy to put a question to my colleague, who asked me one just a little while ago.

The United Kingdom, Australia, New Zealand and Ireland have decided to change the summary trial process. Why is Canada lagging behind on this issue?

Does she think, as I do, that the process needs to be improved? If so, does she hold out hope of seeing those amendments adopted by the government, which had agreed to them at the Standing Committee on Defence when it was in a minority in the previous Parliament? Does she hold out hope that these three amendments, including the one concerning the judicial process for summary trials, will be adopted by the government, or does she hold out little or absolutely no hope of seeing them adopted?

[*English*]

Ms. Linda Duncan: Mr. Speaker, the issue about hope is not for the members of the opposition, but for the members of the armed forces. Can they possibly have hope that this time the government will do the right thing? This time, in the sixth iteration of reforms to this legislation, why in heaven's name have the Conservatives not simply taken it upon themselves to listen to the testimony, including by military personnel, and brought forward a full, encompassing reform package to the military justice system?

[*Translation*]

Mr. Tarik Brahmi (Saint-Jean, NDP): Mr. Speaker, my colleague from Edmonton—Strathcona spoke about the fact that we want a summary trial process that is fairer and more just.

We want the military process, which may lead to a criminal record in the civilian world, to be just and fair in the military world as well. That is not the case at present.

I would also like her to speak to another aspect: this process must be not only just and fair, but also comparable in the military justice system, because the military process has consequences when it comes to a civilian criminal record, for offences that would not themselves be offences in the civilian context.

[*English*]

Ms. Linda Duncan: Mr. Speaker, essentially, as many of the members in the House have been remonstrating, we are finding it hard to see why we cannot apply the same kind of system, to which we as civilians in this country have the right and privilege, to the members of our armed forces, who put their lives on the line and are actually sent to other nations to try to protect democratic institutions struggling to have a rule of law and a fair, just process. We have yet to hear any genuine defence from the Conservatives as to why they think that members of our armed forces should be made second-class citizens in access to due process. Surely they deserve and merit the same judicial processes, definitely in summary conviction, that we do as civilians.

● (1745)

[*Translation*]

Mr. Tarik Brahmi: Mr. Speaker, there is another very interesting aspect. Other Commonwealth countries have changed their summary trial legislation. That is the case for England, which was mentioned earlier, and for Ireland and a number of other Commonwealth countries.

The reason is that the Court of Justice of the European Union had ruled that the manner in which summary trials were conducted at present in the United Kingdom did not comply with rights legislation in Europe.

Given that Australia and New Zealand, which are not bound by European law, have changed their legislation to make it consistent with the demands of the Court of Justice of the European Union, then why is Canada not doing so?

[*English*]

Ms. Linda Duncan: Mr. Speaker, I appreciate the hon. member's question. He provides really difficult questions. Surely it is obvious. We simply look at the recent military mission in Afghanistan, where our armed forces are serving alongside soldiers from many other countries. Surely it makes sense when they are in the field of war that they be subject to the same kind of regime and processes for justice. Frankly, I cannot present any rationale for why we would be out of step with most of the democracies of the western world. I guess we have to put that question to the government.

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, on behalf of my constituents from Surrey North, I am honoured to speak to Bill C-15, which is an act to amend the National Defence Act, or as the government calls it, the strengthening military justice in the defence of Canada act.

While there are many important reforms in the bill and the NDP supports the long overdue update to the military justice system, as the official opposition we believe that Bill C-15 is a step in the right direction to bring the military justice system more in line with the civilian justice system. However, it falls short on key issues when it comes to reforming the summary trial system and the grievance system, and strengthening the military complaints commission.

Members of the Canadian armed forces are held to an extremely high standard of discipline and in turn they deserve a judicial system that is held to a comparable standard. A lot of Canadians would be shocked to learn that the people who bravely serve our country can end up with a criminal record from a system that lacks the due process usually required in civilian criminal courts.

A criminal record can make life a lot harder for military members after service. It can make getting a job, renting an apartment or travelling very difficult. The NDP will fight to bring more fairness to the Canadian military justice system for the men and women in uniform who put their lives on the line in service of Canada.

Bill C-15 basically amends the National Defence Act to strengthen military justice following the 2003 report of the former Chief Justice of the Supreme Court of Canada, the Right Honourable Antonio Lamer, and the May 2009 report of the Standing Senate Committee on Legal and Constitutional Affairs.

In 2003, Lamer presented his report on the independent review of the National Defence Act. The Lamer report contains 88 recommendations pertaining to military justice, the Military Police Complaints Commission, the grievance process and the provost marshal.

Bill C-15 is the legislative response to these recommendations. Thus far, only 28 recommendations have been implemented in legislation, regulations or via a change in practice.

In essence, Bill C-15 is similar to the versions of Bill C-41 that came out of committee in the previous Parliament. However, other important amendments that were passed at committee stage at the end of the last parliamentary session were not included in Bill C-15.

These include the following amendments that were introduced by the NDP regarding the authority of the Chief of Defence Staff in the grievance process, responding to Justice Lamer's recommendations; changes to the composition of a grievance committee to include at least 60% civilian membership, which was amended clause 11 in Bill C-41; and a provision ensuring that a person who is convicted for an offence during a summary trial is not unfairly subjected to a criminal record.

Those are some of the amendments that were introduced by the NDP in the previous bill but are not part of Bill C-15.

The summary trial is by far the most commonly used form of service tribunal in the military justice system. It is designed to deal with minor offences in a forum where the possible punishments are limited. The objective is to deal with the alleged offences in a fast manner within the unit and return the member to service as soon as possible, thereby promoting and maintaining unit discipline.

Courts martial deal with more serious charges prosecuted within the system and are also available to deal with less serious charges at the option of the accused person.

In the last Parliament, the committee heard from Michel Drapeau, who said that summary trials continued to be the dominant disciplinary method used to try offences by the Canadian military, and that in 2008-2009, a total of 1,865 cases were determined by a summary trial. That is 96% of the total. He also said that only 67 were heard by court martial. In other words, only 4%.

● (1750)

The current grievance process is also flawed. Unlike in other organizations, grievers do not have unions or employee associations to which to pursue their grievances. It is essential to the morale of the Canadian Forces members that their grievances be addressed in a fair, transparent and prompt manner.

There are some shortcomings in the bill that we hope we can address at the committee stage if it passes second reading. More specifically, these are reforming the summary trial system, reforming the grievance system and strengthening the Military Police Complaints Commission. I will briefly talk to those three points.

The amendments in Bill C-15 do not adequately address the unfairness of summary trials. Currently, a conviction of a service offence from a summary trial in the Canadian Forces may result in a criminal record. Summary trials are held without the ability of the accused to consult counsel. There are no appeals or transcripts of the trial and the judge is the accused person's commanding officer. This causes an undue harshness on certain members of the Canadian Forces who are convicted for minor service offences.

For example, some of these minor service offences include: insubordination, quarrels, disturbances, absence without leave, drunkenness and disobeying a lawful command. These could be matters that are extremely important to military discipline but they are not worthy of a criminal record. Bill C-15 makes an exemption for a select number of offences if they carry a minor punishment, which is defined in the act, or a fine of less than $500, to no longer result in a criminal record. This is one of the positive aspects of the bill but it does not, in our opinion, go far enough.

At committee stage last March, NDP amendments to Bill C-41 were carried to expand this list of offences that could be considered minor and not worthy of a criminal record from five to 27. The amendments also extended the list of punishments that may be imposed by a tribunal without an offender incurring a criminal record, such as a severe reprimand, a reprimand, a fine equal to one month's basic pay or another minor punishment.

This was a major step forward for summary trials. However, the amendment was not retained in Bill C-15 and we want to see it included. A criminal record can make life after the military very difficult.

The military grievance external review committee at present does not provide a means of external reviews. Currently, it is staffed entirely with retired Canadian Forces officers, some only relatively recently retired. If the Canadian Forces grievance board is to be perceived as an external and independent oversight civilian body, as it was designed to be, then the appointment process needs to be amended to reflect that reality. Thus, some members of the board should be drawn from civil society. The NDP amendment provided that at least 60% of the members of the grievance committee must never have been an officer or non-commissioned member of the Canadian Forces.

In regard to strengthening the military complaints commission, Bill C-15 amends the National Defence Act to establish a timeline within which the Canadian Forces would be required to resolve conduct complaints, as well as protect complainants from being penalized for submitting a complaint in good faith.

This is a good step in the right direction. However, the bill does not go far enough in addressing summary convictions or the complaints commission.

● (1755)

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, I have taken in some of the debate today. I know this is a bill that has been in front of Parliament, this Parliament and previous Parliaments. I think we are actually on our third or fourth iteration of this particular bill.

The latter comment from my friend opposite seemed to indicate that the NDP's position is that they will let the good get in the way of perfect. We are in a situation where there is an opportunity to send the bill to committee. We have in fact, and I want to be very clear, accepted some of the recommendations of previous attempts to bring the bill to fruition. In fact, some of them are found in this very bill, Bill C-15. Some of the opposition amendments were incorporated.

I want to debunk any myth that suggests there has not been compromise and a willingness to bring some of these elements of the bill forward. I would like to make just a few comments, if I might, with respect to confusion on this issue of criminal records.

To be clear, this important matter of criminal records flowing from convictions for service members, as found in clause 75 of Bill C-15, appears to be causing a great deal of consternation with members opposite. The members should be aware that what we have here is a bill that actually provides for specific service offences in minor circumstances, so that these would not constitute an offence for the purposes of the Criminal Code.

Further, former Chief Justice LeSage in his review of the National Defence Act indicated in his recommendation that there ought be a full review of the issue of criminal records. We have had three justices who have looked at this particular issue and found the summary trials process to be perfectly acceptable, workable, with some of these amendments.

In conclusion, in light of that recommendation, I would say, and I make this comment very openly here to the official critic for the NDP, their defence critic, the member for St. John's East, that the government is willing to bring in an amendment to clause 75 to match the committee stage amendments made to Bill C-41. That is on the record.

As far as this being harmful to our military or that there are different expectations of Canadians who served in Afghanistan alongside our NATO allies, our military justice system is the envy of our allies. We have, in fact, I would suggest, one of the best military justice systems—

The Acting Speaker (Mr. Bruce Stanton): Order. I will allow the hon. member to have time to respond. The hon. member for Surrey North.

● (1800)

Mr. Jasbir Sandhu: Mr. Speaker, I welcome the comments by the Minister of National Defence.

There was not really a question in there but he was talking about the previous versions of the bill. I was not part of the last Parliament, but it is my understanding that the bill was passed with a number of amendments from different parties and that the bill was left on the table either because Parliament was prorogued or the election was called at that time.

The minister is right. There are a couple of amendments that were brought in from the last bill, however, the majority of the concerns that were addressed in the last bill have still been left off the table. Here we have other governments, Australia, Ireland and New Zealand, that have reformed the summary trial process, and yet we have a government and a minister who have been ignoring the issue for a very long time.

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Speaker, thank you for the opportunity to ask my colleague a question.

The summary trial is the most frequently used disciplinary method to deal with offences committed by Canada's military personnel. In 2008-09, some 1,865 cases, or 96%, were decided by summary trial, and only 67 cases were tried through court martial. I am not sure who said that, but it has been mentioned.

What is my colleague's opinion of summary trials and the other bills? The amendments passed during study of Bill C-41 have not been retained by the government in Bill C-15. The defence minister talked a little about them today. We wonder why the government would now agree to the amendments that were not included in the current bill.

[*English*]

Mr. Jasbir Sandhu: Mr. Speaker, we have a high standard for members of the military when it comes to discipline, their duties and justice. It is only fair that we give them a grievance process, a comparable process, so that the process we have will serve them. Clearly, the process that we have in place now is not working.

The member for Sherbrooke is absolutely correct. Most of the grievances, 96% in fact, are resolved by summary trial. The other 4% are through court martial.

The men and women in uniform deserve a process that is fair and effective and accountable to them.

[*Translation*]

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, I am pleased to rise in the debate on Bill C-15. It appears that there are many shortcomings and problems with this bill. I believe the issue of criminal records is one of the main problems.

There are many others. I will begin with the others, but I will come back to criminal records shortly. We find the system of grievances and the Military Police Complaints Commission very worrisome.

This bill has been before the House many times in various forms. It was introduced in 2006 and died on the order paper in 2007-2008 because of the election.

We must not forget that this is a new version of the same bill that was passed by the previous Parliament in March 2011. The new version—the one before us today—implies that the will of the House, expressed only a few months ago, is being totally ignored.

In the opinion of the official opposition, one of the criteria is very troubling. We want 60% of the members of the Military Grievances External Review Committee to be neither officers nor enlisted personnel. We want civilians to have oversight over military procedures in Canada. We have often heard this opinion expressed by our constituents. The military must be subject to the will of the people and not the opposite; it is just common sense.

The NDP is adamant that 60% of the members of the Military Grievances External Review Committee should be civilians. Passing Bill C-15 without this element is unacceptable.

The part of this bill that worries me the most is the one dealing with criminal records. The people who defend our country deserve better than to have a criminal record based on ordinary behaviour.

Clause 75 of the bill, recently mentioned by a government member, lists the cases in which a person might acquire a criminal record. A new section will be created in the law, section 249.27. In it we see that a person who commits an offence under sections 85, 86, 90, 97,129 and 130 of the Contraventions Act may have a criminal record. This aspect that might give a person a criminal record must be carefully studied.

Clause 85 deals with an act of insubordination, such as a threat or verbal insult to a superior. This means that someone could have a criminal record for nothing more than a verbal insult. Having a criminal record is a big deal. It can hinder a person's access to employment. That person could be forced to live in poverty their entire life because they threatened or verbally insulted a superior. Frankly, it is a little much.

The legislation talks about quarrels and disturbances. Anyone who quarrels or fights with another member of the military—unfortunately it can happen—or uses provoking speeches or gestures toward a person so subject that tend to cause a quarrel or disturbance is guilty of an offence.

This includes not only quarrels or fights that do happen, but also the risk of quarrels or disturbances. This could all lead to a criminal record. Once again, this goes too far.

Absence without leave could lead to a criminal record. The same is true for drunkenness and conduct to the prejudice of good order and discipline.

Working in the military field is a very risky and very stressful job. It would therefore not be surprising if military personnel shouted insults at one another, especially if they were drunk.

● (1805)

In my opinion, those are not reasons to potentially subject someone to a criminal record. It is important to remember that only summary trials carry that risk. We agree that, if a real trial were held before a judge, at least people would have a chance to defend themselves. They would be judged by someone who knows the law and who is trained to be fair and equitable.

"The Code of Service Discipline and Me: A guide to the military justice system for Canadian Forces members" is posted on the Department of National Defence's website. It explains what a summary trial is. I would like to quote from it briefly.

> Summary trials are designed to deal with relatively minor service offences that are important for the maintenance of military discipline and efficiency at the unit level. Summary trials allow a unit CO, delegated officer, or superior commander to effectively administer discipline and return the member to duty as soon as possible.

The important thing to remember from this is that the purpose of a summary trial is not to punish people by giving them a criminal record. The guide says so. According to the Canadian Forces, it is very clear that the reason for a summary trial is to have a fast and effective justice process designed to reintegrate the person into his military unit. A criminal record has nothing to do with that purpose. If the summary trial were to be used for that purpose from now on, then such use would contradict the information on the Canadian Forces website.

The website also indicates the following:

> Courts martial are formal military courts established under the National Defence Act that are presided over by military judges. A military prosecutor is assigned to prosecute each case and the accused is represented by defence counsel, either military or civilian.

In the case of a court martial, there is a person who is defending himself, a prosecutor, a judge, lawyers and a full defence. The problem with the summary trial is that it is the commanding officer himself or herself who will decide what punishment to impose on the person who broke the rules. And let us not forget that a verbal insult is one of the offences.

Clause 75 of Bill C-15 goes much too far. It is not just a matter of possibly amending it. This goes beyond the very purpose of summary trials. It completely disregards their purpose. We might as well abolish summary trials and go directly to court martial if we are going to give such serious penalties.

I want to say that in the past, the NDP requested that the list of offences that could be considered minor be expanded, so that in summary trial cases without a criminal record, offenders would have a better chance of being reintegrated, as the directives state on the website.

When people enlist in the forces, they will see what to expect. They will see what the Department of National Defence itself says and what new recruits can expect. Now the government is misleading them about what could happen to them once they join the forces. They are the ones who defend our country and who put their lives on the line to defend our freedoms. That is not a respectful way to treat our armed forces.

I urge the government to withdraw this bill and to rewrite it so that it better reflects Canadian values.

● (1810)

[*English*]

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, I have listened intently to some of the input put forward by the official opposition members with regard to the bill before us and some of the inferences that members of the military do not have recourse in their grievance procedure. We have a grievance board, the Military Police Complaints Commission and the Military Ombudsman. Further, I notice that several of the members of the official opposition have questioned the soundness of our military justice system.

How does the member reconcile this misguided notion with the fact that in the First Independent Review Authority, former Chief Justice Lamer, stated, "Canada has developed a very sound and fair military justice framework in which Canadians can have trust and confidence".

Further, another chief justice, Chief Justice LeSage, stated in another independent review, "Although there are some areas where the military justice system and the grievance system can benefit from improvements, overall the system is operating well".

Two chief justices of our country say that our system is functioning well although it could stand some minor improvements, and that is what this bill would do? How do the members opposite reconcile that?

● (1815)

[*Translation*]

Mr. Philip Toone: Mr. Speaker, I thank the member for the question. In 2003, Justice Lamer produced a very interesting report. It contained 88 recommendations, and the government has acted on only 28 of them. I suggest that the members opposite read the report to see what it says; they would be surprised. By keeping only one-quarter of the recommendations, the government is not showing military personnel the respect they deserve.

The Right Honourable Chief Justice Lamer made 88 recommendations and only 28 were accepted. Justice Lamer did his job and made his recommendations after giving much thought to the issues. Once again, the government has hastily put forward an ill-considered bill that seeks to punish people. The Conservatives believe that if they continually hammer away at people, those people may vote Conservative later on.

That is not at all what I want in a bill. I want a bill to be well-thought-out and useful. The objective must be to return our military personnel to their units, not to alienate them.

Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP): Mr. Speaker, I would like to begin by thanking my colleague for his very interesting speech. I would point out that three very important Commonwealth countries—Great Britain, Australia and New Zealand—have reformed their systems. Does my hon. colleague believe that this is the path that Canada should also take?

Mr. Philip Toone: Mr. Speaker, we have a lot to learn from other countries. Canada used to serve as an example to other countries. It was always on the forefront in terms of criminal penalties, but it no longer is today. We have a lot of catching up to do.

We must first determine the targeted objective, which we have lost sight of. The objective is not to put people in prison or impoverish our military personnel by saddling them with a criminal record. I repeat: having a criminal record can hinder access to employment. Some people live in poverty their whole lives because they have a criminal record. If that is really what the government is proposing, I do not think it is giving our military personnel the respect they deserve.

The government should rethink Bill C-15 and withdraw it. It should introduce a new bill that will benefit Canadian society, instead of harming our military personnel by saddling them with a criminal record.

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Speaker, for almost a year and a half, I have had the opportunity to debate in the House a number of issues that are dear to me. At times, we must also debate issues with which we are not as familiar. You will agree that we cannot be interested in everything all the time. However, that does not mean that the issues are not very interesting, and I do not doubt their importance. For many Canadians, everything to do with the military is somewhat of a mystery. The public definitely knows that Canada has an army and many people are very proud of it. However, the internal workings of the armed forces are a mystery to mere mortals.

A year and a half ago, that was the case for me. Since arriving here, I have had the opportunity to meet many members of the armed forces and I have become aware of the issues that are important to them. I have also asked the veterans in my riding many questions, and they have kindly and patiently answered them.

Bill C-15 is about military justice and it is a truly interesting subject. I will summarize the bill in order to provide some context. Bill C-15 is the Act to amend the National Defence Act and to make consequential amendments to other Acts. True to form, the Conservative government gave it an optimistic short title—Strengthening Military Justice in the Defence of Canada Act. Coming up with such upbeat titles is a new trend. I would not put it past the Conservatives to introduce a bill to diminish the rights of aboriginal peoples and name it "encouraging the legal and economic autonomy of first nations". The cheerful words are a bit much.

Bill C-15 addresses some very clear problems and, in a way, proposes some clear solutions. This bill originated in 1998 when the Liberals were in power. During the 1990s, it was determined that the National Defence Act absolutely had to be modernized and achieve a better balance. It was significantly amended in 1998, after the release of three different reports that questioned its effectiveness. The Liberals introduced Bill C-25, which contained clause 96 stating that, every five years after the bill is assented to, there would be an independent review of the amendments made to the National Defence Act to see whether they were effective and whether any adjustments were needed.

This brings us to 2003, when the Lamer report came out with its 88 recommendations. Everyone agreed that the Lamer report was an effective tool and that it clearly indicated the steps to follow to improve and modernize our National Defence Act.

When the Conservatives came to power in 2006, they inherited the Lamer report and its recommendations. The Conservative government was aware that it had to continue reforming the National Defence Act. Under the Conservatives there were all kinds of disappointing twists and turns. In the first two minority, and rather unstable, Conservative governments, the two attempts to pass legislation to comply with the Lamer report recommendations died on the order paper.

In 2008, there was a turn of events. On April 24, the Court Martial Appeal Court of Canada, in *R. v. Trépanier*, declared unconstitutional the provisions in the National Defence Act enabling the director of military prosecutions to choose the type of court martial for a given accused. This essentially meant that, from then on, in certain cases, accused persons had the right to choose the type of court martial to be convened.

The Conservatives had to react to this event as quickly as possible. Their legislative attempt failed in the wrangling of minority governments, and suddenly there was a court case that they needed to respond to. Their response was Bill C-60, which made minor changes to the military justice system. The Lamer report definitely remained the foundation for future legislation, but it also led to a report from the Senate Standing Committee on Legal and Constitutional Affairs entitled, "Equal Justice". That report, commissioned by the Minister of National Defence, was agreed to in principle by the government when it tabled the report.

At this time, we have an abundance of studies and information to guide the whole legislative process of amending the National Defence Act. However, the tone has already been set. It will never be applied as a whole, but rather in bits and pieces. That is not necessarily a bad thing. We cannot change everything at once, unless the government decides to throw an omnibus bill at us concerning the National Defence Act, but I think the staff at the Prime Minister's Office, based on the two huge tomes that we have seen in recent months, are burned out. You see, the first victims of these paving stone expeditions are the legislative and political staff in the Prime Minister's Office.

Significant progress was made in 2010. Bill C-41, which was the direct forerunner of Bill C-15, was introduced in the House on June 16, 2010. It made it through the entire legislative process, was debated and discussed, and several of the NDP's proposed amendments were included. Unfortunately, Bill C-41 died on the order paper when Parliament was dissolved during the last federal election.

Not long after a new Parliament was formed, in June 2011, there was yet another twist. The Court Martial Appeal Court of Canada, in *R. v. Leblanc*, declared unconstitutional the provisions regarding the appointment of judges and the length of their terms.

● (1820)

The Conservatives wanted to fix the problem as quickly as possible, so in came Bill C-16, which was introduced and assented to in the fall of 2011. At the same time, at the very beginning of the 41st Parliament, the Minister of National Defence appointed the hon. Patrick LeSage, retired Chief Justice of the Ontario Superior Court of Justice, to conduct the second independent review of Bill C-25, passed in 1998. His report was recently tabled on June 8, 2012. And that is where we are now.

This topic has been debated in Parliament for 13 years. We have the Lamer report and we have the report from the Standing Senate Committee on Legal and Constitutional Affairs, all of whose recommendations the Conservative government accepted. Now we have Bill C-15. So what is the problem?

As I said, Bill C-15 in itself is relatively well done and addresses specific urgent problems. Except there was a bit of a sleight of hand. All of the recommendations that the NDP had managed to get accepted for Bill C-41 magically disappeared.

We were not kidding around when we proposed amendments during the previous Parliament. We were being serious. They were discussed in detail and they were accepted. The NDP wants to see these amendments in Bill C-15 as well.

If I may, I would like to quickly describe the purpose of those amendments.

First, there is one very important thing: we believe that Bill C-15 fails to properly address the problem of reforming the summary trial system.

A summary trial takes place when a member of the Canadian Forces is guilty of a lack of discipline in a strictly military setting. That person will be judged by his or her commanding officer on site, without a transcript, in order to maintain military discipline. That is fine in and of itself. Members of the military are subject to rigorous discipline in the course of their duties, but since they are only human, they may make mistakes and commit minor offences. Unfortunately, right now, these minor offences lead to a civilian criminal record.

The NDP does not believe that this type of purely military insubordination should result in a criminal record. I am somewhat disturbed that soldiers who bravely put themselves in harm's way for my safety and who are under an unusual amount of pressure must, when they return to civilian life, carry a criminal record that could prevent them from travelling or getting a bank loan all because of a simple matter of insubordination.

In February 2011, the British Columbia Civil Liberties Association said that military officers who impose sentences during a summary trial often want to make a show of discipline for the unit and discourage future offences, not impose on the accused the consequences that go along with having a criminal record in the civilian world.

We are talking here about really minor offences, and in the last Parliament, the NDP sold the committee on expanding the list of so-called minor offences from 5 to 27. We want this amendment to be put back into Bill C-15. If it is not, we will not support the bill.

This is not a conspiracy. The countries with which we have everything in common have already done so. It is a fairly powerful list: Great Britain, Australia, New Zealand and Ireland.

If they have done this, I do not understand why Canada would not.

The second point pertains to the reform of the military grievances system. Right now, the grievance board does not allow external reviews. However, the grievance board should be an independent, external civilian body. Right now, only retired members of the Canadian Forces are on the board. I am not saying that they are not doing the job properly, but the system is not working. A change must be made.

Do we have to wait for another Court Martial Appeal Court ruling for things to be done right?

We suggest that at least 60% of the members of the grievance board be civilians. This amendment was agreed to in the last Parliament, but is not included in Bill C-15. We are right about this, and we want this amendment to be included.

Once again, for these reasons we will not be supporting this bill.

The third amendment that is missing from Bill C-15 concerns the Military Police Complaints Commission. It is a minor point, but the NDP believes that much more should be done to strengthen this commission.

It should be granted more powers by means of a legislative provision and it should be able to legitimately conduct investigations and report to Parliament. It is for the good of the military. We want this amendment included as well.

In the end, it is quite gratifying to be part of this long process that began in the late 1990s under the Chrétien government.

I am quite aware that such important statutes as the National Defence Act cannot be amended by only three or four pieces of legislation. Change will inevitably take many years. The work is well under way. The Conservative government has dealt with this matter rather appropriately, which is quite rare. However, as always, the NDP must be vigilant in order to put the finishing touches to the bill. The Conservatives want to act too quickly, and they have not got all the details right.

If the valuable and important amendments that we won acceptance for in the last Parliament are not restored, the NDP will unfortunately vote against the bill.

● (1825)

The Acting Speaker (Mr. Bruce Stanton): I think we have enough time for one question and one answer.

The hon. Minister of State for Western Economic Diversification.

[*English*]

Hon. Lynne Yelich (Minister of State (Western Economic Diversification), CPC): Mr. Speaker, does the member believe that people who have served in the military would make good participants on the tribunal because of their expertise in applying the law. They would definitely have the background and the knowledge.

The opposition is asking that 60% of the participants be non-military. I would like to have a better understanding. Does the member not trust those who have served with integrity and protected our country? I wonder why the NDP and the opposition are so against that particular part of the legislation.

[*Translation*]

Ms. Alexandrine Latendresse: Mr. Speaker, I thank my colleague for the question.

In fact, it is not that we do not trust them in this case. Rather, it is because these people absolutely must be completely independent. We are talking about grievances. The person must be external and not biased about the situation, in order to be able to have an overall picture and hear both parties.

In any case, we are not proposing that no military personnel be involved. Approximately 40% would come from the military community, which would be more than sufficient to ensure that their perspective is included. However, the majority would come from outside the military.

● (1830)

The Acting Speaker (Mr. Bruce Stanton): If the hon. member so wishes, she will have three and a half minutes for questions and comments when the House resumes debate on this motion.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

SEARCH AND RESCUE

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, it is well known that the Conservative government strongly believes in cutting costs to resolve financial problems and improve government programs and services. It says that we simply have to do more with less and everything will be fine.

The Conservative government imposed this ideology on the Canadian Coast Guard by calling for the closure of search and rescue centres and marine radio stations throughout the country in order to increase efficiency and cut costs. But what about the protection of sailors, fishers and recreational boaters?

Canada has the world's longest coastline. Unfortunately, when it comes to saving lives and protecting the marine environment against oil spills, the Conservative government's mantra of "efficiency" will almost certainly lead to disaster.

In order to achieve minor savings, the Conservatives are prepared to seriously weaken the Coast Guard's ability to ensure the safety of fishers, recreational boaters and other sailors in distress and to safely guide cruise ships, ferries, oil tankers and other ships through dangerous waterways. I am shocked that this government actually believes that it is going to make the Coast Guard more efficient by shutting down the search and rescue centre in Quebec City and the Rivière-au-Renard maritime radio station.

Despite its 108-year history, the Rivière-au-Renard marine radio station will be closed by 2015. Only the Quebec City and Les Escoumins marine radio centres will remain operational in the province. Even though the 16 current employees of the station will be offered positions in Quebec City or Les Escoumins, the Gaspé region will lose 16 well-paying jobs, as well as local knowledge that could save the lives of fishers and others who venture out to sea. Coast Guard employees are familiar with the geography and language of the region. These centres thus possess a familiarity with the local geography and language that enables fishers to be quickly understood in the event of distress.

In a related matter, the Commissioner of Official Languages recommended the following in his final investigation report: that the language requirements of coordinator positions be immediately amended; that all incumbents of bilingual positions be able to meet the language requirements; that there be a sufficient number of bilingual positions to ensure that the Trenton and Halifax centres can provide services in French and English at all times; and that the workplace be conducive to learning both languages.

Above all, however, the report recommended that the closing of the Quebec City centre be postponed until all these requirements are met. Is the Conservative government going to comply with the recommendations of the Commissioner of Official Languages?

The time has come for the Conservative government to realize that Canadians are no longer pawns in its cost-cutting game. How many marine accidents that threaten human lives or the environment will it take before this government realizes that efficiency is not the solution to everything and that you can't put a price on the lives of Canadians?

● (1835)

[*English*]

Mr. Randy Kamp (Parliamentary Secretary to the Minister of Fisheries and Oceans and for the Asia-Pacific Gateway, CPC): Mr. Speaker, I thank my colleague for raising this issue and am pleased to respond to him regarding the changes within the Canadian Coast Guard, specifically those surrounding the consolidation of 10 marine communications and traffic services centres.

First, I would like to correct the unfounded suggestion that our government does not value the safety of crabbers, lobster boats and other Atlantic and Gulf of St. Lawrence fishers, as he mentioned originally in his question. The safety of all mariners is and will always be the number one priority of the Canadian Coast Guard.

Fisheries and Oceans Canada is becoming a more modern, streamlined, efficient and responsive department. The department is committed to examining the ways that services are delivered. This includes making positive changes in the use of its resources, with the intention of saving Canadian taxpayers money without affecting the safety of Canadians.

The Canadian Coast Guard will be further consolidating and modernizing its marine communications and traffic services. Over the last 30 years as technology has evolved, the Canadian Coast Guard has reduced the number of centres while providing the same high level of safety and traffic services.

The Canadian Coast Guard is investing in its infrastructure to take advantage of today's technologies to update its marine communications and traffic services delivery. With the infrastructure and equipment updates, we can deliver the same levels of service to Canadians with fewer centres at strategic locations across the country. The use of advanced communications technologies will ensure that communications services will remain of high quality, that resources are tasked efficiently, and that responses to mariners in distress are timely.

Consolidation also allows the Canadian Coast Guard to better manage fluctuating workloads at its marine communications and traffic services centres. Better connected centres equipped with modern technology will ensure improved back-up capabilities. Like any responsible organization, especially one that is part of the Government of Canada, we must ensure that we deliver our services in the most efficient way and that we use our resources wisely. Maritime safety services are a top priority for the Canadian Coast Guard.

The plans to consolidate Inuvik were announced as part of budget 2011. In the spring of 2015, operations are expected to be delivered from the following 12 centres: Prince Rupert, Victoria, Sarnia, Prescott, Quebec, Les Escoumins, Halifax, Sydney, Placentia, Port aux Basques, Goose Bay and Iqaluit. I would like to assure Canadians and my hon. colleague that the implementation of this initiative will have absolutely no impact on services to mariners. In fact, there will be improved reliability of services due to increased interconnectivity among centres, and larger centres will have a better ability to address spikes in service demands by having an increased complement of staff when required.

The Coast Guard has clear workload standards for its marine communications and traffic services officers and these standards will not be increased as a result of this initiative. It is expected that the workload will be distributed more proportionally among officers on watch at the new consolidated centres. Mariners' safety will not be jeopardized. The Coast Guard has a rigorous and structured certification process to ensure that its front-line officers are fully capable of delivering services in accordance with domestic and international guidelines.

Finally, let me reaffirm the dedication of Fisheries and Oceans Canada to ensuring the safety of the maritime community throughout the country.

[*Translation*]

Mr. Philip Toone: Mr. Speaker, I would like to thank the Parliamentary Secretary to the Minister of Fisheries and Oceans.

Needless to say, the government would like to assure us that there is no risk. However, when marine traffic centres are closed, it is obvious that the risk increases. It cannot be otherwise.

He says that we have nothing to fear in view of the improvements to the networks and that the employees in question who will be sent to the 12 remaining centres will be sufficient. However, everyone knows that networks can fail. We know full well that the networks have a history of malfunctioning. And we also know full well that there is a risk such failures could still occur.

I am therefore asking the parliamentary secretary a very straightforward question: what is the life of a sailor worth?

● (1840)

[*English*]

Mr. Randy Kamp: Mr. Speaker, what we are saying very clearly is that it is our strong belief that the changes we are making to the Coast Guard in respect of these marine communications and traffic services centres are not going to change how we deliver services. We will have exactly the same number of telecommunications towers, we will have exactly the same number of radar installations, and they will continued to be monitored by these people across the country. Equipped with the best technology, these centres will be able to deliver those services, so the lives of mariners are not going to be affected in any way by this change.

The Acting Speaker (Mr. Bruce Stanton): In that the hon. member for Random—Burin—St. George's is not present to raise the matter for which adjournment notice had been given, the notice is deemed withdrawn.

The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:41 p.m.)

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