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Monday, November 26, 2001

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, November 26, 2001

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1100)

[*English*]

COMPUTER HACKERS

The House resumed from May 31 consideration of the motion.

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, it is my pleasure to rise in support of the motion that has been put forward by the member for Saskatoon—Humboldt. It might be appropriate for me to read the motion so that we know what we are talking about.

The motion states:

> That, in the opinion of this House, the government should immediately amend the Criminal Code to create a separate category of offences and punishments for computer hackers and persons who wilfully or maliciously export computer viruses, both of whose activities disrupt the normal conduct of electronic business in Canada.

I have had the privilege of being involved with computers. I was teaching at the technical institute when we went from slide rules to computers, so I had some experience in that. Being a curious type of guy, I found great interest in these new electronic machines. Much to the chagrin of my wife and family, I sometimes forgot that it was suppertime and I forgot to go home because I was interested in learning how these newfangled machines worked.

Back in those days we did not have laptop computers or desktop computers. We only had the big mainframes. I know that I cannot use props in the House, so I will not show the cards, but I still use the cards that we had at that time. When they were being thrown away I kept some. They are excellent for writing notes. I use them for the original long term memory; that is paper and pencil to write down things and they fit into the pocket very nicely.

I went through that transition and was involved when we had to boot up computers the long way, by flipping toggle switches on the front , then hitting a button so that it would start the process of getting itself organized and then from there on it would proceed in a logical fashion.

Since then, I suppose we have progressed, although some would say we have regressed, to the point where we now have pocket computers and all sorts of devices, including pocket machines that communicate via the Internet.

I find this intriguing. I can be anywhere in the world just about with a little hand held machine, type in a message to my staff or even my family and if they are properly wired they can receive that message where ever they are. Sometimes of course, they are in an office where there is a computer. My son has text messaging on his machine and he is just an ordinary guy. It no longer a big business thing. Any time of the day or night I can send him a text message that appears on the screen of his digital phone. It has been a remarkable transition.

What we are dealing with today is those who would subvert the system. We have had a number of high profile examples. I guess mafiaboy is one that most of us remember. Through his own malicious work, he disrupted the economy of the United States on e-mail, eBay and some of the other things. Some estimated that the total cost of that malicious behaviour was in excess of $1 billion.

I am sure all members of the House would agree that is not a petty cash, small change crime. That is not exactly like pick-pocketing. That is a very serious crime.

I am not able to compare it to anything because it is not possible in most instances to cause that much of a disruption unless we look at the terrorist acts of September 11. Those were huge disruptions to the economy.

However computer hacking can have the same effect and can actually, if targeted, bring down businesses. This private member's motion seeks to recognize that it is a very serious crime.

Those who have been watching this debate on Motion No. 80, will remember that the member for North Vancouver said that the present penalty had to do with mischief and it was covered under mischief. He said that it was mischievous to call it mischief, which really was an understatement.

The parliamentary secretary and two Liberal members spoke on the motion when it was debated previously. They said that it was already covered in the legislation from 1985.

With all due respect, it really does not. When a person is apprehended, having created a computer virus to disrupt commerce and to mess up computers of individuals and businesses, the only thing we can do now is charge them under the 1985 act, and it is simply called mischievousness. It is really an inadequate classification of crime.

When the Liberal members say that it is already covered and that they will vote against it because it is redundant, I believe very strongly that they err. Whereas this is private members' business, and by tradition private members' business has been a free vote, I encourage Liberal members and all other members to dissociate themselves from party control and use their own heads to decide that this is a motion which should be supported.

The very fact that the private members' committee deemed this motion votable means that it considers it an important issue for Canadians. We should all support the motion and I strongly urge members to do this.

There is also a problem that cannot be solved by legislation. I have said often in the House and in some of my other public speeches that there is not a law that we can pass which can make people good. I am concerned about the fact that there are people who use their considerable talents for these very destructive ends.

Having worked in computer machine language way back in the earlier years, I recognize that it is not just everyone who can create a virus. It requires that one have considerable knowledge. I have done a bit of work in this regard in terms of writing computer language programs and operating disk systems. It is not difficult to change the code so that the disk speed, the way it reads the sectors and the tracks off disks is altered on the disk operating system. Those are simple parameters that can be put in, but they can cause havoc.

To write a program or create a file which inserts these variations into the very structure of the disk operating system and thereby disrupt the operation of the computer and destroy files or totally destroy the management of the hard disk on a computer is very malicious. I am really nonplussed when I consider that people can somehow convince themselves that it is okay to use their talents and abilities to write such machine language programs that would cause these problems.

● (1115)

I strongly support this motion that would create a separate category of crime with separate and more stringent punishment for violations in this area. I would also like to see us really beef up that part of our education component in our schools, homes and churches which would help people to grow up and recognize that their primary responsibility is to seek the well-being of others, not to see how much trouble they can cause them.

I would simply repeat myself by saying that I urge all members, notwithstanding the fact that the parliamentary secretary has said this is not necessary, to think about it, recognize and acknowledge that there is a problem here and that this motion should be supported. Let us please ignore the fact that it comes from the opposition side. Let us look at the merits of the motion. Let us vote for it so we can move forward and get with the 21st Century and the needs of it in terms of our justice system and computer hacking.

Mr. Stephen Owen (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to thank the hon. member for Saskatoon—Humboldt for raising an issue of such national and international importance. I would also like to thank the hon. member for Elk Island for sharing with us his views on this important issue.

Issues relating to cyber crime, such as hacking and malicious virus dissemination, have been widely recorded over recent months and have caused governments, industry and public much concern. Criminal conduct on the Internet has increased as we have seen the use of the Internet increase. Therefore, it is important that this and related issues receive the proper attention of parliament and the government in general.

That being said, I would like to restate this government's commitment to ensuring that our laws keep pace with technology. We would like to continue to foster the relationships the government has created with law enforcement and industry to ensure that the laws and tools used to combat cyber crime fulfill the needs of law enforcement without hampering our industry's competitive advantage.

I would also like to commend the member for Elk Island for his comments about education in the schools regarding the appropriate, responsible use of this technology. Canada continues to be a world leader in the area of battling cyber crime, crimes that in many instances do not respect orders.

We have forged many international partnerships and will continue our involvement at the G-8, the Council of Europe and the UN, to name but a few, to effectively deal with these issues.

The hon. member's motion, although well intentioned, is nonetheless redundant. He has characterized it as a provision that will fill a void in Canadian criminal law. My answer to that assertion is: no it will not. Sections 342.1 and subsection 430(1.1) of the criminal code were designed with the dissemination of malicious computer viruses in mind. They are also worded in a manner which could make them applicable to some future still unknown form of mischief.

One of Canada's legal traditions is to draft legislation in a general manner so that it does not target a particular thing. In other words, in Canada a fraud is a fraud whether committed in person or via computer. We do not need a separate offence to cover computer fraud.

In that same line of reasoning, a section which was created to deal with any form of mischief to data, including computer dissemination, should not be overwritten simply because it does not include those words explicitly.

During the first hour of debate, the hon. member for Fundy—Royal said it best when he stated that "the current criminal code is adequate to deal with computer hackers". He also pointed out that these offences were serious offences that carried a maximum penalty of 10 years imprisonment. In fact, where the mischief in question endangers life, the penalty can be life imprisonment.

It is clear that the criminal code already deals with these types of crimes in a very serious manner. These provisions have been on the books for over 15 years and in 1997 were amended for fine tuning. This is demonstrative of this government's commitments to update our laws when needed and it will continue to do so.

Although the Minister of Justice agrees with the motion in principle, she cannot support it because the conduct is already contemplated by the code.

Justice officials have been working to establish and foster partnerships with private industry, law enforcement and other governments. It is our understanding from these sources that the criminal code adequately deals with the conduct described in the motion before us. Law enforcement has and will continue to use these provisions successfully. Again, we are all aware of the recent mafiaboy case, where the accused was charged with 64 counts of hacking and mischief.

Internationally, we have also been recognized as a world leader. In a recent independent international study on the readiness of national laws to deal with cyber crime, McConnell International found that Canada's cyber crime laws were among the world's strongest.

Although Canada is a world leader in this regard, the government is committed to ensuring that our laws speak to our changing technological environment while having due regard for fundamental human rights. Canada continues its role as a world leader and is an active participant in many international fora on cyber crime. These include, among others, the G-8, the Council of Europe, the United Nations, the Commonwealth Secretariat, OECD and the Organization of American States.

As observers to the Council of Europe, Canadian delegates have been integral in negotiating a draft convention on cyber crime, which will be adopted later this year, and will stand as the benchmark for international instruments in this area.

At the G-8, Canada continues its leadership role on cyber crime issues and is looking forward to its presidency in 2002.

Because cyber crime challenges our notions of sovereignty, our participation in these international fora will require that we constantly review our legislation to not only make sure it keeps pace with technology, but also that it is in step with the laws of international partners.

● (1120)

In summary, the Minister of Justice is satisfied that the criminal code already covers the malicious dissemination of computer viruses and that no further action is required with respect to this motion.

[*Translation*]

The Acting Speaker (Mr. Bélair): Before the debate continues, I would like to inform my colleagues that, since this is the final hour of debate on Motion No. 80, I will have to interrupt the debate 15 minutes before the end of the end of the period set aside in order to vote on this motion.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, in order to better understand the debate, it is worthwhile rereading Motion No. 80, introduced by a member of the opposition, and I quote:

> That, in the opinion of this House, the government should immediately amend the Criminal Code to create a separate category of offences and punishments for computer hackers and persons who wilfully or maliciously export computer viruses, both of whose activities disrupt the normal conduct of electronic business in Canada.

The first question that arises with such a motion is: why should this motion be supported? It is clear from a look at the use made of computers and this new technology that cyber crime and Internet crimes are on the rise. More people use them, more are tempted to leave their mark, on certain Internet sites and programs, for example.

In this regard, the young, people with a thorough knowledge of computers, the computer whizzes, who have had training and developed their expertise by using them, are clearly the ones likely to be most affected by this motion.

The question is whether or not this motion is justified and, if so, whether this issue is a source of concern, whether it deserves our attention, whether there is a flaw in the criminal code, whether Canada's current legislation meets our concerns and whether it is adequate, considering the use that can be made of the Internet?

I believe that this is indeed an issue that deserves our attention. It is an issue about which we must be vigilant, considering that this can develop very rapidly and, as I said earlier, it is often young people who have to deal with the problem, since they are major users of the Internet and all these programs.

This issue is indeed a source of concern and it deserves our attention. But do we need legislative amendments, as proposed by the hon. member in Motion No. 80?

Let us take a look at the criminal code. Current events allow us to see whether the criminal code is properly used and applied. They provide some answers to our questions. Does the criminal code include offences for people who, as the motion says, wilfully or maliciously export computer viruses which, as everyone knows, can disrupt electronic business in Canada?

The answer is yes. As the Parliamentary Secretary to the Minister of Justice said earlier—and I do not always share his views, but I agree with him on this specific issue—the criminal code already includes offences carrying heavy penalties for people who might be tempted to wilfully export computer viruses, considering the seriousness of the problems caused to computer programs and the Internet system.

In order to have a balanced criminal code to deal with reprehensible actions, there must be a gradation when it comes to offences. We cannot deal with someone who attempts to introduce a computer virus in the same way that we would deal with a person who commits an act of violence, who assaults someone or commits a similar type of offence. There has to be a progression in the offences and in the sentences.

● (1125)

For certain cases now under study, I think that the criminal code has the necessary provisions, with respect both to offences and to sentences.

We can tell from the news whether or not the criminal code is sufficiently clear, whether it is easy to apply and whether it covers this kind of offence. The example I want to use is that of "mafia boy", who managed to introduce computer viruses into Internet sites and throw the entire web-based economy into disarray. The legislation appears to be applicable because, first of all, this individual was traced. Second, the individual, who was in fact a youth, was charged, found guilty and sentenced.

The legislation is therefore effective. Because this is a field which is evolving very rapidly, however, we must be vigilant and look at whether the legislation will be increasingly applied and whether it will meet needs. But this goes hand in hand with the use that is made of it.

In fact, there is a series of amendments which have been in effect only since 1997-1998. The system must at least be given the time to apply them before we should contemplate changing the rules of the game.

This is rather typical of the Canadian Alliance, which does not wait for the results, particularly where young people are involved. It does not wait to see whether or not the legislation is inadequate, whether or not it should be amended immediately. In its view, what is needed is to crack down as quickly as possible, to hand out tougher and tougher sentences, because young people are involved.

I urge Canadian Alliance members and the government as well to take a good look at what is going on in the field of informatics. There is no reason right now to jump in and start amending the existing legislation.

Today, I feel safe when it comes to informatics because the criminal code has provisions to cover this. Should young people or adults try to introduce viruses into computer programs, we have the legislation necessary to arrest them, bring them before the courts, and deal with them. We have what is needed.

Members will therefore understand that the Bloc Quebecois is voting against Motion No. 80.

● (1130)

[*English*]

Mr. Scott Brison (Kings—Hants, PC/DR): Mr. Speaker, it is with pleasure that I rise today to speak to Motion No. 80. The legislation is so important given the degree to which increasingly societies, not just within North America but globally, depend on the security of the Internet, not just from an e-commerce perspective but from a sharing of information and a general communication perspective.

I support the hon. member's assertion that we need to strengthen our laws in this regard. We will not have continued growth in e-commerce and in the use of the Internet if Canadians and indeed citizens everywhere in the world do not feel comfortable with the level of security that is currently provided on the Internet.

We have seen a range of Internet crimes: web defacements, fraud, theft, industrial espionage, data theft and data manipulation. Communicating with children and sexual exploitation has also occurred via the Internet. Some of the mischief cases mentioned earlier today involving hacking have cost millions if not hundreds of millions of dollars in disruptions. Some of the other nefarious activities have been far from simple mischief but have in fact disrupted the flow of goods and services and communication. These things need to be dealt with very seriously.

The challenge with regulating the Internet is the Internet is still in some ways an adolescent technology. It is developing so quickly that laws designed now may be out of date in a very short period of time. It is also by its nature a global vehicle and, as such, national laws, national courts and national judicial fora and processes are not really as effective as they might be in dealing with them. I would urge the government to not only be supportive of the motion in terms of doing what we can within our own country to strengthen the laws but to work with other countries and perhaps take a leadership role in developing a more co-operative and multilateral approach to the issue.

Canada's percentage of Internet commerce globally is not great enough to actually reduce through national laws and national enforcement all that is capable of grinding the Internet to a halt. If somebody in the U.K. chooses to use the Internet, either through hacking, fraud or some other illegal means, to create disruption or havoc, Canadian laws will not necessarily reduce or ultimately punish that individual. Given that the Internet is an international instrument we must work with other countries to develop an international approach.

I would not want the government to escape its responsibility within Canadian jurisdictions by pointing to the fact that the Internet is by its nature an international vehicle. Within our own lawmaking abilities here in parliament and within our own law enforcement we must move more aggressively to ensure that the Internet continues to be a secure vehicle within Canada.

In Canada we have, as a percentage of our population, a greater level of Internet participation than almost any country in the industrialized world, even greater than that of the U.S. As such, Canada and the government should be playing a leadership role in this regard, particularly now.

● (1135)

In some ways the motion should be considered in a post-September 11 context and from the perspective of anti-terrorism. The Internet, like any other telecommunication vehicle, can be used by terrorists for terrorism or for those types of things. It is not only important for us to consider strengthening our domestic legislation but we also need to play a leadership role in an international sense. We need to work with other countries to harmonize our approach to the Internet in the same way we have seen the harmonization of some of the anti-terrorist initiatives, particularly those that seek to reduce the incidents of money laundering, which is also an international problem.

E-commerce does not just deal with goods and services. It also deals with money and money trading. We need to take a far more serious look at not only what we do domestically to reduce Internet crime but we need to play a leadership role by working with other countries to ensure that we are vigilant in continuing to defend the sanctity of the Internet as a secure place to do business and a secure place for Canadians to become full participants in the global Internet community.

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, I am pleased to join my colleague in speaking to this issue. The Parliamentary Secretary to the Solicitor General of Canada stated at the outset of the debate that we already have in place mechanisms in the criminal code that deal with the specific issue before the House today. Section 342.1 and subsection 430(1.1) were created in 1985 and both deal with the dissemination of computer viruses.

On the surface it seems that the motion is pretty good. The minister said it was fine. However the issue has been part and parcel of the criminal code and to that extent I will speak about the importance of the issue. The issue is very important not only to the Government of Canada, the House, and the hon. member who put the motion but to all Canadians.

I wish to assure the House that the government takes this issue very seriously. In fact Canada was one of the first countries in the world to introduce computer related offences in the criminal code.

Canada is not only one of the most connected nations on earth but it also has some of the best legislation dealing with the issue of dissemination of hate literature, hacker data and the transmission of viruses over the Internet. The Government of Canada has taken measures to address this issue a long time ago and continues to do so.

In 1997 the government moved even further by adding new offences to the Criminal Law Improvement Act that would deal specifically with possession or trafficking in computer passwords and the possession of devices that could enable the commission of an offence which would compromise the confidentiality and integrity of a computer system.

Rapid technological changes require that we continuously review and update the criminal code to ensure that it keeps up with contemporary crimes that take place. The omnibus bill that deals with the use of the Internet by pedophiles for luring children among other things is an example of the review process the government has undertaken in the past and continues to do so.

The government has launched a number of initiatives, one of which was the establishment of a working group made up of officials from the RCMP as well as officials from various government departments including justice, industry, foreign affairs, the solicitor general, health and heritage.

A consultative process was launched in 2000 in partnership with the private sector, namely the Canadian Association of Internet Providers and the Information Technology Association of Canada. The mandate of the working group was to review on an ongoing basis not only the actions of the government but the potential for action by the government to review what was taking place in the marketplace and to respond to it in an efficient, effective, pragmatic and progressive fashion.

● (1140)

In terms of enforcement, the RCMP offers training courses through the Canadian Police College for crime investigators on electronic search and seizure by looking at two types of computers, the PC and the Macintosh. It also offers a network communications course and will soon introduce an introductory Unix course.

In recent weeks the RCMP sponsored two courses on advanced intrusion analysis for investigators from the federal, provincial and municipal law enforcement communities. These courses provide investigators with practical examples of a hacker's tools as well as simulated network intrusions to gain experience and knowledge of a hacker's behaviour, modus operandi and style.

The government is using law enforcement agencies as well as taking measures on the legislative and preventive fronts. The RCMP is in the field working collectively with all levels of government and the community to ensure that children, consumers and society are protected.

There have been many success stories that can be cited in the House. The parliamentary secretary indicated the case of mafia boy. That individual was prosecuted.

The RCMP is involved with a case in western Canada where a manufacturer of illicit drugs was using the Internet to send coded messages to potential purchasers and later shipped goods using the computer. The RCMP is on top of an ongoing investigation and we anticipate a swift conclusion to this case.

The RCMP is involved with a project called moonlight maze which was a computer intrusion investigation involving the FBI and Scotland Yard. A hacker could be anywhere and commit a crime. In this case a hacker based in Moscow used various computer sites in Canada to gain access to various military installations in the United States to do damage.

While this investigation is ongoing law enforcement officers not only within this country but around the world are aware of the potential for problems. They are also working collectively in order to deal with issues affecting the safety of computers and computer users.

Last year the RCMP investigated numerous website defacement cases in Canada and the United States. These acts were traced to a 16 year old youth from Sackville. The victims included Human Resources Development Canada, the Department of National Defence, the United States postal service and an Internet service provider in New York.

The youth was a member of an international hacker group called HV2K that comprised 20 persons from Canada, the United States, England and Pakistan. This issue is still under investigation by the RCMP. The RCMP has worked very diligently with its counterparts in the United States and around the world to deal with issues affecting the safety of data as well as of computers.

In 1999 the RCMP launched an investigation of a computer hacking ring located in the eastern provinces. A computer had successfully penetrated two large Internet service providers stealing one of their ISP user IDs and password files and decrypting the password file to gain anonymous access to the Internet to compromise the e-mail accounts of users. This investigation has been ongoing for quite a long time and the RCMP is on top of it working with law enforcement officers at all levels of government.

Needless to say, the government takes this issue very seriously. The government has launched a number of initiatives and continues to do so in order to respond to this issue. While I commend my colleague on taking this initiative and bringing it to the House of Commons I must state that it has been part of the criminal code and is being dealt with by the government.

● (1145)

[*Translation*]

The Acting Speaker (Mr. Bélair): Order, please. It being 11.50 a. m., the time allocated for debate on the motion has expired. It is my duty to put forthwith every question necessary to dispose of the motion now before the House.

Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Bélair): Pursuant to the order adopted on November 20, 2001, the recorded division on the motion stands deferred until Tuesday, November 27, 2001, at the end of the period reserved for oral questions.

[*English*]

Mr. Geoff Regan: Mr. Speaker, I rise on a point of order. There have been discussions among the various parties and since we are moving to the final stage of a bill and members have important amendments they would like to put in place, I would ask that you seek to suspend until 12 o'clock.

The Acting Speaker (Mr. Bélair): Is there unanimous consent to suspend until 12 o'clock?

Some hon. members: Agreed.

An hon. member: No.

* * *

POINTS OF ORDER

BILL C-36

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, I rise on a point of order today dealing with the report stage of Bill C-36, which is the first item on the order of business that will be called today. I want to ask the assistance of the Speaker in a difficulty that faces members of the House, particularly pursuant to Standing Order 40(2), which reads as follows:

> Government Orders shall be called and considered in such sequence as the government determines.

This appears to be an absolute right for the government but the House is facing an extraordinary situation, which I want to suggest might cause the government House leader to alter his plans for today to go on with this bill. I will try to be brief.

The Speaker will recall that on Thursday afternoon I raised a number of difficulties that resulted from the government's decision to call report stage of Bill C-36 today. This resulted in the House passing two extraordinary orders to extend time deadlines for the filing of report stage amendments, the final deadline being 6 o'clock Saturday evening. I want to state that the deadline resulted in a number of House employees having their weekend plans disrupted. I want to thank those people and their families for putting up with the disruption that the government caused in its haste to bring forward this bill today.

One copy of Bill C-36, one copy, was available to myself as House leader of the coalition at 2.45 on Friday afternoon. The normal deadline that would have been in place had I not objected on Thursday would have been 2 p.m. on Friday. The bill showing the committee amendments, over 100 in number, was not posted on the House website until later that afternoon.

Let us be clear. The government decided to call Bill C-36 today without ensuring that amended copies of the bill would be made available to all members of the House before the normal deadline for filing report stage notices of proposed amendments. Those on the committee are at a distinct advantage. Not all members of parliament, including leaders in the opposition, could access the amended bill.

The responsibility for this must rest with the government. It is the government House leader who decides the business that he will call and when he will call it. I suspect that there are many members of parliament who very much would have liked an opportunity to participate fully in this process.

The justice committee heard about 100 witnesses on the contents of the bill and made more than 100 amendments. This is a highly important bill, which has had a number of significant amendments. The testimony of only half of those witnesses has been published. Half of the evidence has not been published, including the minister's own testimony wherein she outlines the important changes.

Our constituents have not been able to assess or even access the evidence that was adduced by the standing committee. Therefore they have been denied the ability to be active and informed participants in this democratic process.

There is an important lack of transparency in what we are seeing here and what we are being asked to do. The House is being asked to decide the content of Bill C-36 before the Canadian people have even been able to read the evidence of such important witnesses as representatives of the Canadian Jewish Congress, the Canadian Islamic Congress, the Canadian Arab Federation, the World Sikh Organization or the Canadian Council of Churches.

Nor is there a public transcript of the evidence of the Hon. Warren Allmand, PC, OC, Q.C., president of the International Centre for Human Rights and Democratic Development and a former solicitor general. One would think that the government would be willing to have Canadians access Mr. Allmand's testimony before it finalizes the language of Bill C-36.

Canadians are not able to access the testimony of Muslim lawyers. Nor can they see the testimony of the executive director of the national organization of immigrant and visible minority women in Canada. Nor can Canadians see the testimony of the representatives of the Canadian Police Association or the Criminal Lawyers' Association or the Canadian Association of Chiefs of Police.

The evidence of over 50 witnesses who appeared before the committee on Bill C-36 is unavailable to Canadians. Those Canadians who made the effort to make representations to the justice committee have had in effect been told that their evidence does not matter. The government House leader wants the House of Commons to vote on Bill C-36 and its amendments before the community has had the opportunity to know what important organizations and individuals told the committee.

● (1150)

Access to and possible contact with members of parliament after the bill has been amended has been denied. Nor are Canadians to have access to what the Minister of Justice told the committee about the amendments that have been made to the bill. That too is unavailable. Our constituents are being kept in the dark on this issue. The minister's words are to remain secret from the population until after the bill has been passed with amendments and it has not been the practice of the Minister of Justice, I suggest, to listen to debate in the House.

As the member for Winnipeg—Transcona stated, the minister came before the committee not to listen but to lecture. I reiterate that these amendments were supposed to provide comfort. They were supposed to give reassurance and to reinforce concerns about the bill.

So far I have been speaking about the verbal testimony of witnesses, but there is a greater secrecy that exists with respect to the 50th meeting of the justice committee, a meeting, I might add, that concluded at close to 3 a.m. on Wednesday.

Not only is there no public transcript of the debate that occurred, but until late afternoon on Sunday the minutes showing all amendments proposed and defeated were unavailable to Canadians who might be interested in making representations to their local members, long after the deadline for filing notice of new amendments.

This denies members of the opposition, particularly those members like my colleague from Dewdney—Alouette and others who were not present at the justice committee, the ability to make a considered decision as to whether they in fact would like to file amendments as well.

The House is being asked to legislate in secrecy. There is no public transparency of the deliberations of the standing committee. Canadian citizens and residents whose liberty and security are very much the subject of this legislation have been denied the ability to influence, to be fully informed and to interact on this bill. Members of the House, because the government is proceeding with the bill, are being asked to do so blindly, before the public record is complete.

I ask the government to consider delaying the report stage until Canadians have had the opportunity to view the record of the justice committee. To shut Canadians out of the process in this way does not serve Canadians properly. In fact it is a disservice to our participatory democracy. I respectfully ask the government to delay the bill until the public record is complete. If we are to have full access then this important testimony must be available not only to all members of the House but to Canadians generally.

● (1155)

The Acting Speaker (Mr. Bélair): I thank the hon. member for his point of order. I shall report to the Speaker, who will rule on it in due course.

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I would like to contribute a few words toward this and hopefully the Speaker will see things having heard both sides when he rules on this.

First, I profoundly disagree with the hon. member. It seems like the plea he is making is not one in which the issue is out of order but one in which he is asking the government to delay the bill, which is not the same thing.

I had no warning of his remarks, not that he had to warn me. I know that, but he was aware of the fact I was here and I would have wished to have known that he was to make the remarks so I could respond to them fully. His remarks were largely directed at me, as Mr. Speaker will know.

First he said the contents of Bill C-36 were not publicly known. That of course borders on the ridiculous. We all know that the bill has been in the public domain for several weeks. Actually all parties in the House, including the hon. member, contributed to the greater publication of the bill initially by giving the consents required, for which I thank them, but that is not the same as saying that it is not available publicly. He referred to the committee's work.

Mr. Peter MacKay: The testimony, not the bill.

Hon. Don Boudria: I will get to that. The committee's work was actually extended by several days. I was consulted and gave my agreement about that.

Last Friday, by unanimous consent of the House, the rules were changed three times in order to allow more time, at the request of the hon. member and as a result of his plea, for which I thank him, but at the same time he cannot get three extensions of the rules and then complain that he did not get enough time to prepare or that anybody else did not.

Right Hon. Joe Clark: When on Friday was that?

Hon. Don Boudria: Mr. Speaker, I see I woke up the right hon. member for Calgary Centre.

Right Hon. Joe Clark: Were you here Friday?

Hon. Don Boudria: No. Actually it was one better than that. As a matter of fact on Thursday we gave the extension for both Friday and Saturday.

Right Hon. Joe Clark: Just another little error.

Hon. Don Boudria: I thank the right hon. member for correcting that because in fact I actually had given him more than was asked for. I was tempted to forget about it but I thank him for reminding not just me but the entire House for the generosity it showed toward him.

Additionally the member referred to the minister's word being kept secret. The minister's statement was made publicly, was published and is available. Then of course the entire thing, including her speech, was televised.

I do not know about you, Mr. Speaker, but secret televised meetings are very hard to organize, especially when they are published nationwide. A secret, nationwide, televised meeting is in fact what the hon. member alleges. How many of us would actually believe that as a concoction?

Those charges are inappropriate and the member knows it. We want to get this bill passed for the benefit of Canadians not only by the House but the House and the Senate and so that the royal assent process takes place before Christmas. That is our duty.

I believe that all of us, if we look at it responsibly, know that it is our duty. To pretend that because all the minutes of the committee have not been published publicly it prevents the legislative process is inaccurate and the hon. member knows it.

It is not that long ago that we even published these minutes when the House was in recess. We did not even do it when the House was sitting. There was, when I came here only a few years back, three weeks' delay to publish committee minutes. Now it is something like three or four days before we get published minutes.

The hon. member knows that. He knows that has nothing to do with when the report stage of a bill commences. Surely the hon. member knows that. We all know that around here. To say that we should not be doing our jobs as MPs because we do not have the minutes of a committee, particularly of a committee that was televised nationwide, for which the footage is available to anybody who cares to see it, even if all these things did not even exist it would not be a proper proposition.

● (1200)

It is time we got to the business of what is probably the most serious bill I will have passed in my political career, one dealing with the security of Canadians. It is a serious bill.

Some members might argue that the bill could be stronger. I understand that some of them are making that argument. Others are saying it goes too far and would perhaps infringe on rights. I know I am partisan when I say this but the truth is probably somewhere in between. That is exactly where the bill is. However that is a matter for the debate when it starts. Let us get on with debating the content of the bill.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, I will be brief on the issue but I too am concerned about what has happened. As I understand it, the time for submitting amendments was extended until Saturday afternoon.

Hon. Don Boudria: Three times.

Mr. Vic Toews: The minister opposite indicates it was extended three times. It was extended to Saturday afternoon. The minister well knows that most MPs are gone for the weekend to attend to riding and constituency business.

The first time I had an opportunity to review the amendments was this morning. When I received the amendments I spent time with my assistant working through a copy of the old bill. I did not yet have the bill as amended so it was difficult to understand the significance of the amendments. I had some hint given the involvement I have had in the bill, but it was difficult for me as a member who has been intimately involved in the development of the bill.

I have been supportive of the government's initiative generally and I understand the need for haste. However we must understand that we need to do the job properly. Having been given the amendments this morning and the bill an hour or so after that, I and many members in the House have not had the opportunity to carefully review the amendments. I would like to do the job properly. In view of the circumstances it would not be untoward to allow an extension for consideration of the amendments before we debate them.

I can support some of the amendments by my colleague from the Canadian Alliance and others from the PC/DRC. There are others I cannot support. I would like the opportunity to consider all the amendments carefully before I recommend to my caucus how to proceed on them.

We are hearing from all members. I do not know what is reasonable but a short delay of at least another day would not harm the national interest. It would go a long way toward protecting the national interest in terms of getting an appropriate security bill and protecting the civil liberties of Canadians.

● (1205)

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I would greatly appreciate it if the Chair were to rule immediately. A decision cannot be left until later, since we are about to begin discussing the issue.

What I mean to say, is that you must decide as to whether or not the point raised by the leader of the Progressive Conservative Party is acceptable or not. I think that he has raised some very good points.

However, we must look at the entire context of this bill. Everything has been done very quickly. Since it was not done in committee, we must take the time to think about the amendments proposed for Bill C-36.

It is not true that the bill was considered properly. When one studies a bill clause by clause for eleven hours in a row, with no opportunity pause and reflect on the amendments that the government is moving, thereby being forced to react immediately, that is hardly what I would describe as proper consideration.

Furthermore, the government is proceeding without providing us with a reprint of the bill with the government's amendments. Let me remind the House that the government proposed 91 amendments. This is no mean feat, in a bill.

It is all well and good to tell us that we have until Saturday to submit amendments, but quite frankly, that is a joke. Earlier, there was a request made to suspend the sitting for ten minutes.

Mr. Speaker, if you need time to think about this issue before we begin debate, in order for the debate to truly be a proper one, please take ten minutes to consider the arguments or review what was said before you arrived, in order to rule properly and in order that the debate begin on the right note.

In closing, I would like to say that this bill is important, and our goal here is to establish a balance between national security and individual and collective rights. I fear that if we proceed at the current speed, in the drafting stage, as the government said, and in consideration by the committee, and with amendments being proposed on a weekend, and now today moving on to report stage, that we will never strike this balance. There are mistakes being made right now.

Mr. Speaker, I invite you to rule, examine the matter as you always do, and decide whether or not the member's point of order is valid and whether or not we should do this before moving on to report stage of this bill.

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, I just have two things to add. The first is to the effect that this is a ruling the Speaker cannot delay, because we must decide immediately if we proceed directly to consideration of the bill or if we must take the time to enable other members, who did not have the opportunity to consider the testimony, to prepare interventions.

The other point I want to raise is a personal matter, but it concerns my situation and that of the member for Lanark—Carleton as well as that of my colleague from Pictou—Antigonish—Guysborough. As it happens, we were here over the weekend, and, by chance, we were able to take advantage of the slight changes in the Standing Orders and prepare our amendments ahead of the deadline. It is not proper, in democratic terms, that the right to introduce amendments in parliament on something as serious as this is determined as a matter of chance. It is quite unacceptable.

As the government House leader has just said, it is a very serious bill. He has said this bill is the most serious he has ever met as the leader of the government. If it is serious, it requires serious consideration, and that is not possible if the members do not have at their disposal all of the testimony that could influence their contribution or their amendments.

I hope that the Speaker, in the interest of having a well thought out bill, in the interest of the rights of parliament, may decide to delay debate, not only for the sake of delaying it, but to enable parliamentarians to be well enough informed as to properly do our duty here in the House.

● (1210)

[*English*]

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, to emphasize my right hon. colleague's points, he is quite correct that the reason I was able to get amendments on where others were not was due to the fact that I am an Ottawa member of parliament. I am here and my staff is here. We were able to pool our resources and work on this thing in a way that was not available to other members of parliament.

It is striking that much of the most forceful and thoughtful opposition to the bill has come from Canadian Alliance MPs who, not being in the Ottawa area, were unable to add their amendments to the bill. It is striking as well that much thoughtful consideration had been given in earlier debates by members of the New Democratic Party. They had a party convention and were unable to be present during the period of time under consideration.

I got a copy of the final version of the bill this morning. Until that time it was difficult to ascertain how to word our amendments because the pages have changed, section numbers have changed and so on. This handicapped us in our ability to provide the kinds of thoughtful amendments that are suitable for this stage.

Something else is striking in the same vein and has not been mentioned so far in this discussion. My office went to the clerk of the relevant committee and asked to see the various amendments proposed for the bill. We were told they had all been destroyed.

When we are trying to work on amendments to get a sense of what has been discussed and what has been proposed and discover that we do not have access to them, it is impossible as members of parliament to carry out our job in the appropriate manner. Committees can do as they see fit in their own affairs, but when it starts to affect the operations of the House, to which they are subservient, I suggest that it effectively hamstrings the House in its responsibilities. That certainly cannot be something that is in order.

I would ask Your Honour to give consideration to these factors as well in rendering your judgment and in considering whether to extend the deadline.

The Speaker: The Chair appreciates the interventions of all hon. members who have had something to say on this important issue.

[*Translation*]

It is not the first time that members in the House have criticized the government for the speed with which it proceeds with a bill. I am sure this will happen again.

[*English*]

Even allowing for that, I think hon. members have to recognize, as the hon. member for Pictou—Antigonish—Guysborough did in his point of order, that he was raising not a point of order. He was raising a request to the government to consider deferring the matter.

The government House leader has in effect given his answer. As I understand it he is not prepared to defer it. Now the suggestion seems to be that perhaps the Speaker is somehow able to be involved in the matter and ought to take some steps to defer the matter and prevent the House from considering the business the government has chosen to bring before the House today.

I do not think it is for the Chair to make that decision. I respectfully draw the attention of all hon. members to the words of Mr. Speaker MacNaughton on March 17, 1965, as reported on page 12479 of *Hansard* of that day, when he said:

> The basic question is whether or not a bill in the House of Commons can be discussed, assuming that the evidence has not been completely finished in its English and French printing. I have made a search of the records since confederation, and there is no case that says that a bill in the House of Commons which is up for discussion cannot be proceeded with until the evidence has been filed. If we were to accept the suggestion of the hon. member for Lapointe...emotionally pleasing as it may be, nevertheless procedurally in my opinion it would be completely wrong, and would establish a very bad precedent.

I could quote Mr. Speaker Francis from page 4631 of *Hansard* dated June 13, 1984, when he said:

> I really do feel uncomfortable when Hon. Members do not have the transcripts. However, I am guided by the precedent of Mr. Speaker MacNaughton. I am guided by the fact that the rules are silent as to the form of printing.

I realize hon. members are uncomfortable with the fact that certain of the transcripts of committee proceedings in relation to this bill are not available or, if they are, have only just become available, whatever the case may be. However, in spite of that, I believe it is the right of the government that sets the business of the House in compliance with the rules of the House itself to proceed with this bill without those transcripts.

● (1215)

[*Translation*]

As the hon. Leader of the Government in the House said, when he was first elected the minutes of the committees were not available for at least three weeks after the end of the committee meetings. I clearly remember that myself. When I first came here, 13 years ago, the committee minutes were not available the same week that the meetings had been held.

[*English*]

To look back at our history and our practice, I believe the ruling I have cited from Speaker MacNaughton in 1965 is entirely in accordance with that practice. However inconvenient it may be to proceed with the bill at this time, if the government's choice is to do exactly that, I do not believe it is a case where the Speaker ought to be intervening in this matter, either to delay the matter further or to make any changes in the process, which has been agreed to by the House unanimously, in extending the time for filing those amendments and in dealing with the amendments as they have been brought forward.

I therefore now proceed to orders of the day.

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): I rise on a question of privilege, Mr. Speaker, arising out of the comments that have just been made.

I am sure you are aware, Mr. Speaker, that the final bill was only available on Saturday and there was a deadline of 6 p.m. Saturday to file amendments.

Part of the problem in terms of my privileges is that the NDP caucus was not here. We had a national convention in Winnipeg and the House recognized that by taking Friday off. Therefore none of the NDP members were around to see the final copy of the bill nor to meet the deadline to file amendments by 6 p.m. on Saturday. We did not have that available to us and I feel that affects my privileges as a member of parliament.

The House recognized the importance of a national convention by adjourning on Friday, which it does for all national parties when they have a national convention.

It affects my privileges and it affects the privileges of the other 12 members of my caucus. I submit to you, Mr. Speaker, that is a genuine question of privilege.

The Speaker: I have trouble finding it to be such a question of privilege. All hon. members have obligations that take them away from Ottawa at one time or another. Sometimes it is mid-week and sometimes it is on weekends. However, when the House is sitting, as it has been and will continue to do until December 14, and we know legislation will be proceeded with day by day, it is difficult for the Chair to imagine that the hon. member's privileges have somehow been violated by the fact that he was tied up at another meeting over the course of the weekend and could not file amendments.

I know he has tremendous powers of persuasion and I am sure he will meet with the other House leaders to see if there could be some arrangement for the introduction of amendments that he might want to put to the House on a consent basis. I know this happens from time to time. If that happens, the Chair would be more than happy to put any such question to the House once the House has agreed by consent to allow that to happen.

I think it is safest at the moment to proceed with orders of the day.

● (1220)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, with regard to the question of privilege put forward by the hon. member for Regina—Qu'Appelle, I believe you have referred him back to House leaders, including the government House leader. I am wondering, given the government House leader's presence in the House, if there is some willingness to accept amendments from those members of parliament who were not able to access either transcripts or the amended bill on such an important issue.

The Speaker: I suggest that negotiations of this kind are best carried on off the floor of the House in accordance with our usual practice. I am sure the hon. member for Pictou—Antigonish—Guysborough will have an opportunity to meet with the government House leader in due course.

GOVERNMENT ORDERS

[*Translation*]

ANTI-TERRORISM ACT

The House proceeded to the consideration of Bill C-36, an act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other acts, and to enact measures respecting the registration of charities, in order to combat terrorism, as reported (with amendments) from the committee.

The Speaker: There are 13 motions on the notice paper relating to the report stage of Bill C–36.

[*English*]

In accordance with House of Commons practice, Motion No. 5 will not be selected by the Chair as it requires a royal recommendation.

Motions Nos. 11 and 12 will not be selected as they are similar to motions proposed in committee.

All remaining motions have been examined by the Chair and the Chair is satisfied that they meet the guidelines expressed in the note to Standing Order 76.1(5) regarding the selection of motions in amendment at the report stage.

The motions will be grouped for debate as follows:

Group No. 1, Motions Nos. 1 to 4.

Group No. 2, Motion No. 6.

[*Translation*]

Group No. 3, Motions Nos. 7 to 9.

[*English*]

Group No. 4, Motions Nos. 10 and 13.

[*Translation*]

The voting patterns for the motions within each group are available at the table. The Chair will remind the House of each pattern at the time of voting.

[*English*]

I shall now propose Motions. Nos. 1 to 4 to the House.

Right Hon. Joe Clark: Mr. Speaker, I rise on a point of order. I would appreciate elaboration on the ruling that Motions Nos. 11 and 12 are not allowable for discussion here because they were introduced in committee. My understanding is—

Hon. Don Boudria: Order, please.

Right Hon. Joe Clark: I wonder if the hon. House leader would restrain himself and show some of the courtesies that he so often requests of other members. If he wants to speak he could perhaps indicate whether he is prepared to entertain amendments from other members in House leader meetings.

However, I would like elaboration as to why the amendments appearing in my name, which I did not move in committee and which are highly germane to any democratic and honest hearing of this bill, are precluded from consideration here. They were introduced by another member. We do not believe that in the circumstances they had the adequacy of consideration either in the public or in this full Chamber that they require. I would require elaboration as to why this decision has been taken to further limit debate on this matter where amendments that might have been presented have been precluded by the fast footwork of the government which does not want to hear a full debate on this very serious issue so deeply affecting the civil liberties of Canadians.

The Speaker: I appreciate the right hon. member's intervention but the practice has been for the Chair not to give any reason whatsoever for the selection that has been made. I made that clear in the ruling I gave in respect of this whole issue some months ago after the adoption of the change in the standing orders in the House.

I elected to state in my ruling today, at my insistence, that I was ruling the two motions out or at least not selecting them because they were very similar to other motions that had been dealt with in the committee. I maintained that and I do not feel that I can assist the right hon. member further on that matter. He can have a look at the amendments that were moved in the committee, compare them with his own and discuss this matter with the clerk of the committee. I am sure he will be satisfied that the similarities are obvious and, accordingly, I declined to select them today.

Mr. Scott Reid: Mr. Speaker, I rise on a point of order. I am just a bit confused. One of those motions is my own, Motion No. 5. In your earlier comments you said that it was because of a concern regarding the constitutional requirement for a royal recommendation. As we know, a royal recommendation is required for any bill that goes forward in which money will be spent. However, in reference to the right hon. member's comments, you said that it was because it was similar to a motion that had come up in committee. I am just a little unsure as to which is relevant. If it is the prior reference, I actually do have a point of order on that, but I would like to get clarification first, if I could.

The Speaker: I have stated that the hon. member's amendment required a royal recommendation and, accordingly, would not be proceeded with as that has been the practice of this House in relation to amendments to bills at report stage that do require a royal recommendation.

● (1225)

Mr. Scott Reid: I always defer to your expertise, Mr. Speaker, but a royal recommendation is required for spending that is mandatory. This is in fact conditional. It strikes me that does not actually qualify. From my understanding of the relevant constitutional provision, this is not a mandating of spending.

I think one of the great dangers we are in is expanding the relevant section of the constitution beyond its intended meaning. Therefore on reconsideration I think it could be found that this is in fact very much in order.

The Speaker: I can deal with the hon. member's point quite quickly. His amendment states:

> Any person or entity that is wrongfully detained, that suffers loss of reputation due to wrongful detention, or that suffers from wrongful seizure of property shall be duly compensated from the Consolidated Revenue Fund—

That authorizes the expenditure of money from the consolidated revenue fund and accordingly requires a royal recommendation. I have no doubt on that point so I am afraid I will stick with the ruling I have given.

MOTIONS IN AMENDMENT

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance) moved:

Motion No. 1

That Bill C-36, in Clause 4, be amended by replacing line 46 on page 13 and lines 1 to 4 on page 14 with the following:

"(i) that is committed, in whole or in part with the"

Right Hon. Joe Clark (Calgary Centre, PC/DR) moved:

Motion No. 2

That Bill C-36, in Clause 4, be amended by adding after line 19 on page 17 the following:

"(1.2) The Governor in Council may, by regulation, establish the criteria to be used by the Solicitor General in making the recommendation to place an entity on the list referred to in subsection (1).

(1.3) Before making the regulations referred to in subsection (1.2), the list of criteria, or any amendment thereto, must be tabled in the House of Commons and be debated within 10 sitting days after being tabled."

Motion No. 3

That Bill C-36, in Clause 4, be amended by replacing line 30 on page 17 with the following:

"the applicant no longer be a listed entity."

Motion No. 4

That Bill C-36, in Clause 4, be amended by adding after line 3 on page 35 the following:

"(11.1) In any proceeding under this section, the presiding judge may appoint counsel to represent any person subject to the investigative hearing."

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, I am hoping at some point, perhaps over a glass of wine or a cup of beer, we can further discuss royal recommendations, a matter of no small interest to me. I am anxious to pick your brains and learn more about this.

Turning to Motion No. 1, the manner in which the motion is put forward is in the highly technical language of amendments and would therefore make no sense to anybody from outside reading it. This is a matter of no small relevance given the unwillingness of the government to provide the necessary documentation in a timely fashion. This is a problem which incidentally could have been cured by simply using more photocopiers over the weekend.

With respect to clause 4 of the bill, the amended version would change the definition of terrorism. Specifically, it would strike out paragraph (A) of the relevant subclause. Thus, it would change from reading that terrorism is "an act or omission, in or outside Canada, that is committed in whole or in part for a political, religious or ideological purpose, objective or cause and, in whole or in part, with the intention of intimidating the public or a segment of the public" et cetera. What is being eliminated is the part that speaks of political, religious or ideological purposes, objectives or causes.

For the life of me I cannot see why we would say that an act of terror, a criminal act that is committed for an ideological or a religious purpose as opposed to an act of terror that is committed out of pure venality, pure greed or general hatefulness would be a more severe offence under the law. The other side of this is why something that is done purely for the sake of one of these more mundane reasons is somehow less hateful under the law. It seems to me that the terror activities of the biker gangs in Montreal, such as planting bombs, are no less bad or harmful than similar bombs that might be planted by someone who is motivated by some insane reading of Christianity, Islam or any other religion.

These actions are crimes. A crime is a crime regardless of its motivation. It is a fundamental principle of our law that we do not look at the ideological and religious motivations of any action. We have always understood in Canada and in the tradition from which Canada's laws have descended that these are private matters. These are within a sphere in which the government has no say and no interest.

It is relevant and very important that the government protect all its citizens from violent actions. Actions that are designed and work in a conspiratorial fashion, as terrorist activities tend to do, ought to be governed by laws that are universal in their application, that is, that apply to those who seek to undertake those actions out of motivations that have nothing to do with religion or ideology.

This is no small point. If we look at the history of terrorist activity and at the history of organized criminal activity both here and abroad, it is quite striking that terrorist organizations evolve over time into mere criminality. If we look at the history of the Mafia, we will find that its ancestry and roots go back to Sicily of course and to those who sought to fight against the tyranny of the Bourbon kings in Sicily.

● (1230)

It started out as a secret society fighting and engaging in activities of intimidation and what might be described as terror in order to further a political goal. Over time the ideology moved out of those activities and they became driven purely by greed, purely by the desire to further the individual well-being of members of the Mafia at the expense of the rest of society. The code of secrecy that had been so important when it was a political and ideological movement remained in place. That code of *omertà* is what drives forward that organization.

I cannot see what the difference is between the kinds of activities that those groups conduct and the activities that are conducted by terrorists who are driven by ideology insofar as they affect the good of the public or insofar as they harm the public. It seems very clear to me that there is in fact no public policy difference.

This is a very dangerous route to go down and one which I suggest is very nearly unprecedented. It seems to me in looking at this clause that quite frankly it is in violation of the reading I would have of our Canadian Charter of Rights and Freedoms and of the earlier bill of rights which of course is still in effect.

It is conceivable, as the government and the Minister of Justice are constantly reminding us, that the courts might find this to be not in violation of section 1 of the charter which allows for restrictions to be placed on freedoms, and I suppose including freedom of conscience, freedom of religion and freedom of thought, when these restrictions are found to be not in violation of the normal procedures of a free and democratic society.

I suggest that the test which the supreme court applies when it is looking at whether or not section 1 of the Canadian Charter of Rights and Freedoms has been violated is that it says, on the balance of the probabilities, is this particular violation of freedom of conscience, or religion, or assembly, or whatever it might happen to be, the least harmful available to the government which seems to me it is not on the balance of the probabilities. In other words, is there a better than 50% chance that some less intrusive mechanism could have been found to achieve the legitimate policy objective. It seems quite clear that when we consider this test, we realize that section 1 is not much of a guarantee of our fundamental rights and freedoms.

All that is needed is five out of nine justices on the supreme court deciding that there is a better than 50% chance that a less intrusive manner of dealing with the particular problem was not available and the result is that it remains constitutional. That strikes me as being a very weak test.

When we are dealing with something as fundamental as freedom of religion, freedom of thought and freedom of speech, I do not want to be in a country where crown prosecutors are going to go before the courts and say that they are seeking to prove that the suspect in a terrorist activity had the weapon on his or her person, or the dynamite in the trunk of his or her car and that the individual had a guilty mind, a willingness to go ahead and commit some harm, perhaps some deaths, some injuries as defined in the act and in addition, that the individual was a sincere adherent to a certain otherwise legitimate religion. I find that absolutely appalling. Quite frankly I am astonished that this is included at all.

I cannot see one ounce of extra protection from terrorism that is provided to the Canadian people. I cannot see one ounce of reassurance to those members of the sorts of groups that would find themselves being targeted illegitimately under this law. I cannot see any protection for these people from this clause. I cannot in fact ascertain what public policy purpose this clause should have. It is very bad and I would urge all members in the strongest possible terms to vote in favour of the amendment in order to strike out this particular clause of the law.

● (1235)

Mr. Stephen Owen (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, to my hon. colleague, I do take issue with the suggestion that section one of the charter of rights and freedoms is relevant in any way in this discussion. There simply is no infringement of other charter rights and freedoms that would invoke a consideration under section one.

These words regarding religious, political or ideological purposes are words of limitation. They are not designed to criminalize or single out people on the basis of their religion, political beliefs or ideologies. Rather, they must be read against the rest of the clause which speaks in terms of an intention to intimidate the public or a segment of the public.

My hon. colleague mentioned that these words do not seem to appear elsewhere. In fact they appear in the anti-terrorist legislation of the United Kingdom. These words must be read in conjunction with the intended consequences that must be present before exposure to criminal liability can exist, for example, causing death or serious bodily injury, endangering life, causing serious risk to the health or safety of the public, causing serious interference or disruption of an essential service, facility or system.

These words therefore should not be viewed as singling out any group on the basis of its beliefs. It is in fact this motivation by a system of thought, whether it is religious, ideological or political, that is perverted when combined with the elements of the offence that are described and provide a dangerous and extra potency beyond the normal range of crimes which the hon. member has mentioned.

For instance the hon. member mentioned biker gangs. He will recall that Bill C-24 which is now before the other place for consideration has similar provisions for facilitating, participating in or financing criminal organizations. This goes beyond that, beyond the venal or ordinary criminal behaviour, even if done in an organized fashion.

Subsection 1.1 was added to section 83.01 for greater certainty. This was done by government amendment at committee stage to make it clear that an expression of a political, religious or ideological thought, belief or opinion does not constitute a terrorist activity unless the other portions of the definition are satisfied. The effect of removing the words "political, religious or ideological purpose" is to transform a position that is designed to counter terrorism into one that is nearly indistinguishable from a general law enforcement provision. This sends the wrong message.

It is terrorists and not ordinary criminals, however venal, that we are targeting here. It weakens the constitutional justification for a measure that we regard as necessary to respond to an extraordinary threat.

● (1240)

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, in connection with Bill C-36, we in the Bloc Quebecois have always said that a balance had to be sought between national security and individual and collective rights.

At the committee stage, we introduced exactly 66 amendments for the purpose of attaining that balance. These were suggestions from a large majority of the witnesses we heard.

It would appear, judging from the evidence, that the minister did not get the feedback she sought, but we in the Bloc Quebecois sought it out and tabled amendments accordingly. I would remind hon. members that, on second reading in this very House, the Bloc Quebecois voted in favour of the principle of Bill C-36, the necessity of having national security legislation to combat terrorism if not to implement international conventions.

Given the events in committee, we are probably going to be voting against the bill in third reading.

We are now at the report stage. Hon. members are no doubt wondering why the Bloc Quebecois has not introduced any amendments. It is quite simply because, given the way the government treats parliamentarians in this matter, like many others —but it is more obvious here—whether or not we propose amendments is of no importance because the government would just reject them anyway. With the few amendments we do have before us, we shall just see which ones the government is going to entertain.

The first group we are looking at comprises Motions Nos. 1 through 4. The purpose of Motion No. 1 is to modify the definition of terrorist activity. In my opinion, it does not change much. We did, however, hear some witnesses who wanted to see division (A) simply removed, so as to avoid having any pointless delineation. It reads as follows:

> (A) in whole or in part for political, religious or ideological purpose, objective or cause,

In my opinion, whether this stays or goes makes little difference, because the rest of the paragraph is sufficiently explicit on what we want to address as terrorist activities. The problem lies in the area we wanted to address, and those are the amendments the government has rejected.

On the whole issue of intimidation, this vocabulary should have been removed, since this is about terrorism, and not intimidation. The clause should have been amended accordingly, given that it is one of the main clauses that will be implemented.

As regards economic terrorism, I believe a number of witnesses who appeared told us that this did not exist, since material acts are committed as such, and that we want to define them as terrorist acts. As for the economic aspect, this is the consequence of an act that was perpetrated.

As for the rest of the definition, I will certainly have more time to discuss it at third reading, but there were some fears expressed regarding certain demonstrations, and whether or not they would be considered illegal. Some of these fears have been allayed by removing the word "lawful".

However, protestors, such as those present at the Quebec City summit, are still included in the definition of "terrorist activity", when this is not the case. Protestors commit mischief—and I do not condone this—when they break windows and become violent as was the case in Quebec City, and even here in Ottawa last weekend, but they are not terrorists, in the sense of those we are really trying to target with this bill. The definition should have been narrowed even more.

The government refused to do so in committee. Clearly, the amendment being proposed this morning is not going to solve this problem. Once again, the government seems to be saying "I hold the truth; follow me and do not ask any questions". When they say this to opposition members, it just might be described as politics.

● (1245)

The numerous witnesses who appeared before the committee, some 60, 70 or 80 of them, and a number of groups, told us that this was too broad. The government is telling us to shut up and follow along because it knows what it is doing. I find the government's conduct an affront to democracy.

The second motion, which is part of the first group, seeks to increase transparency in a very important section on terrorist entities. Here again, we put forward a series of amendments in committee. The House will agree that, given parliamentary rules, we could not put these amendments forward again at report stage.

The purpose of our amendments was greater transparency. Motion No. 2 is another such transparency seeking amendment, which would insert certain procedures in section 83.05. This motion says, and I quote:

> (1.2) The Governor in Council may, by regulation, establish the criteria to be used by the Solicitor General in making the recommendation to place an entity on the list referred to in subsection (1).

Clearly, these are procedures for deciding whether or not to include individuals on the list of entities, to determine whether a group is a terrorist group or not.

It also says:

> (1.3) Before making the regulations referred to in subsection (1.2), the list of criteria, or any amendment thereto, must be tabled in the House of Commons and be debated within 10 sitting days after being tabled.

Obviously, we can only support such an amendment. Since what we were looking for in committee was transparency, or more transparency, and this amendment has the same objective, it is easy to support. We have no problem with it.

This group also includes Motion No. 3. This motion, as well, is intended to achieve greater transparency, but also to simplify matters for those dealing with a government decision as to whether or not they are on the list of terrorist entities. As Bill C-36 now stands, the government says that if the solicitor general does not make a decision within 60 days after receipt of the application, he is deemed to have decided to recommend that the applicant remain a listed entity.

That means that, if the solicitor general drags his feet and it takes over 60 days, the individual or group on the terrorist list will remain there. In the case of the amendment proposed, it should be the opposite. If the solicitor general fails to reach a decision within 60 days, in order to give the advantage to an individual or a group whose name is on a terrorist list, when it should not be there, since the minister is dragging his feet, "he is deemed to have decided to recommend that the applicant not remain a listed entity".

This means that, if the minister does not act in time, that is within the 60 days, the name of the individual is deleted as a listed entity. This too, in my opinion, is an amendment that introduces transparency, or at least helps constituents find their way in very complex legislation. The government is helping them obtain justice.

The fourth amendment is in the same vein as two I moved in committee. It concerns the right to counsel. In a number of places, the rights of the individual are infringed upon and the individual is really not given the right to counsel.

I know that the general principle must remain, according to what the officials, the Minister of Justice and the Solicitor General of Canada have to say. But I would like it set out in black and white in the bill that the right to counsel is sacrosanct. When the bill was being considered in committee, the government voted against the amendments I moved.

This morning, an amendment to clause 4 was moved, and I quote:

> (11.1) In any proceeding under this section, the presiding judge may appoint counsel to represent any person subject to the investigative hearing.

● (1250)

This is another amendment in the same vein and having the same objective as those I moved, which the Bloc moved in the Standing Committee on Justice and Human Rights. Accordingly, we will support Motion No. 4.

It seems my time to speak is over, but I will have the opportunity to return to other clauses during the day.

[*English*]

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, we tried to approach the matter moved by the member for Lanark—Carleton in a different way and were unsuccessful in committee. We would be pleased to support the motion he introduced.

Without wishing to reflect upon decisions that were taken earlier in the House, we should all recognize that the debate on which we are now embarked is much less than extensive the debate to which the people of Canada have a right. The government played games over the weekend. It played games with the rules of parliament. It might be within the rules of the game, and that is a matter that is decided by the Speaker. However to play fast and loose with an issue that is of such fundamental importance, not only to our protection against terrorism but to the protection of our basic rights, is simply unacceptable.

If one raises a question as to why the House of Commons and our political institutions fall into decline, it is because of this kind of sneak attack on a weekend, when some parties of the House of Commons were unable to be here and when there was no opportunity to look at the testimony given deliberately by serious groups across the country. An action like that calls the House of Commons into very deep disrepute.

Having said that and understanding the extraordinarily difficult conditions under which the committee worked, I want to congratulate my colleague from Pictou—Antigonish—Guysborough and others for their work in the committee. People worked all night under artificial deadlines with inadequate information.

No one in the House disputes the need to deal with terrorism. What we are worried about is not the fight against terrorism, but rather the assault upon the civil rights of Canadians across the country. This is an entirely unnecessary assault to the conduct of an effective fight against terrorism. We can fight terrorism and maintain civil rights at the same time. The government has chosen not to do that and it is on that flagrant disregard for the civil rights of ordinary individuals that it will be judged in time to come. This is a very serious risk and an absolutely unnecessary risk that it is undertaking.

I will not comment on earlier decisions. The Senate has looked at this matter clearly. It has talked about the importance of an oversight committee. Amendments were sought to be introduced here which have were ruled out.

It is a travesty of democracy that this House is not in a position to consider means by which there can be a judgment cast by someone other than ministers themselves as to whether the intrusions that they propose into the ordinary rights of ordinary people are acceptable intrusions. That is the whole logic of the oversight provision recommended unanimously by the other place but not allowed here for debate and voted down by the government in committee. Again, that is a travesty. It reminds me of nothing more than the War Measures Act which was introduced and maintained with the very same arguments by an earlier Liberal government. This is a serious threat to democracy and to the rights of Canadians and it is something that must be stopped.

Let me come to the three motions that are standing in my name. I appreciate having them seconded by my colleague from Pictou—Antigonish—Guysborough. Motion No. 2 states:

> That Bill C-36, in Clause 4, be amended by adding after line 19 on page 17 the following:
>
> (1.2) The Governor in Council may, by regulation, establish the criteria to be used by the solicitor general in making the recommendation to place an entity on the list referred to in subsection (1).
>
> (1.3) Before making the regulations referred to in subsection (1.2), the list of criteria, or any amendment thereto, must be tabled in the House of Commons and be debated within 10 sitting days after being tabled.

This is necessary is because the bill continues the very dangerous practice of locating in the hands of a minister of the crown quite extraordinary power over the ordinary lives of ordinary people in the country without any means for parliament or others to get at that power. The governor in council, this is to say the solicitor general in this case, is given the power to make a list of terrorist entities upon the recommendation of the solicitor general. Some of that information about terrorist entities, as alleged in committee and was adduced in committee, may come from foreign governments. Which foreign governments? I know something about that because I had the privilege of serving as foreign minister of the country for some time.

● (1255)

We gather information from a wide source. We gather information from China, Saudi Arabia and countries whose judgment of civil rights and democracy is very different from our own.

When the Solicitor General of Canada makes a recommendation to his colleagues that is based on foreign information and that will have the consequences this recommendation will have, there needs to be guidance and control as to the source of the foreign information and the context in which it should be judged.

Criteria should be developed which assist the solicitor general in assessing the information. For example, the human rights values of another country could be part of the criteria weighed in considering the listing of such an entity.

We cannot act blindly on issues of this kind. We cannot act secretly. We believe parliament should participate fully in the development of these criteria and we want to ensure there is a full debate in parliament.

[*Translation*]

I have listened to the amendment proposed by the hon. member of the Bloc Quebecois, and believe it to be acceptable to us as a reinforcement of what I have just indicated to parliament.

[*English*]

Motion No. 3 states:

> That Bill C-36, in Clause 4, be amended by replacing line 30 on page 17 with the following:
>
> the applicant no longer be a listed entity.

This would reverse the onus. It would make the solicitor general back up his claim that someone or some entity is a terrorist. In the section dealing with the listing of entities the governor in council may establish a list of terrorist entities on the recommendation of the solicitor general.

Someone who has been listed as a terrorist entity can apply to the solicitor general to have his or her name removed from the list. Currently the bill provides that if the solicitor general does not make a decision within 60 days it is deemed that he has decided to recommend that the applicant remain a listed entity.

The amendment would reverse the procedure. It would force the solicitor general to prove the reason he had listed such an entity. If the solicitor general has not made a decision within 60 days it would be deemed that he was recommending the applicant come off the list.

This would require the government to deal quickly with applications and not let them languish forever while someone's reputation is in tatters or in doubt across the country. It would require the Government of Canada, which is taking the names of ordinary citizens or entities in vain, to put up the proof and not get by through delaying. It would require quick action with applications to ensure people's lives and reputations are not ruined if there is a mistake.

We all know that one of the real safeguards of our judicial system is a provision to take account of mistakes if they are made. While there is a provision for mistaken identity in clause 83.07 of the bill the amendment would provide a vehicle for someone to come off the list for reasons other than mistaken identity.

The listing of a terrorist entity is serious. The government must be certain the grounds for the listing are solid. This would ensure due diligence before the listing is made. Motion No. 4 states:

> That Bill C-36, in Clause 4, be amended by adding after line 3 on page 35 the following:
>
> "(11.1) In any proceeding under this section, the presiding judge may appoint counsel to represent any person subject to the investigative hearing."

The investigative hearing process provides considerable and immense power to the authorities. The amendment would ensure legal representation for anyone who appears before a judge in one of those hearings. It would allow the presiding judge the discretion to appoint counsel. It would not require the judge to appoint counsel, something which has been raised as a concern given the strain on legal aid systems in Canada.

It is important that there is a balance in the powers of this section. Allowing the court the ability to appoint counsel is one way to achieve that balance.

It is one thing to have rights. It is another thing to be too poor to do anything about them. If anyone in the House or any one of our constituents who is not rich, who is not Conrad Black or who is not related to the Desmarais family is listed they have rights. However if they cannot afford counsel to protect them the rights can fall into disuse. Surely that is what a parliament interested in civil rights would like to protect against.

There is another aspect to this. Once people are designated terrorists or terrorist entities their assets are frozen. Even if they had money before they would not have money so long as the list existed. The only way they would have an opportunity to have their rights defended would be to have the rights set out and have a companion in the power of the judge to indicate they have a right to counsel.

● (1300)

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I listened with care to the hon. leader of the Progressive Conservative Party and I was struck by the strong language that he used. He described Bill C-36 as an assault on civil liberties. He compared it to the War Measures Act. He said it was an assault on civil liberty comparable to the War Measures Act which must be stopped.

I say this only because I encourage the leader of the Conservative Party, if that is his view of the bill and assuming his amendments do not pass, to join with the NDP in opposing Bill C-36 and perhaps members of the Bloc Quebecois because they seem to be changing their minds as well with respect to how they voted on second reading of the bill.

I know the leader of the Conservative Party was not here when the War Measures Act was introduced in the House. I believe he was elected in 1972. However his party was here at the time and so perhaps collectively they could learn from history and not want to be in the position they are in now of looking back on the War Measures Act in a critical way and presumably regretting that they supported it at the time.

Instead of repeating the mistake and voting for the bill and 20 years from now hearing some future leader of the Conservative Party, because I think the Conservative Party will outlast the various machinations going on here, reflect on the passage of Bill C-36 in 2001 and speak with regret about the position that was taken, let us have the vote on third reading reflect the language of the leader of the Conservative Party that the bill is an assault on civil liberties comparable to the War Measures Act, his language not mine, and something which must be stopped.

With respect to the amendments we are discussing and in an attempt to be more specifically relevant to what we have before us, we support the amendments moved by the hon. member from the Alliance and the leader of the Conservative Party.

We had concerns of our own which we expressed in committee about the definition of terrorist activity and the clause the hon. member from the Alliance seeks to eliminate. We voted with the Alliance in committee to try to remove that aspect of the definition of terrorist activity.

We expressed other concerns in terms of amendments and in terms of voting against the whole of clause 4 which sets out the definition of terrorist activity because we share the concerns of the Bloc and others that the definition of terrorist activity is too broad and may well include legitimate dissent despite the exemptions built into the definition.

We shared concerns about the listing of entities and concerns similar to those expressed by the leader of the Conservative Party. That is why we moved amendments in committee having to do with listed entities.

Finally, although it comes a bit later, one of the reasons we were concerned about the definition of terrorist activity is that we could see the government was not going to sunset that aspect of the bill. The government did sunset, to the extent that we can call it a sunset, the clauses having to do with preventive arrest and investigative hearings.

I do not know if members were in northern Canada toward the end of June, perhaps on a canoe trip or fishing. One can go canoeing or fish until 1.30 or 2 a.m. The sun never sets. The fishing trip I went on near Yellowknife in the 1980s reminds me of the Liberals' sunset clause. The sun never really goes down under the horizon. It just dips a little and then picks right up again. That is what we have in this bill.

● (1305)

We do not really have a sunset clause. The sun would never really go down. The government would not have to reintroduce the legislation. It would not have to consider whether or not the legislation was adequate or amend or change it in any way. It would just ram a motion through both houses of parliament, extend it for another five years and perhaps another five years after that. It is for that reason we find the sunsetting provisions in the bill to be both a misnomer and inadequate.

As far as the grouping of amendments we have before us which were moved by an Alliance member and the leader of the Conservative Party, we support them. They are in keeping with what we supported in committee.

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, I thank you for the opportunity to speak to this significant piece of legislation. It is the most significant piece of legislation I and I expect other members will ever see as legislators.

There is no question it is an immense intrusion into the civil rights of Canadians. That is the reality of the bill. Recently a reporter asked me whether I was happy having seen the amendments the government was putting forward at committee stage. I said I could not see how any member would be happy. I could only see how members would be less unhappy.

I cannot imagine how the Minister of Justice would be happy. I cannot imagine how the Prime Minister would be happy. I cannot imagine how any member of the House would be happy that we have to deal with this legislation. However I commend the minister and the Prime Minister for recognizing that the representations of members of the public at committee have been heard and listened to. The process is a little messy but it works and ultimately the results speak for themselves.

I hope the interpretation of the bill by the courts and police will be fair minded and just. We have wrestled with some of the most significant conundrums and have dealt with them in as fair minded a fashion as we could. I would not say we have dealt with them in an exhaustive fashion.

I hope all members remember that what we have is a system of justice. We do not have a system of settling old scores. We do not have a system of revenge.

As I said, I cannot imagine any member is happy with the legislation. However we are dealing with an existential threat as the member for Mount Royal has said. Because it is existential the threat in and of itself is insensitive to the normal balancing of security and rights one would expect in legislation.

The Muslim council made a significant point before the committee. It said that in sacrificing liberty for security we may be in danger of losing both. All hon. members need to keep that in mind. It is a wisdom that has been generated from the Muslim community, a community that comes literally from all over the world. We ignore its counsel at our peril.

Others more eloquent than I will speak to the changes in the definition and other sections, particularly with respect to the definition of terrorist activity and facilitation. I was pleased that the minister responded to the more egregious aspects of the definitions. Even as amended the definitions lack a certain precision but for now they will have to do.

One area that got neglected was the definition of entity. I would have liked to have seen the possibility that a state be listed as an entity. One can easily see that states such as Libya or Syria are generators of terrorist activity. There is no legal or logical reason a state could not be listed as an entity in the definition section.

Other acts incorporated by reference list states as entities. Some do and some do not, so there is an inconsistency. I do not see a compelling reason that inconsistency could not be addressed at this stage.

This brings me to the listing section of the bill. The minister was right to change from a list of terrorists to a list of entities. Entities is a defined term and terrorist is not, so we were making reference to something that was not defined. In that respect the change makes a great deal of sense.

What does not make sense is the reluctance to deal with the listing in an open fashion. I appreciate that it is our desire to protect sources who may be exposed by the evidence they generate. However there is no meaningful recourse for entities which find themselves in a position of being listed. As a consequence we have a conundrum.

● (1310)

It is inevitable that great injustice will arise out of this section. Entities will be listed that have no rational connection to terrorism and once listed their reputations will be trashed. Ninety-eight per cent of the damage already will have been done. Trying to regain one's reputation will be almost impossible. The crown will not be under any obligation to show all of the evidence, how it was obtained and from whom it was obtained.

The judge will see the real evidence and a person will get a sanitized version of it. One hopes that the evidence will not be subject to a creative writing exercise, but please forgive me if I remain just a tad skeptical on this particular section.

I was pleased to see some attempt to merge the definition of facilitation with the offence of facilitation. Anything which brings more precision to a bill is better than less precision. That should be of some comfort to the charities. Making it clear that facilitation requires a mens rea, or knowledge of what one is doing, is a step in the right direction.

In clearing up one section, however I fear that we have created another problem. Now under the section, facilitation means one knows whether or not one knew. I do not quite know how that will work out in a court of law, but I can see that being a lawyer's field day. I do not know whether this is an intentional studied ambiguity or outright contradictory. I do know that vagueness is the enemy of human rights. Canadians need to know what the law is with some precision. Offences need to be crystal clear.

Bureau de Quebec and the Criminal Lawyers' Association made the point that this should be special purpose legislation. Frankly I found that to be an attractive idea. The bill should be in a special section of the criminal code devoted to terrorism and terrorism only. We should keep those provisions separate from ordinary criminality and organized crime. Otherwise, as one witness said, everything is terrorism and nothing is terrorism.

Leakage among the various sections of ordinary crime and organized crime will occur. Investigations into organized crime and investigations into ordinary crime will leak down into terrorism investigations and reverse. Fortunately, we have experienced a relatively low level of terrorism in Canada, relative to other countries, and we are all thankful for that. However, my suspicion is that some of these sections will be used in ways unintended by parliament.

That brings me to my final point with respect to the role of parliament and in the vote on the bill tonight. I cannot imagine anyone voting in favour of the bill with a great deal of enthusiasm, even though we feel that we should be doing something. It is a significant intrusion into the rights of Canadian. It has immense potential for abuse. The need for the bill has yet to be demonstrated in any form of evidential way. I say this quite candidly. The evidence for the need for the bill was not put forward at committee.

I understand in some respects why it was not put forward, but nevertheless there is no evidence on the committee table of the need for the bill itself. We will be voting with heavy hearts and a great deal of skepticism that this is a trade of rights for security. We hope this trade of rights will work.

Some of us have felt the need for parliament to maintain a continuous watching brief on the bill and the heavy-handedness of security forces. I take some comfort in the minister's willingness to table annual reports in parliament. I take some comfort in the three year review. I take some comfort in the five year sunset clause. I would hope that the justice subcommittee on security will take its mandate seriously and that the justice committee itself will maintain a continuous watching brief over the bill.

I finish where I began. None of us will be enthusiastically voting tonight. Possibly after the work of the committee we are somewhat less unhappy, but no one would introduce this kind of bill unless the circumstances justify it.

There are three conditions which erode civil rights: unanimity of purpose, just cause and great uncertainty. We have unanimity of purpose. Canadians want something done. We have a just cause in the fight against terrorism. We have great uncertainty. The population is quite nervous. We have eroded civil liberties, but will our Faustian bargain give us greater security?

● (1315)

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, I will address the groupings as outlined by the Speaker, Motions Nos. 1 through 4.

In respect of the amendment brought by my colleague from the Canadian Alliance, this amendment eliminates prosecutions based on political, religious or ideological motives. I indicated earlier that I was very concerned about retaining that definition of terrorist activity or that phrase in the definition.

I do not think it is a productive exercise by the courts. In fact, it is very destructive. There is the requirement then for prosecutors to bring witnesses to talk about religious, political or ideological groups. Certainly terrorist activity has nothing to do with religious, political or ideological motives in terms of a criminal context. There may be some underlying religious motivation. There may be political motivation. There may be ideological motivation. However, when it comes to the prosecution of a criminal offence, it is the actions that we are concerned about and the criminal intent. Whether that intent involves religious, political or ideological motivation is irrelevant.

I would urge members of the House to delete that. It is very destructive in a multicultural society for us to be examining the precepts of another religion in a court and then drawing conclusions in the same hearing about terrorist activities. It cannot help the multicultural fabric of Canada.

In respect of the second amendment, I support it. Essentially, it makes the process for determining the list of terrorist activities more open and less arbitrary. I do not think it is a great imposition upon the government to set out the criteria so that everyone can see the basis upon which these determinations are being made.

We are making intrusions upon civil liberties. These intrusions are justified in the security sense, political sense and, indeed, constitutional sense. There is no harm in setting out those criteria to reassure Canadians that decisions are being made for bona fide security and criminal reasons, not for other reasons of which we will know nothing.

Third, I have concerns about the motion brought in respect of Motion No. 3. If the solicitor general has not made a decision on a terrorist entity within 60 days, then the terrorist entity would no longer be on the list. Because I am not inside government or the bureaucracy, I do not know the resources available and the intricacies of making these determinations. Setting that kind of an arbitrary date may do immense harm to a police or security investigation. I have concerns about that limitation. Therefore, I cannot support that particular amendment.

In respect of Motion No. 4, the aim and the goal are laudable. By allowing the judge to appoint legal counsel in a particular case, we are usurping the function of the provincial legal aid societies. These legal aid societies are on very tight budgets. The government has not helped in that respect. The cutbacks in legal aid by the federal government are nothing short of atrocious. It is the provincial government that carries the responsibility.

Members could simply stand up and say "let us authorize the judge to appoint these lawyers in every case". The point of fact is this cost comes out of provincial coffers and not federal coffers. That is my concern. We need to speak with provincial governments in a co-operative fashion so that we do not impact adversely on their legal aid programs.

● (1320)

While the recommendation is a good one, it is premature without having spoken to legal aid societies and provincial governments. Speaking as a former provincial official, I would have grave concerns about another downloading of costs upon the province. It is not that I do not believe that individuals are entitled to legal aid. I am simply concerned that this will allow the federal government to continue to off-load its responsibilities in respect of the financial support for legal aid.

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, I am pleased to speak in this important debate on the motions in Group No. 1.

The events of September 11 have, as has been said many times, created an exceptional situation requiring an exceptional response. That exceptional response is the legislation we are looking at today.

In this House, only the NDP had not realized, or at least not officially as their party position, that international geopolitics had changed.

As the result of numerous questions on our part, particularly by the hon. member for Berthier—Montcalm, whose exceptional efforts in connection with Bill C-36 I must commend, the Minister of Justice kept repeating "We are open to changes in the bill. We are going to hear the witnesses in committee. Our minds are not closed. We shall see how things develop".

The Bloc Quebecois said "OK, we will play along". We heard the witnesses, we questioned them, we spoke with them. The outcome of all this feverish exchange of ideas was our tabling of 66 amendments in committee. Still believing that we were playing along, and that the Liberal government was too, we proposed these amendments in good faith.

But the minister rejected them all, except for one. This should have been an indication—but we are getting used to this—of the Liberals' idea of the work of parliamentarians, which is "Do not worry. We the Liberal government are the embodiment of truth. We know what is best and to heck with what witnesses said".

This is very unfortunate, because Bill C-36 changes the balance between security and individual freedoms. Whenever we change that balance, we must do so carefully and thoughtfully. Unfortunately, it seems that the Liberal government was content with its own way of seeing things and not open to other people's views.

Let us now turn to the various motions before us. Motion No. 1, presented by the Canadian Alliance member, does not change things very much. There are still problems with the very broad definition of the expression terrorist activity.

● (1325)

We agree with the second motion dealing with transparency and we will support it. We will also support Motion No. 3 dealing with having one's name on the list as a person or organization.

I want to go back to Motion No. 2 on transparency, because it is essential. The various amendments that the Bloc Quebecois presented in committee were intended, in part, to give greater transparency to the bill, to the government's activities.

Again, we must be very careful when we attempt to change the balance between individual rights and security. We must take every possible measure to ensure greater transparency, so that all Quebecers and Canadians will know what to expect, particularly since this bill is a fundamental philosophical change in the Canadian legislation. Therefore, we support Motion No. 2.

As for Motion No. 3, as I was saying earlier, it is very serious business to be on a list of individuals or organizations that promote terrorism. Asking the minister to make a quick decision as to whether a person or organization is to be deleted from this list is the least of our worries. If the minister is not able to do so within 60 days, it seems to me that, based on our legal philosophy of presumed innocence, it is obvious that the name of the individual or organization would have to be deleted if there were no ministerial decision within those 60 days.

As for Motion No. 4, the Bloc Quebecois moved numerous amendments in committee to ensure that the right to counsel, one of the fundamental elements of our legal system in Quebec and in Canada, was respected and, more than that, guaranteed. Once again, let me repeat, the government decided to spurn all amendments by the Bloc Quebecois, including the ones on this.

We are therefore going to be supporting the motion by the right honourable leader of the Conservative Party to ensure that the right to counsel is respected. I know that the right hon. leader of the Conservative Party has far more experience than I.

I do not, however, have any doubts as to the desire of this government to vote against these amendments, even the ones that make sense and should be adopted. The Liberal government has decided it knows more than everyone else and so it is thumbing its nose, not just at the opinions of parliamentarians, whether this involves the amendment by the Alliance members, those by the leader of the Progressive Conservative Party/Democratic Representative Caucus Coalition, or those by the Bloc Quebecois, but also at the proposals made by the various witnesses in committee.

For this reason, I believe this whole thing is going to give our institution even more of a black eye as far as public opinion is concerned. The expert witnesses were not heeded, those wonderful people who came before committee to present their views and who deserved to be listened to.

● (1330)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, I would like to congratulate my friend, the member of the Bloc Quebecois, as well as the other members who have taken part in this debate until now.

[*English*]

Many members and many government members have already openly acknowledged the extreme importance of this legislation. Many members have pointed out that this may be the most important bill we will see in the life of this parliament. I very much believe that myself. Very fundamentally this legislation touches the lives of many Canadians. We have an obligation to get the bill right, to strike the proper balance in the first instance.

As a member of the justice committee and as a member of the House it is fair to say that significant effort has been made on the part of all members who have engaged in the process. I pay tribute to other members of the committee, in particular the member for Scarborough East whom I think gave a very compelling speech. He pointed out quite correctly that many members on both sides of the House have been struggling in a fundamental way with this particular legislation and how we find this balance. He went on to say that there will be immense intrusion into civil rights and acknowledged quite rightly that the process thus far has been messy.

Those were brave words. I hope the hon. member will not be made to pay a price for those words. I think raising the alarm, being intellectually honest the way the member has both at committee and in the House is how the process should work. We should encourage and embrace that kind of honesty, particularly on the government side.

The amendments that have been put forward are in that vein. They are an attempt to legitimately bring the bill around, bring it back to a point where Canadians will feel comfort, I would suggest particularly those in the immigrant community who are most at risk, those of the Islamic faith who are extremely bothered by the potential for abuse, by the potential to upset the balance that exists in the country they have chosen to come to live, to breathe and to participate in democracy. They are extremely worried by what the government has put before us in the form of this bill.

These amendments touch on so many acts. They touch in a very complicated and comprehensive way on as many as 10 pieces of legislation, but most notably the criminal code, the Access to Information Act, the Official Secrets Act and the Privacy Act. The amendments we are putting forward today are meant in a fundamental way to bring greater openness and greater transparency, words that used to mean something to the government of the day. Those words were littered throughout the pages of the now infamous fairytale red book promises that were placed before Canadians pre-election. We do not see that type of language any more. We do not see that type of commitment to being open as to what the legislation will actually do.

The amendment proposed by the hon. member for Lanark—Carleton speaks of essentially deleting the political, religious and ideological purpose that is contained in this particular bill. As mentioned by the right hon. member for Calgary Centre, the bill puts upon the crown, and by virtue of that the police, the requirement that they prove beyond a reasonable doubt that there has been a specific motivation that is tied into this definition.

I submit strongly that is going to be extremely difficult if not impossible for the crown to prove. Short of a confession or short of reliable evidence of what a person was thinking when they carried out an act of terrorism, this aspect will be virtually useless in the prosecution of offences.

We had approached it differently. We had approached it in a way that it would be a conditional part of the crown's case and one in fact which would be broadened to encompass, for example, acts that were committed purely out of hatred which is often the case. There is sometimes great difficulty ascribing any motivation whatsoever that fits with reasoning and rational thought patterns when trying to prove a criminal offence of the magnitude that we witnessed on September 11.

The motivation behind the amendments presented by the right hon. member for Calgary Centre are very much in keeping with the need to establish openness, to put before the Canadian people the reasoning behind being listed, for example.

● (1335)

It is necessary for people to grasp just how damning and damaging it can be for individuals to find themselves placed on a list of suspected terrorists. That definition is broad enough to be listed if one has been deemed to facilitate or participate or in some way aid or abet a terrorist activity. These are very broad definitions that are open to immense interpretation.

What is wrong with having published, having placed before parliament and before the country, the reasons that would attach to this process of listing? What could possibly be offensive or inappropriate in individuals knowing the reasons and the criteria that will be applied to their actions being made open to them, what necessitates a person being placed on the list. Of course from that we want to know how a person gets off the list if he or she has been wrongly placed on the list. This is all very nebulous and open to interpretation.

This is an attempt to bring some precision to the law. The law is very often a blunt instrument. This is the bluntest of the blunt. This is simply saying a person can be placed on this list at the direction of the solicitor general with no reasons given. Oftentimes there is the potential that a person could be placed on the list and not even know it until perhaps that person put his or her card in a bank machine only to find out the account was frozen. Or perhaps the person is advised when he or she shows up for work. That was the case a few months ago with an individual who was mistakenly placed on a terrorist list by virtue of the fact that his name resembled that of another suspect.

There are pragmatic, practical implications that have not appeared on the government's radar screen. The motion with respect to this establishment of criteria gives some detail, some meaning to this listing process. It will give some further legitimacy to the solicitor general's decision that otherwise can be made in isolation, that otherwise can be made based on information, the veracity of which the individual has no opportunity to challenge. It may originate from a country with less than democratic principles that attach.

That luxury may not exist for an individual who comes from a country like the Sudan or Sri Lanka where there are administrations which may decide to pass on information to Canada upon which the solicitor general might act in making a decision to list and there is no ability whatsoever to examine or challenge that information. Publishing and placing before parliament the criteria would address this anomaly and injustice.

The second motion deals with reversing the onus, as the right hon. member for Calgary Centre suggested. It puts the onus back on the government. What can be wrong with suggesting that not only should the government be able to justify its actions in listing, but within 60 days certainly with the fleet of lawyers and the ample resources available to the government, it should somehow be able to justify that listing and if not, pay a price for it? Actually lighting a fire under the government requiring it to do its job and justify its actions is healthy for democracy.

Motion No. 4 found in this first grouping is a motion proposed by the right hon. member for Calgary Centre. The motion brings about the potential, not the requirement but the potential, in assessing a situation and determining that an individual's right to counsel may be somehow neglected or overlooked or in some way compromised, this shall allow a judge to determine that an individual should have counsel appointed. This is not new. Duty counsel has been part of our justice system for many years.

The concerns raised by my colleague from the Alliance, a former attorney general, are legitimate, that this could be downloaded to the provinces. I strongly suggest that given the potential for injustice if an individual does not have counsel, and the potential harm to reputation and employment entirely impacting on his or her life, the right of the judge to have the ability to appoint counsel should supersede those concerns of fiscal responsibility and who will pick up the cost.

● (1340)

I would suggest that a judge acting in his discretion would certainly be aware of the status of legal aid in the provinces in ensuring that an individual does have that right to counsel and enforces it.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to rise in the House today to speak at report stage of Bill C-36 and to deal with the amendments that are before us.

I want to acknowledge the tremendous work done by the NDP member for Winnipeg—Transcona, both in the House and at the justice committee, on behalf of the NDP. He has very clearly articulated the grave reservations many Canadians have about the bill. I want to acknowledge his work at committee in putting forward suggestions for amendments. Unfortunately they have not been accepted and I think that is deeply regrettable.

As the member of parliament representing Vancouver East, where there are many organizations involved in international solidarity work and in anti-globalization and peace and justice work, I have never received so much e-mail and so many letters, faxes and phone calls as I have on this bill. I have never received so much feedback from people, feedback on their fundamental concerns about where the bill will take Canadian society. I really appreciate the fact that people have taken the time to analyze what is in the bill and to think about it in a very thoughtful and reflective way, not just as it applies today but as it will apply five years from now or even further down the road.

The response I have had from people in east Vancouver, Vancouver in general and indeed right across the country is that they are very fearful. They are fearful that the federal government has embarked on a very narrow agenda that has focused so much emphasis on security measures, really symbolized by what the bill represents, that the bill would fundamentally undermine and forever change the character of what we believe our Canadian democracy to be.

I have attended numerous peace rallies, forums and demonstrations in Vancouver where people have come together because they are so concerned about the impact of the bill. The Group No. 1 amendments before us today are supported by our caucus because they are attempts by all opposition parties to bring forward some suggestions and amendments that will mitigate some of the really offensive pieces of this legislation. We in the NDP will be supporting those amendments when they come up for a vote. As the hon. member for Winnipeg—Transcona said earlier, however, even with those amendments we are still fundamentally opposed to Bill C-36.

When the debate first started a number of weeks ago, I remember the Prime Minister and the Minister of Justice saying that they wanted to hear from Canadians and have a genuine debate. I really wonder whether that has taken place. I know that many witnesses appeared before committee who were almost unanimous in their appeal to the government to bring in meaningful sunset clauses and to bring in a definition that would clearly narrow the definition of a terrorist activity. I feel that the response from the government has really been quite pathetic and quite alarming in that it seems the government has refused to hear legitimate concerns, whether they are from the Canadian Bar Association, the civil liberties association or from organizations that could be caught in the net and listed as entities and possibly have their assets and so on frozen. The government has not provided a response in terms of listening to those concerns and as a result amending this legislation.

I do want to speak to one other concern. Today I attended a very important photographic session at the National Arts Centre down the street. It was put together in recognition of national child poverty day. It consists of a series of photographs put together by photojournalists from leading newspapers and magazines in Canada in order to give a face to poverty in our country.

● (1345)

I bring this up because to me this provides the kind of contrast and debate in which we really need to be involved. On the one hand we have Bill C-36 and some amendments before us that may slightly mitigate the very drastic measures in the bill.

There is a great fear from a lot of the groups that I have spoken with across the country that we cannot bring about security at the point of a gun. We cannot bring about security through cluster bombs. We cannot bring about security in the long term through a bill such as this. Real security, common security, comes about by dealing with our global environment, our geopolitical environment, in a way that does remove the economic and social conditions that lead people into a space where they feel hopeless about their future. This was really brought home to me today in looking at these photographs of Canadian children who basically face a life where there is not much hope and there is not a sense of a future that has good opportunity.

I know there is great concern that the bill and what will flow from it in terms of the upcoming budget is something that will detract from dealing with pressing social issues in Canada, so theoretically and in fact in a very strong legislative way we will have acted upon what are for sure people's legitimate security concerns about the world that they live in. However, I think there is a great danger that in doing that and in focusing so much energy and resources on that agenda, we will have completely lost sight of and again turned a deaf ear to the other kinds of security issues that face us in terms of social inequality, in terms of a lack of housing and what happens to kids who grow up in poverty. That was something that became very clear to me today as I looked at those photographs.

Like many people, I have watched the debate at the justice committee hearings on Bill C-36. We have had many debates in the House about the need to have amendments, particularly the sunset clause. I feel really disappointed and I wish that there had been a different response from the government in terms of the Minister of Justice coming forward with more significant amendments. The most basic one would have been a real sunset clause, because I think one of the concerns a lot of people have is that the legislation, even with the so-called sunset clause, will in effect be with us for a decade.

We have to examine the legislation under a microscope that looks at the balance of civil rights versus security. It has to be a microscope that looks at the bill in terms of the resources that will be required now to implement the bill. We need to have a proper accounting about whether or not we have moved in a direction that is taking us toward a society in which all of our liberties are being infringed upon, in which people can be targeted, organizations can be targeted, people can be wiretapped, people can be compelled to give evidence and people can be defined as possibly engaging in terrorist activities when they are basically exercising their democratic rights.

Having come to this point now in the House where we are dealing with the amendments, I want to say that I and other members of the New Democratic Party cannot support the bill. We do support the amendments before us today because they are just small measures that try to improve the bill, but fundamentally this is a bad piece of legislation. Fundamentally, this is a piece of legislation that many people see as the thin edge of the wedge. It will move us into a society where, while we say in the name of democracy we bring this forward, we are at the same time undermining our democratic institutions and our democratic principles.

I would certainly urge members of the House to support these amendments as far as they go, but at the end of the day I believe we have to oppose the bill.

● (1350)

[*Translation*]

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, it is now my turn, on behalf of the team of members of the Bloc Quebecois, to rise and speak to Bill C-36, a bill that has made us work so very hard.

First I would like to address the comments made in the House by a colleague from the New Democratic Party, comments in the form of a reproach for having voted in support of this bill at second reading. Despite our serious concerns, we voted for the bill at second reading because we thought that it was wise, given the events of September 11, that the legislation be reviewed. However, we immediately established that it was important and necessary to have a balance between the quest for sufficient security for citizens, and the protection of rights and freedoms. We worked very hard on this. Our critic, the member for Berthier—Montcalm, submitted 66 amendments. These were defended not only by him, but on a number of occasions by many different witnesses.

However, we had no choice but to conclude that the minister did not listen very well, since she only kept one of those 66 amendments. We certainly do not regret having taken the time to do this exercise, because we worked in good faith to improve a bill that greatly needed to be improved. But the more time passes, the more this good faith is being put to the test. This is not the time to discuss this issue, but I want to stress the fact that we are greatly concerned by Bill C-42.

The purpose of Bill C-36, the anti-terrorism act, was to establish special measures to deal with a special situation. This is why, apart from the fact that Canada is finally prepared to ratify international conventions on terrorism—as mentioned in the bill—this legislation had to have a time limit.

I have seen the proposed French legislation. As regards anti-terrorism measures, it provides that such measures will begin and end at specific dates. We wanted this review, which is resulting in stricter measures because of an exceptional situation, to be recognized as exceptional and therefore to include a time limit.

Unfortunately, what the government is proposing is very far from that. The minister accepted only two provisions that would be governed by a sunset clause, although not a real one. There would be a vote to renew the act. The bill will not lapse: there will simply be a review by the House.

We have before us amendments to improve clause 4 of the bill. While we support these amendments, and I will say why if I have enough time, they will not eliminate the excessive nature of this legislation and the imbalance between people's rights and freedoms and security. It is because of this imbalance in favour of security, at the expense of people's rights and freedoms that, unfortunately, we will vote against the bill at third reading.

Despite the amendments presented by the minister and the ones before us, with which we agree, clause 4 remains a major concern.

● (1355)

It is distressing and perturbing for someone who, like me, lived through the 1970s in Quebec. It is hard not to remember.

Motion No. 1 by the member for Lanark—Carleton does not go far enough to remove the despicable paragraph 83.01(1)(*b*). It reads, and I quote:

(*b*) an act or omission, in or outside Canada—

There is no indication what act is committed and to what end, but the word for is used. Does this really indicate there are reasons for this and that in such a case these acts would be acceptable? This is very disturbing. Or it is really a matter of the substance, but that is not the aim of the bill?

As time is moving on, I will say we support Motions Nos. 2, 3 and 4, which are aimed in the right direction. Not only do they set out a series of criteria for the solicitor general on listing an entity, but they enable those concerned to know there will be criteria.

Motion No. 3 is useful. The solicitor general should take his time. If he exceeds the time allotted, the person will remain a listed entity. With this amendment, he is being asked to act quickly. If he does not, the person will no longer be a listed entity.

Finally, Motion No. 4 ensures that any person needing to defend himself or herself will be entitled, even without asking for one, to counsel.

We want these measures passed and the bill improved somewhat. It is with great fear that we realize the government is heading toward getting it passed.

STATEMENTS BY MEMBERS

[*English*]

THE ENVIRONMENT

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, wind chill is the extra cooling we feel on a cold day with wind. Canadians are familiar with the sensation that can be the difference between life and death at low temperatures.

In Kugaaruk, Nunavut, -51°C combined with a 56 kilometres per hour wind produced a wind chill of minus 78. For locals this meant it was -78°C when exposed flesh freezes in a minute.

I am proud that Environment Canada has developed a new wind chill index that will be used around the world. This is a better measure of the combined effects of temperature and wind. I urge all members to listen for wind chill forecasts.

Despite hot air produced on Parliament Hill, the wind chill in Ottawa has reached minus 48. At these levels the skin of MPs freezes in minutes and they run a serious risk of frostbite.

I say to Environment Canada: “Thanks, we think you are cool”.

● (1400)

HEALTH

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, the health minister cannot seem to get his health act together. In 1999 the provinces were assured of the creation of a fair and effective panel that would help resolve the disputes of the federal government over the Canada Health Act.

The provinces want a panel with the ability to make those recommendations, but this health minister only wants a weak fact finding body. The provinces have the mandate to deliver health care. The provinces are by far the greatest contributors to health care costs in this country.

The provinces are responsible for putting the provisions of the Canada Health Act into practice. They are simply asking for a panel that will be able to make recommendations over disputes on the Canada Health Act. The minister should lay down his sword and start working with the provinces, his counterparts.

* * *

CHILDREN'S RIGHTS

Mr. John Godfrey (Don Valley West, Lib.): Mr. Speaker, last week was the international week of children's rights. The international convention on the rights of the child was adopted in 1989. The premise of this convention is that all of the world's children are born with fundamental rights and freedoms.

These rights include the right to survival; the right to develop fully; protection from harmful influences, abuse and exploitation; and the right to participate in family, cultural and social life.

We begin by recognizing that Canadian children have these inherent rights, especially today on the 12th anniversary as we mark our pledge to end child poverty in Canada.

All over the world children are caught in conflicts and even used as soldiers. Many children cannot attend school. Some are exploited through prostitution or labour under severe conditions. Many become orphans due to the spread of HIV-AIDS.

The government is concerned about these children and is working with the international community to help children in Canada and around the world to attain their fundamental rights.

* * *

ASHLEY MCNAUGHTON

Mr. John Richardson (Perth—Middlesex, Lib.): Mr. Speaker, I rise in the House today to congratulate Ashley McNaughton of Arva, Ontario. Ashley has been chosen as a junior team Canada delegate for the spring 2002 economic mission to Mexico.

Junior team Canada is a uniquely Canadian program which has existed since 1991. The team is comprised of 15 youth members aged 16 to 24 who have been selected out of 500 applicants from across Canada.

In March 2002, Ashley and her teammates will attend a three day briefing in Ottawa, followed by a ten day mission to Mexico. During this time they will meet with business, education and government to identify opportunities for their sponsoring organizations.

As a former educator it always gives me great pleasure to witness the success of young people in my riding. The competition for the junior Canada team was extremely intense and Ashley has shown great dedication and determination by becoming one of the 15 delegates for 2002.

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[*Translation*]

NATIONAL ADDICTIONS AWARENESS WEEK

Mr. Gérard Binet (Frontenac—Mégantic, Lib.): Mr. Speaker, November 18 to 24 is National Addictions Awareness Week. The purpose of this event is to inform the public about the problems associated with addictions and to promote a lifestyle free of alcohol and substance abuse.

The event was created by the Nechi Training, Research and Health Promotions Institute in 1981. Since that time, it has become an important tool for co-operation and partnership between communities with a common goal.

An addiction is very harmful to those suffering from it and to those close to them. The image of a circle of individuals and families is ideal. It shows that addicts need support in their recovery.

Activities will be organized throughout the country. I urge Canadians to take part. Together, let us "Keep the circle strong".

* * *

[*English*]

THE GREY CUP

Mr. Art Hanger (Calgary Northeast, Canadian Alliance): Mr. Speaker, on behalf of all proud Calgarians I am honoured to rise in the House in recognition of this year's Grey Cup champions, the Calgary Stampeders.

Before the second largest crowd in Grey Cup history the Stampeders, written off as huge underdogs going in, clinched the 89th Canadian Football League championship with an exciting 27 to 19 victory.

Its fifth Grey Cup championship did not come easy as the Winnipeg Blue Bombers fought our Stampeders tooth and nail, keeping the game within five points for much of the fourth quarter and keeping most fans and viewers on the edge of their seats.

On the final play of the game with Winnipeg needing a touchdown and a two point convert, Joe Fleming put the final nail in the coffin by sacking Blue Bomber's quarterback Khari Jones to clinch the victory for the Stamps.

Not only is this an early Christmas present for all Calgarians. It is a huge civic boost that all Albertans can be proud of. I congratulate the players and coaches of this year's Grey Cup champions, the Calgary Stampeders, on a job well done.

● (1405)

[*Translation*]

GALA DES PRIX OPUS

Mr. Claude Duplain (Portneuf, Lib.): Mr. Speaker, the Gala des prix Opus, a ceremony to honour Quebec's classical music artists, took place yesterday. This is an event created by the Conseil québécois de la musique.

The Montreal symphony orchestra was certainly not forgotten. The work *Elektra* won the awards for concert of the year in the Montreal area and concert of the year in the classical, romantic and modern music category.

In addition, tribute was paid to its artistic director, Charles Dutoit, for his contribution to classical music and to the Montreal symphony orchestra.

Awards also went to the ensemble Les Violons du Roy for concert of the year in the Quebec City area, and concert of the year in the medieval, renaissance and baroque music category. Their conductor, Bernard Labadie, was the top choice of those who listen to Radio-Canada's cultural network.

I also wish to congratulate the other winners. Their commitment to music enriches our culture.

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VIOLENCE AGAINST WOMEN

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, yesterday marked the International Day for the Elimination of Violence Against Women. Let us use this opportunity to remind the House that the fight is far from over and that we must continue to do everything we can to build a world free of this violence, which affects thousands of lives every day.

I would also like to take this opportunity to highlight the admirable work that is carried out every day by men and women who strive to create a society that treats women fairly. I am referring to, among others, groups that have set up what could be called resistance networks of shelters and transition houses for women who have survived domestic violence. Thanks to them, thousands of women can finally live their lives free of fear.

Let us not forget that, day after day, women around the world are victimized by violence. We must act now so that, one day, we will finally be able to celebrate the end of violence against women.

* * *

[*English*]

JUSTICE

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, last week Canadians celebrated restorative justice week and on Friday Correctional Service Canada hosted the third annual Ron Wiebe restorative justice award ceremony in Kingston.

The award recognizes Canadians who have demonstrated through their work or lifestyles ways of encouraging healing between people in conflict, be they victims, offenders, colleagues, families or neighbours.

This year Commissioner Lucie McClung presented the award to Wilma Derkson, director of Victim's Voice from Winnipeg, Manitoba. Since the abduction and death of her daughter Candace in 1984, Mrs. Derkson has become a powerful justice advocate. By working with all those affected by crime, victims, offenders and community members, she has helped to create a better understanding and opportunities for healing.

Restorative justice emphasizes healing for victims, meaningful accountability for offenders and the involvement of citizens in creating healthier, safer communities. I encourage all members of the House to join me in congratulating Wilma Derkson on winning this year's award.

* * *

HEALTH

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, the Liberal government's systematic underfunding of health care is forcing a two tier health care system on the very people who can least afford it. It will only get worse unless health care funding is addressed in the next federal budget.

The premier of Ontario said that the federal Liberals are the single greatest threat to health care in Canada. Seniors are the frontline users of health care and are being forced to endure its deterioration. Shortages, lineups and increased costs, these deficiencies are leaving too many seniors vulnerable while forcing others to go elsewhere to get the medical attention they need.

For far too long the Liberal government has shirked its responsibility for health care funding. For far too long the Liberal government has denied two tier health care while creating the very environment which encourages it to grow.

On the eve of the next budget I urge the government to accept responsibility for the poor state of health care in the country and to make a strong and vigorous funding commitment. The health of seniors depends on it.

* * *

VIOLENCE

Mr. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, the United Nations general assembly declared yesterday, November 25, as the International Day for the Elimination of Violence Against Women, marking the beginning of a 16 day period of activism against gender violence. In the words of the general assembly resolution, “violence against women is an obstacle to the achievement of equality, development and peace”.

Yet women around the world continue to be victimized by gender violence. A quarter of the world's women have been raped during their lifetime. In Canada 50% of women by age 16 have been the victims of at least one incident of physical or sexual violence while gender violence remains among the most unseen and unpunished of all violations of universal human rights.

The International Day for the Elimination of Violence Against Women should strengthen our call to eradicate gender violence and protect its victims, to reaffirm our commitment to the empowerment of women throughout the world and to invite us to re-examine the

power of gender relations in our own communities so that we may eliminate all forms of gender subordination and discrimination.

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● (1410)

SCIENCE AND TECHNOLOGY

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, yesterday we heard the long expected news that a human embryo had been cloned. That announcement came from a private lab in the United States but it could just as easily have come from any lab in Canada.

Why? Despite a recommendation to ban cloning by the Baird royal commission almost 10 years ago, and despite poll after poll showing Canadians are opposed to human cloning, what we have is only draft legislation with no timetable for action. So here we are the day after in the appalling situation of having no legislation in place.

Now is the time, finally and without qualification, for the government to act and to ban human cloning. Now is the time for leadership on reproductive technologies that respects human dignity and diversity, stops the commercialization of human reproduction, places a priority on the health of women and children, and puts public good ahead of private gain.

* * *

[*Translation*]

PAUL-ANDRÉ QUINTIN

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, on Saturday, Paul-André Quintin, the former chair of the international relations committee of the Parti Quebecois, died at the age of 58.

Paul-André Quintin was a professor of philosophy at the Université du Québec à Trois-Rivières, he was a committed sovereignist, a man who was completely devoted to sharing with the world the contemporary nature of Quebec's goal.

This goal of Quebec achieving nationhood is something he worked toward and something to which he was deeply attached. For him, a sovereign Quebec would be a small progressive country open to everyone, no matter where they came from, a country that would play its part on the world stage.

It is not surprising, then, that globalization and the problems that it created worried him, as did the growing gap between rich and poor. Yet he was a strong believer in closer ties with the countries of South and Central America, and he was fluent in their majority language, the language of his cherished wife, Ercilla.

Paul-André Quintin was a supporter right to the end, a staunch believer in Quebec's sovereignty.

Thank you, Paul-André.

[*English*]

KIWANIS INTERNATIONAL

Mr. Joe Jordan (Leeds—Grenville, Lib.): Mr. Speaker, I am pleased to welcome to Ottawa and to Parliament Hill today the international president of Kiwanis International, Brian Cunat. Also with him are the governor of the eastern Canada and Caribbean district, Milton Peach; Lieutenant-Governor Paul McCumber; and one of my constituents, Lieutenant-Governor Larry Kowlessar.

Kiwanis International has over 8,000 clubs in 76 nations. In 1994 Kiwanis adopted its first worldwide service project, a $75 million campaign in partnership with Unicef to eliminate iodine deficiency disorders in the developing world.

I am proud to say that CIDA has also been involved in this important project by matching donations. Kiwanis raised funds are now at work in more than 75 nations and these IDD programs are saving more than eight million children per year from cognitive disabilities.

I commend these leaders and all Kiwanians for their commitment to this important cause. I encourage all members to get behind this worthwhile endeavour.

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[*Translation*]

SCIENCE AND TECHNOLOGY

Mr. André Bachand (Richmond—Arthabaska, PC/DR): Mr. Speaker, this past weekend we learned that American researchers had successfully cloned an embryo from the nucleus of a human cell.

This scientific experiment took place in the U.S., where there had already been steps taken to prohibit the cloning of human beings.

As we all know, Canada is still waiting for such legislative measures.

On August 8, my leader, the hon. member for Calgary Centre, wrote to the Minister of Health asking him to intervene to ban cloning.

Four months later, no response is yet forthcoming and now we are faced with a fait accompli: science has jumper the gun on legislation.

I am not asking the minister to stop all biomedical advancement, but I am asking that it be properly supervised so as to ensure that Canadians may benefit from such advancement while being protected from potential dangers. The minister's silence on the question puts both of these objectives at risk.

* * *

[*English*]

EMPLOYMENT

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, when we were kids at camp we used to sing the song "One dumb digger dug into the ditch, the other dumb digger dug out". That is what the Liberals do with jobs. While they are creating jobs in one place, jobs are being killed elsewhere in the country.

A couple of years ago, when the Royal Canadian Mint was arguing in favour of expanding its capacity to build coin blanks, we argued against it. We said there was an international overcapacity. We pointed out that there were enough private enterprise businesses that could meet international demand.

The Liberals rejected it. They went ahead with their project. Now, thanks to the Liberals, a number of people in my riding are losing their jobs just before Christmas because their work in the Westaim plant has come to an end. That is shameful, and the Liberals should be ashamed of what they have done.

ORAL QUESTION PERIOD

● (1415)

[*English*]

SCIENCE AND TECHNOLOGY

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, yesterday science fiction took a step closer to becoming science fact. A United States firm announced that it has successfully cloned a human embryo.

It was over seven years ago that the government promised legislation to deal with the whole issue of reproductive cloning, and still we have seen nothing. The issue is upon us now. Why is the government stalling on the issue of reproductive cloning?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I understand that there is a bill in front of the committee at this moment on that very issue; to prohibit human cloning in Canada.

If the Leader of the Opposition had checked with his own members he would have known that it was being debated in committee at this time. It is the time to make other recommendations, if the bill is not good enough.

[*Translation*]

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, after seven years, we learn that for the first time a human embryo has been cloned.

Indeed, 90% of Canadians oppose human cloning. Despite the Liberals' promises, we still have no legislation in this area.

Now that human cloning is a reality, will the government introduce legislation right now—not in seven years' time, but right now—to ban all forms of cloning?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the person formulating the question should know, as I said in English a few seconds ago, that a bill has already been put before the House and is currently being considered by a committee of the House, in which MPs are looking at the problem.

The bill indicates clearly that the government—and we hope the House as well—is opposed to human cloning. This is the government's position and it will soon be the House's position, if the opposition realizes that a bill is already before the House and the committee.

[*English*]

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, cloning a human embryo, creating a new human being, creating life for the purpose of destroying it just to harvest its cells is simply and absolutely wrong, especially since science is offering us great potential with adult stem cell research.

Would the Prime Minister agree that this is wrong? Yes or no.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Absolutely, Mr. Speaker. I have said that twice already. A draft bill is in front of the committee and is being discussed at this time. The members are looking at the bill. When the committee reports to the House of Commons, the bill will be introduced and we will be happy to pass it very quickly.

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, the Prime Minister did not answer the question. The question was whether he thought this was right or wrong and he avoided it.

My question is for the health minister. Since the draft legislation has been in front of the health committee for a long period of time, this new aspect of cloning is before us. Will the health minister bring the anti-cloning portion of the bill before the House immediately so we can deal with it now?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, it is odd. That side of the House likes to talk about democratizing parliament and giving members of parliament and committees a role in preparing legislation. Then, when this minister puts the bill before the committee, even before bringing it to the House, and gives the committee a chance to study it all, that side wants us to take it away from the committee and arrogate its role by putting it before the House now.

We should let the committee finish its work. It has a bill before it which would outlaw cloning. Let us let the committee report and then the government will act.

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, the cloning of a human embryo in the U.S. was done specifically to produce embryonic stem cells for the treatment of disease. There are other sources and methods for finding those embryonic cells. Adult cells are much preferable.

Will the minister assure the House that the government policy is to elevate adult stem cell research, instead of going down the road of embryonic stem cell research? Yes or no.

● (1420)

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the member would do better to save his speeches for the committee. The committee is studying all this right now, with members of that party on the committee taking part in the discussion. If this member has a speech to make about cloning, he should make it to the committee.

By the way, the bill that we put before the committee would prohibit human cloning.

* * *

[*Translation*]

PUBLIC SAFETY ACT

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, under the proposed public safety act, when a minister decides that there is a security risk, he may issue an interim order before anyone establishes whether or not the order is consistent with the Canadian Charter of Rights and Freedoms.

Does the Prime Minister realize that by not first examining interim orders in light of the charter, the government is leaving the door wide open to numerous violations of rights and freedoms?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the bill now before the House is an attempt to anticipate matters of extreme urgency. Circumstances may arise in which it is necessary to act very quickly. The minister will have the power to do so. He will then have to have his bill approved by cabinet and the necessary legal reviews done.

But provision must be made for circumstances in which the minister might have to take a decision very quickly. I do not wish to anticipate such urgent situations, but there have been some recently where very, very speedy action was required.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, and in those situations, it was possible to act without violating the charter.

The government and the Prime Minister are demolishing entire sections of the legal apparatus, which it has taken years to build. The government is taking a huge step backward at our expense, and the Prime Minister, who claims to be the father of the Canadian Charter of Rights and Freedoms, says nothing. We are worried.

Will the Prime Minister admit that by dropping the charter test, the government is shifting the burden of proof to citizens who, without the same resources as the government, will have to show that the interim order of which they have been the victim is a blatant violation of the Canadian Charter of Rights and Freedoms?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Canadian Charter of Rights and Freedoms is there. It still exists. If an order such as this is inconsistent with the charter, I assume it will be struck down by the courts. That is how the system works.

We are not saying "excluding the Canadian Charter of Rights and Freedoms". The minister is being given powers to act in urgent situations. There will be the necessary reviews and, if there is a conflict with the charter, obviously the latter will take precedence, because it is the most important piece of legislation in our constitution.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, in Bill C-42 on public safety, the designation of military security zones by the Minister of National Defence goes totally against some provisions of the charter of rights and freedoms in that the rights of people will be suspended.

Can the Prime Minister confirm that, within the security zones to be created under Bill C-42, certain rights, including the right to demonstrate and the rights to freedom of association, freedom of expression and freedom of movement may be suspended, which means that the public will lose some of its rights?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, that is not the case. The Canadian Charter of Rights and Freedoms is not suspended.

The only cases where these military security zones would be used are in those cases that are clearly within the law. They are primarily intended to protect military assets of the Canadian forces or of allied forces and only to the extent of a perimeter that is necessary to do that. If, for example, a group of planes came in from one of our allies at a commercial airport, we could cordon off that area and give it military protection.

That is the kind of thing for which this revision is intended.

[*Translation*]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, we are not on Mars. It is clear in the bill that such orders are not subject to the charter of rights and freedoms.

It is also clear that the Minister of National Defence is not only suspending people's rights by creating military security zones, but that he is also, under the new clause 84(9), removing the right to go before the courts to seek justice and compensation for any damages, losses or injuries following the creation of a military security zone.

It is spelled out in the bill. What does the minister have to say about this?

● (1425)

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the member is greatly exaggerating what this provision is all about. Clearly the laws of the land prevail in this case. What we are talking about are the common law powers that are normally extended to police departments and may in some cases be enforced by the military, if upon recommendation and the chief of defence staff has determined that a particular area needs to be cordoned off for security purposes. However it would only be for that required area and only if it was in accordance with the provisions of our laws.

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CHILD POVERTY

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the continuing crisis of child poverty is a blight on the record of this government. Poverty measures must include affordable housing, better job security, decent income support and adequate child care. It must also include increasing the national child care benefit from $2,500 to $4,200 for the first child.

Does the Prime Minister believe that Canada's children only need to be fed and clothed 60% of the time? If not, what will—

The Speaker: The right hon. Prime Minister.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, first, I would like to congratulate the leader of the NDP Party who has managed to survive. We are very happy to keep her in that job for a long time. She has been doing it very well.

I just want to say that, yes, the children's agenda has always been a very big preoccupation for the government. In the past year we have created all sorts of new initiatives to make sure that child poverty is being reduced constantly in Canada. We have managed to do that over the last—

The Speaker: The hon. member for Halifax.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, this morning I attended a deeply disturbing photo exhibit at the National Arts Centre about Canada's children living in poverty. June Callwood spoke at that opening. Let me tell the House what she has said. She says that if any adult anywhere in this country sees a house burning he or she rushes in to rescue a child who may be within.

I smell smoke. I see fire. Will the Prime Minister rush to the rescue of Canada's children?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we saw the problem long before the hon. member got up in the House. We have talked about a children's agenda every year and in every Speech from the Throne that we have had since we formed the government in 1993.

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PUBLIC SAFETY ACT

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, the combination of the two new security bills constitutes an unprecedented power grab by this government. Bill C-42 lets the defence minister, after consulting only his chief of defence staff, designate military security zones. That authorizes the army to stop citizens from going places where they might normally go, specifically places like national parks, places like the post office, without any explanation or any justification.

Will the Prime Minister introduce at least an oversight provision that might protect Canadians against this serious and unjustified abuse of civil rights?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the leader of the Conservative Party likes to scare the people. There is a bill for the protection of Canadian citizens. We have to start from that basis. Not only that, this bill is in front of the House of Commons and there will be work in the committee, so the argument can be made there.

We have shown in the past that we can look at the suggestions of the members of parliament. However, I do not think it is a good technique at this moment, when the members are studying the bill, to try to scare the Canadian public.

[*Translation*]

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, last week's anti-terrorism bill, Bill C-36, empowers the government to hide information.

This week's anti-terrorism bill, C-42, allows ministers to issue all manner of orders in all manner of circumstances. In other words, a minister acting alone can make decisions that might be prejudicial to individuals without having to notify them, or even having to offer explanations.

How can the government justify such a flagrant abuse of power?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I do not think that the terrorists gave much notice before they took the lives of 6,000 people in New York City or tried to destroy the Pentagon.

What we have here is a bill that responds to the new necessities of the times, and we are providing hon. members with the opportunity to examine it and to make recommendations to the government. That is what we have been doing recently.

Yet the leader of the Conservative Party, having voted in favour of the bill in committee, is now criticizing it. He ought to start by deciding which side he is on.

* * *

● (1430)

[*English*]

THE ECONOMY

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, it has been over 650 days since this government last tabled a budget. It is the longest period that this parliament has ever gone without an accounting of the nation's finances by the government. It has waited for the onset of a recession and an international crisis to finally agree to do so.

Could and would the finance minister stand up and confirm that he plans to table a budget here on December 10?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I am not quite sure that the traditional question from the finance critic of the opposition is supposed to lead to such rhetorical flourishes and indignations.

[*Translation*]

It is, however, a great pleasure for me to announce that the government's next budget will be brought down here in this House on Monday, December 10 at 4 p.m.

[*English*]

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): When it comes to indignation, he is a great tutor, Mr. Speaker.

Tens of thousands of Canadians are losing their jobs, the economy is in its second quarter of contraction, the loonie has sunk to an all time low and our standard of living continues to lag behind our major competitor. In the face of all this the finance minister is floating the idea of either no cut in EI premiums or a paltry reduction of 5 cents.

Will the finance minister get up off his $36 billion EI surplus and give workers and employers a break or will he just leave them to suffer the consequences of his recession without any tax relief?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I am delighted to announce that the government's budget to be presented in the House on December 10 will be the perfect antidote to the fearmongering of the opposition.

* * *

[*Translation*]

PUBLIC SAFETY ACT

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, if Bill C-42 had been applied at the Quebec City summit, for example, this would have meant that control would have been taken out of the hands of the regular police forces and handed over to the army and, what is more the protesters' rights and freedoms as well as their right to sue would have been suppressed.

Will the Prime Minister acknowledge that under this bill a peaceful protester who had a run-in with the military would not have had any rights or any right to recourse?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, there are no new laws involved here that do not already exist. The police already have the authority to create, as they did in Quebec City, a security area. There is nothing new about that. The only difference is that if it involves military equipment or the Canadian forces the Canadian forces would carry it out. It is not additional to what already exists. It already does exist in law for the police.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, the minister ought to understand that he can create military security zones anywhere.

How can the Prime Minister promote a bill intended to deprive businesses of the right to claim damages if they have the misfortune to find themselves within a military security zone, where assessment of the damages will be determined arbitrarily by the Minister of National Defence?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, what applies in the case of the police doing this would also apply in the case of the military but that is not the intent of the legislation. It is intended to protect Canadian forces or allied equipment, ships, planes, et cetera, which may not be on defence property at any given time, to make sure we can provide the necessary security protection in this time of armed conflict.

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IMMIGRATION

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, my question is the for the immigration minister.

Yves Bourbonnais, who is now under corruption investigation, has already been convicted of breach of trust, sentenced to prison and suspended from the practice of law. However, when this was revealed six months ago, the chairman of the IRB stood by this blatantly unqualified patronage appointee.

How can Canadians trust the integrity of our immigration and refugee system when the minister continues to appoint Liberals tainted by scandal to the sensitive job of who gets to stay in Canada? How can she do that?

Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I will not comment on any investigation because we would not want to prejudice the outcome. I know the member would not either.

However I want to say very clearly that as far as I and the department are concerned and, I believe, the chair of the IRB, there is zero tolerance for any suggestions of either malfeasance or corruption. Anyone who is appointed to the Immigration and Refugee Board goes through an extensive process where they have a written test, references are checked and competence is the bottom line for those appointments.

● (1435)

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, this is the state of the refugee determination system: inadequate screening at the front end and decisions on status being made by unqualified patronage appointees, some with criminal records. It is unfair to the reputation of genuine refugees. It is clear that the job of deciding who can remain in Canada is too important to be left to Liberal hacks.

Will the minister promise today to scrap the patronage ridden Immigration and Refugee Board and replace it with a truly independent, impartial and credible adjudication system?

Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I disagree entirely with the categorization of the member's preamble.

The Immigration and Refugee Board is highly regarded internationally. Members of the board are subject to intense scrutiny prior to their appointments. I would say to him that they actually, I believe, serve with distinction. As a member of the immigration committee he has had the opportunity to question the chair who has all the tools and authority necessary should any question of either competence or malfeasance arise.

I would encourage the member not to engage in anything that would prejudice an investigation.

* * *

[*Translation*]

TERRORISM

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, on Friday, the Government of Spain announced that it would not extradite the eight terrorists in its custody unless the United States guaranteed that they would be tried before a civil court and not a military court, and that they would not be subject to the death penalty.

Will the Prime Minister follow the Spain's lead and assure us that we will not extradite suspected terrorists without first obtaining a guarantee that they will not be tried in a military court, nor sentenced to death?

Hon. John Manley (Minister of Foreign Affairs, Lib.): Mr. Speaker, for now, no one is being extradited. There have been no arrests made here for which an extradition has been requested by the United States. This is a purely hypothetical question.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, any fighters who surrender are no longer legitimate military targets. This is a basic concept in international humanitarian law. Unfortunately, according to the International Committee of the Red Cross, there are some parts of Afghanistan where no prisoners have been taken. The military orders have been clear: no one is to be spared.

Does Canada plan on denouncing these violations of the Geneva convention relative to the treatment of prisoners of war?

Hon. John Manley (Minister of Foreign Affairs, Lib.): Mr. Speaker, we do not support such actions. We believe that not only must the principles of the Geneva convention be respected, but so must the principles of the rule of law.

The situation is changing daily. The information we have is not really clear or certain. We most certainly want to obtain more information.

However, I do support the position expressed by the member.

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[*English*]

NATIONAL DEFENCE

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, our navy is serving on the front line of the war against terrorism in the Arabian Sea with ancient relics on the decks of modern frigates.

In temperatures over 35 degrees Celsius, a fully mission-loaded Sea King will not lift off the deck of a stationary ship. It is basic boat ballast.

The snoring Liberals must wake up and end this 30 year procurement nightmare.

Is the defence minister still insisting that new replacements will arrive by the 2005 date he told us last year?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, yes, that is still our aim. Let me point out though that these are not relics. That was an irresponsible remark by the hon. member.

The captains who fly these say such things as: "I have no concern. I have all the confidence in the world in the aircraft. We would not fly an aircraft that was dangerous. We always err on the side of caution. I have no concern whatsoever with regard to the maintainability and operational ability of the Sea King".

Furthermore, Mr. Speaker, have you ever noticed that when the president of the United States takes off in a helicopter he frequently uses a Sea King?

● (1440)

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, the Liberals first began the process to replace the Sea Kings in 1976. Exhibiting lightning Liberal speed, they are still at the review stage 30 years later.

Our frigates, designed to have new state of the art helicopters, will be more than half way through their own lifespan by the time delivery occurs.

The government does not have a plan B. The boat ballast Sea Kings will have to make do until the government gets its act together.

Will the minister admit that the Sea Kings could be still flying for Canada in 2015?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, no, they will not be flying at that time.

I might add, however, that some 23 countries continue to use the Sea King. There are 600 of them in operation, including in the United States, the most sophisticated military power in the world. Recently there was a photograph of the British royal marines, a commando group, standing in front of their Sea King helicopters.

Members should know that the Americans are using a 40 year old B-52 bomber as part of their operation in Afghanistan.

It all goes to prove that it is not so much age as it is how well they are maintained and we maintain them well.

Mr. David Price (Compton—Stanstead, Lib.): Mr. Speaker, my question is for the Minister of National Defence.

Could the minister give the House an update regarding the deployment of Canadian Forces to Afghanistan?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, we will continue to maintain a company of about 150 to 200 personnel from the 3rd battalion of the Princess Patricia's Canadian Light Infantry on a 48 hour notice to move. The balance of that group will, however, stand down to a level of seven days in accordance with our allies and the request that came from the coalition command. The Hercules aircraft will also stand down for some seven days.

From what we are hearing, we still anticipate that they will be needed but they will not be needed on quite the same notice to move as—

The Speaker: The hon. member for Winnipeg—Transcona.

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PUBLIC SAFETY ACT

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Minister of Justice who will remember that there was quite a bit of concern and still is about the potential in Bill C-36 to abuse or obstruct legitimate dissent. We see the same possibility in Bill C-42, the public safety act.

As the member in cabinet from Alberta, would the Minister of Justice tell us if this particular bill is intended for Kananaskis next year? Is the hidden agenda here to make sure the whole area can be declared a military security zone and protesters cannot get anywhere near it?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, let me reassure the hon. member that there is no hidden agenda here. In fact, listening to some of the concerns expressed by witnesses and committee members on Bill C-36, we amended the definition of terrorist activity to ensure that demonstrations, lawful or otherwise, would not be unintentionally caught by this legislation.

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THE ENVIRONMENT

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, when NAFTA was signed we were assured that a commission would be established to act as a watchdog to protect national environmental interests. Recently the staff of that commission recommended a full investigation regarding the lack of enforcement of Canadian environmental laws. Subsequently, senior staff in the Department of the Environment in Canada and in the United States overturned that and restricted the investigation.

My question is for the Minister of the Environment. Will he reverse that decision and direct his staff to allow the commission to do its job and allow a full investigation?

Hon. David Anderson (Minister of the Environment, Lib.): Certainly not, Mr. Speaker. It makes sense for the commission, the commission that was established under NAFTA, to take responsibility for what it does and not simply have staff totally uncontrolled and totally independent of any of the structures established by NAFTA.

I wonder whether the NDP really thinks we should have people who work under NAFTA systems totally away from any possible oversight by parliament or the appropriate bodies of the United States or Mexico.

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ANTI-TERRORISM LEGISLATION

Mr. Chuck Strahl (Fraser Valley, PC/DR): Mr. Speaker, Norm Greenfield of Calgary downloaded a copy of the anti-terrorist bill on to a computer disk and then took that disk to Office Depot to have it printed. When he tried to pick up the completed document he was asked to produce his driver's licence and give other personal information before Office Depot would turn it over to him, apparently because, surprise, surprise, the word "terrorist" appeared in the document.

Mr. Greenfield is now concerned that this silliness means that his name appears on some list somewhere.

Will the government allow some sort of oversight committee to make sure abuses do not occur to Canadians' civil rights?

● (1445)

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I am not sure what depot or what case my hon. colleague is talking about but if he had any desire for an answer he would have given pre-notice of the question and possibly I could have been able to answer it.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, that is not how question period usually works.

There are some provisions of the anti-terrorism bill that do put Canadians' rights directly at risk. Yes, there is a need for action from police to act quickly at times to prevent terrorism but with discretion and based on solid evidence. Bill C-36 creates the real possibility that individuals can be listed without due process on secret information. A person may not even know that they are listed until it is too late. Their bank account could be frozen. They could lose their job. Their reputations could be blackened.

With all the consequences flowing from a listing, could the minister explain how a person, if wrongly accused and unable to afford a lawyer, can get their name off the list?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I can assure the member, the House and all Canadians that a decision to put a group or an individual on the list will be made very carefully. If an individual is on the list, he or she is subject to judicial review. The solicitor general has to evaluate the list every two years. The fact is, if there is any new information an individual can take that information to the solicitor general who must evaluate it to see if the person should or should not remain on the list.

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THE ENVIRONMENT

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, the government continues to weave its Kyoto story. On the weekend it was reported that the government might even consider energy rationing. However, most experts say that Canada still has no idea how to reach its Kyoto target. There are 47 government web sites, millions of brochures, and hundreds of millions of dollars are being spent to confuse Canadians.

The government now wants to take this mess to Canadians to get their input. It is a little late. How can Canadians comment when the government does not even know what are the facts?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, first I assure the hon. member on the irresponsible press remarks about rationing of energy, that is not the policy of the government. I can assure him also that we have a very good idea of the measures needed to achieve our Kyoto target.

I can assure him that when he reads the excellent speech of my friend, the hon. Minister of Natural Resources, and I might add, another speech of my own earlier today, he will find that all the questions he has asked have been carefully explained.

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, this is a runaway political train. Noted Canadian economists are saying that Kyoto has the potential to shut down Canada's economy.

We are now in an economic slowdown and we are considering ratifying a treaty that we do not even know how to implement. It could send us into another Liberal recession or deeper recession.

The great untold secret of Kyoto is that it would achieve practically nothing to reduce global climate change. It is all pain with no gain.

When will Canadians be told the truth about the Kyoto protocol?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I am glad that the Alliance Party has made clear its total opposition to any Kyoto measures or any climate change measures, that it rejects the science and accepts these unnamed, unheard of economists. No doubt I will get more information from my hon. friend.

I can assure him that we have in fact entered into negotiations now, spreading over four years, with the private sector. We will intensify that this winter. We will indeed have proposals to bring forward for Canadians some time early next year.

[*Translation*]

AIRLINE INDUSTRY

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, the closure of Canada 3000 means that this company will never be able to meet Ottawa's conditions for the $75 million loan guarantee offered by the Minister of Transport.

But one of the greatest problems in air transportation is the service to regions such as the Gaspé, the North Shore and Saguenay—Lac-Saint-Jean. The lack of competition creates an important deterioration in service.

Does the Minister of Transport not realize that the creation of a discount subsidiary by Air Canada prevents genuine regional competition?

[*English*]

Hon. Brian Tobin (Minister of Industry, Lib.): Mr. Speaker, the question the member raises is one which the government is concerned about and indeed, one which the Minister of Transport has spoken on in the last week. That is the question of ensuring that the Competition Act functions in such a way as to ensure that small carriers, regional carriers, are able to successfully compete in the regions and larger carriers, other than Air Canada, like WestJet are able to successfully compete.

The Competition Act is currently before the House. The government is considering whether or not further amendments are required to ensure the continuity of airline competition in Canada.

● (1450)

[*Translation*]

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, should the Minister of Transport not take the $75 million loan guarantee he was going to give Canada 3000 and put it towards regional air transportation so that the public has access to real air transportation service?

[*English*]

Hon. Brian Tobin (Minister of Industry, Lib.): Mr. Speaker, the approach of the government is to ensure that competition is able to thrive in Canada.

As I have said, the Competition Act is now before the Standing Committee on Industry. It may indeed be necessary to strengthen its provisions with respect to airlines in this country. That is a matter which, on the recommendation of the Minister of Transport, the government will consider in the days ahead.

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TERRORISM

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, once again North American infrastructure has come under threat of terrorism.

Last week the American petroleum industry received a threat to its facilities from a group claiming loyalty to Osama bin Laden. Canadian firms are members of the API. With winter setting in, this is extremely worrisome. If it were carried out, it would have life-threatening consequences for Canadians.

Is the minister aware of these threats? What is the government doing to protect the North American energy sector?

Hon. Ralph Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the action began on September 11, first at a meeting of federal and provincial energy ministers that was taking place in Quebec City at that time. It was rapidly followed up by action by the National Energy Board in consultation and co-operation with the Office of Critical Infrastructure and in collaboration with the provinces.

Since that time the NEB, on the advice of the RCMP and CSIS, has been fully on top of any real or perceived terrorism threat. All the appropriate action is being taken, including new legislative authority in Bill C-42.

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, any disruption in the flow of energy during the winter in North America could be catastrophic. We all know that. There is a lot of talk from the opposite side but we want to know what the concrete plans are for our energy sector to keep the energy flowing during the winter months in North America.

Hon. Ralph Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I am sure the hon. gentleman would not want me to detail here the specifics of a security plan where it might well be read by any terrorist with malevolent intentions.

I do want to assure the hon. gentleman that the government, in consultation with provincial governments, with the RCMP and with CSIS pursues every threat or perceived threat to our transportation of energy infrastructure. We are taking all steps necessary to make sure that infrastructure is protected to the maximum extent of the capacity of humans.

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AGRICULTURE

Mr. Bob Speller (Haldimand—Norfolk—Brant, Lib.): Mr. Speaker, my question is for the Minister of Agriculture and Agri-Food.

Canada's international grain customers are growing more and more particular about the quality of the products that they purchase. Could the Minister of Agriculture and Agri-Food tell the House specifically what the government is doing to help Canada's grain industry respond to these pressures and to sell Canadian grain around the world?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the government continues to support our grains industry a number of different ways. This morning I announced $1.2 million to the Canadian Seed Institute so it can work with the producers and the marketers of Canadian grain in order to meet the needs and requirements of both domestic and international clientele through such measures as identity preservation so that we can explore and expand on existing markets and find new ones.

* * *

INTERNET

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, the industry minister does not seem to have many supporters for his pet $1 billion broadband project. Now even the OECD says that competition is the best way to achieve high speed Internet development in Canada.

The industry minister says he is not interested in Internet regulation until next year. Why is it then he is so intent on spending public money now instead of getting the regulations right?

Hon. Brian Tobin (Minister of Industry, Lib.): Mr. Speaker, the OECD report on broadband access in OECD countries recognizes that Canada is second only to Korea in the deployment of broadband services and that competition between cable companies and telephone companies has been a key factor in accelerating that reality.

In fact Canada is a leader in the world, very much a tribute to the Minister of Foreign Affairs who began this process. I will continue down the productive road that he has charted for Canada with more services for more Canadians.

● (1455)

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, it appears the Internet has worked pretty well for the Minister of Industry. It seems that a handful of his supporters used a special program to stuff the ballot box used in the *Globe and Mail* survey. Within 24 hours, two computers were used to flood an online Liberal leadership poll to look like the industry minister was a popular candidate.

The minister's ambition is clouding his judgment. Will he stand down his campaign in the interest of Canadians?

Hon. Brian Tobin (Minister of Industry, Lib.): Mr. Speaker, now we know why it is important to have more rural Canadians on the Internet. Even the Minister of Finance said it is an important priority for Canada.

* * *

[*Translation*]

GM PLANT IN BOISBRIAND

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, the GM employees' union recognizes that Premier Landry and his government have worked to save the plant and are still trying to come up with a solution. On the other hand, the union is criticizing the federal government and the immobility of the Prime Minister.

Following the visit by the Minister of National Revenue and Secretary of State responsible for the Economic Development Agency of Canada for the Regions of Quebec to senior officials of GM in Chicago in September, has the federal government not simply thrown in the towel and decided to do nothing to save the Boisbriand plant?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, first off, I would simply like to say that I find the remarks by the head of the union with respect to our government rather offensive.

This government was the first to support the GM Boisbriand team, as talk of closing the plant began. We set up a committee we helped financially so that representations could be made in Detroit to showcase the quality of the technology and of the manpower.

The Minister of Industry visited Detroit on several occasions to point out the merits of the Quebec industry, and we will continue to do so. However, they are not prepared to acknowledge that on this side—

The Speaker: The hon. member for Portneuf.

* * *

INTERNATIONAL YEAR OF THE VOLUNTEER

Mr. Claude Duplain (Portneuf, Lib.): Mr. Speaker, the United Nations proclaimed 2001 the International Year of the Volunteer.

Could the Minister of Human Resources Development tell the House what the government is doing to recognize the hard work of volunteers?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I am sure all hon. members would congratulate, and expect the Government of Canada to recognize, Canadians who give of their time and energy in support of fellow citizens. In that context, today I was pleased to launch the Thérèse Casgrain Volunteer Award in memory of a woman who dedicated her whole life to enhancing the social fabric of Canada. Every year two Canadians will be recognized for their lifetime contribution through volunteering.

I have sent information kits to all members of parliament hoping they will take it home and I encourage nominations for this prestigious award.

* * *

NATIONAL DEFENCE

Mrs. Elsie Wayne (Saint John, PC/DR): Mr. Speaker, my question is for the Minister of National Defence.

It has been brought to our attention that the water filtration system of the HMCS *Preserver*, the supply vessel that is in the Arabian Sea, is not working. Our men have no water to drink. They cannot bathe or shower. The only one who can use any water is the person who is handling food.

What steps is the minister taking to correct this situation or is he going to bring those men and women back here to Canada?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, there was a temporary problem with the water system. It has been fixed and they now have lots of water.

AFGHANISTAN

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Minister of Foreign Affairs. He will know of the concern of many Canadians, and for that matter people around the world, for the conditions that women suffered under the Taliban.

Could the minister tell us what Canada is doing to ensure in the reconstruction of Afghanistan, post-Taliban, that the women of Afghanistan will have a place at the table and justice for them will be assured in the new Afghanistan?

Hon. John Manley (Minister of Foreign Affairs, Lib.): Mr. Speaker, I find myself for the second time today agreeing with an opposition member. He raises a very important issue of the rights of women, which we know were abused horribly under the Taliban regime and frankly were not a lot better before that.

We have met this week with representatives of the Canadian Afghan community. Many of those same concerns were raised. We are ensuring that they are raised directly with Ambassador Brahimi, who the member will know is co-ordinating the meeting that starts tomorrow among groups of Afghanis in Bonn to begin the planning for the post-Taliban Afghanistan.

The issue the hon. member raises is one which Canada will continue to raise at every possible opportunity.

* * *

● (1500)

[*Translation*]

WATER CONTAMINATION

Mr. Ghislain Fournier (Manicouagan, BQ): Mr. Speaker, three years ago, the Minister of Transport promised municipal authorities in Sept-Îles that he would personally take care of the issue of the beaches sector of Sept-Îles and come up with a permanent solution to the municipality's drinking water problem.

How much longer will residents of Sept-Îles have to put up with the inconveniences resulting from the pollution of the drinking water in the beaches sector by the federal Department of Transport, considering that there is no doubt as to the department's responsibility?

When will justice be done for the residents of Sept-Îles?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, as regards the issue of the beaches sector of Sept-Îles, I had the opportunity to meet with citizens and to talk with the mayor.

I know that the provincial government has done its share. I also know that a solution was implemented not too long ago by Transport Canada. We are keeping an eye on this issue and we are also continuing to support the region's economic development.

I am taking this opportunity to say that we recently announced a specific initiative for the North Shore that will bring close to $10 million in investments to help small and medium size businesses and people on the North Shore position themselves.

This is what our government has done.

[*English*]

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of Mark E. Souder, Member of the United States Congress, Fourth District Indiana.

Some hon. members: Hear, hear.

ROUTINE PROCEEDINGS

[*Translation*]

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

● (1505)

[*English*]

COMMITTEES OF THE HOUSE

FINANCE

Mr. Maurizio Bevilacqua (Vaughan—King—Aurora, Lib.): Mr. Speaker, I have the honour to present the tenth report of the Standing Committee on Finance, in both official languages, entitled "Securing our Future". The report is the result of the committee prebudget consultation process.

I want to thank the thousands of Canadians who gave their very valuable input and provided their insights to committee members. The quality of their presentations reflects the seriousness with which they take this exercise. At the same time I want to thank the members of the committee for their continued dedication, contribution and support. Finally, I want to express my gratitude to the staff of the committee for their exceptional work.

The ultimate goal of these consultations was to present a plan to deal with the immediate concerns such as national security but also to ensure that conditions are set for the prosperity of this and future generations. The committee's recommendations address the present while staying focused on the future.

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POINTS OF ORDER

BILL C-36

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, earlier today I called the attention of the Chair to the lack of public availability of the evidence adduced at the justice committee regarding Bill C-36. I note now with interest that the House website is in fact carrying the evidence of the justice minister given on November 20. Obviously the minister is in favour of the bill and we are glad to see that evidence is now there even after the cut-off time for the filing of amendments.

However, the evidence of many of the meetings where witnesses were critical of the content of the bill is still not published. It is highly unusual, I would suggest, that evidence is transcribed and published out of chronological order. On what authority is the evidence of these opponents or critics of the bill being withheld from the Canadian public?

We know that the government is pressing the House to expedite the bill, but why is precedence being given to witnesses who were in favour of the bill over those who are critical of the bill? Why are the normal practices being interfered with? Will the government not recognize that it is pushing the system beyond capacity and we need more time to consider Bill C-36?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I do not want to prolong this point, but there are two elements involved here. First, obviously the government does not screen out how the work of the committee clerks and staff is done, how the Chair or the occupants of the table do their work nor any of the people who work for them. To suggest that these people are subjected to political pressure and to suggest that these people operate under the directive of the government actually undermines the authority under which they operate, namely yours, Mr. Speaker. That is not an appropriate expression of fact.

I do believe that the accusations against either the Chair or the staff working for the Chair should be withdrawn. I do not believe that the Speaker or his staff are anything less than totally objective. That is certainly my position and I believe the position of, I would have said, everyone but hopefully almost everyone who is in the House of Commons. Nothing else than that would be appropriate.

The Speaker: I can only tell the hon. member for Pictou—Antigonish—Guysborough that I will look into the matter he has raised and report back.

* * *

● (1510)

[*Translation*]

PETITIONS

THE ACADIAN PEOPLE

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, I am pleased to present a petition signed by residents of Jonquière. The petitioners express their support for Motion No. 241, which asks that the British crown present an official apology to the Acadian people for the wrongs done to them in its name between 1755 and 1763.

We know that numerous organizations within the Acadian community have supported this motion. That support came from organizations, individuals and municipalities. Hopefully the House will vote in favour of this motion.

[*English*]

PESTICIDES

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, Mr. and Mrs. Kind and 67 other people call upon parliament to enact an immediate moratorium on the cosmetic use of pesticides until such time as their use has been scientifically proven to be safe and the long term consequences of their application are known.

BILL C-15

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I rise to present two petitions. The first is initiated by the Lost Shepherd society of Peterborough concerning Bill C-15, the animal cruelty legislation. The people from my riding who signed this support this legislation. They point out that recently there have been several very highly publicized examples of animal abuse and neglect including, I might add, some in the general Peterborough area. They point out that frontline workers such as veterinarians, humane societies and others are becoming more frustrated in their daily duties as they are required to deal with the results of this cruelty.

They note that legislation has already been introduced in the House in the form of Bill C-15, which will allow for much more significant consequences to apply for the abuse and neglect of pets, and also note that this legislation allows for feedback of recompense to humane societies. They call upon parliament to expedite Bill C-15 in the process of enacting it into law and ask all members to exercise good conscience in so doing.

KIDNEY DISEASE

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, the second petition is from the citizens of the Peterborough area who are concerned about kidney disease. These people recognize the fine work which is being done by our national institute for kidney research, the Institute of Nutrition, Metabolism and Diabetes, but my constituents believe that it would be even more effective than it is and would involve the public more effectively if the word kidney were included in its title.

These citizens call upon the House to encourage the Canadian Institutes of Health Research to explicitly include kidney research as one of the institutes in its system, to be named the institute of kidney and urinary tract diseases.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

ANTI-TERRORISM ACT

The House resumed consideration of Bill C-36, an act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism, as reported (with amendments) from the committee; and of the motions in Group No. 1.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, I am pleased to rise today to take part in this very important debate on a number of motions put forward by various opposition parties to amend the antiterrorism bill.

Since the attacks on September 11, these events have been front-page news and have greatly upset people. The events themselves and the planned measures to counter terrorism have triggered various reactions. They have been contradictory or negative. However, one must stress the support for the bill.

Bill C-36 as it stands is not acceptable. In spite of a certain level of support, there are doubts as to the urgency of passing Bill C-36 as introduced by the Minister of Justice. Some say that it tramples civil rights and freedoms and that the fight against terrorism does not justify such legislation. On the other hand, others want legislation, but fighting terrorism through a bill like this one is not to their liking either.

Last week, together with our justice critic, the member for Berthier—Montcalm, I met with several groups in my riding. Several people voiced their opinion and, as a whole, they were against the bill as it stands now. Some told us that the situation in Canada does not justify such a piece of legislation. There is no real or feared emergency or threat and the current law, if properly implemented, is quite sufficient.

Moreover, an anti-terrorism act is very dangerous. It is a grievous attack on democracy and individual freedoms. The members for Berthier—Montcalm and for Saint-Bruno—Saint-Hubert have worked very hard on this bill and put forward several amendments, 66 in all. However, we have decided not to move any amendment at this stage as it is very clear that the government does not intend to either support or follow through with the Bloc Quebecois' amendments.

We are very disappointed as the balance we were so eagerly striving for, a balance between national security and individual and collective rights, cannot be found in the bill put forward by the minister. The minister has not listened to what various witnesses had to say in committee.

There are currently a number of motions on the table, and we will support some of them. For example, we will support the motion that calls for greater transparency and Motion No. 5, which calls for entitlement to counsel. The Bloc Quebecois therefore supports some of the motions presented. These include the requirement for the solicitor general to act, because this is along the lines of the amendments sought by the Bloc.

The bill as presented by the minister is very likely to be passed before the holidays. A number of witnesses have told us of the need to rush the bill as presented through before the holidays gives us no opportunity to seek the support of the public. We can see how democratic this is, how important it is to the government and to parliament to get this bill through as is.

When all the ins and outs of the bill are explained, a number of people say they would oppose the bill if there is no respect for individual freedoms. The very broad definition of terrorist activity was drawn to our attention.

● (1515)

Motion No. 1 refers to the definition of terrorist activity, although the minister wanted to change the terms illicit and licit. Groups that are not licit would be covered by such a bill. That does not satisfy us.

The Bloc Quebecois must go beyond simple opposition. Our opposition is well known. This is why the Bloc voted in favour at second reading, although we had reservations. I knew very well we would be straitjacketed before Christmas to get a bill that does not have public support. This bill should have been explained more to the public. Doing so would have meant more time and putting off its passage as long as possible. We would like to have explained it more to the public.

This bill will not get at the root of terrorism. The government would do better to go after poverty, exclusion, globalization and the imbalance between countries.

We say we should deal with poverty, exclusion and globalization because we are aware of what is going on in conflicts such as the one in the Middle East. We know that young people who have no hope joined al-Qaeda because of the inequities experienced in the Middle East, in Israel in particular.

There is also the issue of the embargo against Iraq. It is a well known fact that depleted uranium bombs were used. I saw a documentary on what is going on in that country and its impact on the population.

When the people of the Middle East see Al-Jazeera media coverage and what the west has done to them, we can understand what happened, even if we do not approve of it. We can understand how these people may resent our interfering without repairing the harm done.

We hope that, in this conflict, we will help the Afghan people to recover so that they can enjoy some security.

This bill curtails civil liberties. We are very much disappointed by the government's lack of transparency in this bill and in the review process.

I recall the first speech I gave in the House on this issue. I indicated that the Prime Minister seemed to be saying that a sunset clause could be brought in by the Liberal government. I said I had my doubts about that. I recall how certain amendments were introduced and how the need for a sunset clause—to ensure that all the sections of the bill would have to be reviewed after a certain number of years, whether three, four or five years—was disregarded. We know that the government did not want to go that far.

The act could be renewed until it is decided that it is no longer needed in Canada. There is an urgency to act and I am very disappointed that the government persists in introducing a bill which disregards civil rights and liberties.

● (1520)

[*English*]

Mr. Grant McNally (Dewdney—Alouette, PC/DR): Mr. Speaker, I too would like to spend time talking about the amendments before us at this stage of Bill C-36.

I agree with many of the comments made by my colleagues. I first want to reflect on some of the comments made by our Liberal colleague from Scarborough East who quite appropriately said earlier in debate that he has some concerns about the bill. He referred to not being happy with the amendments but being less unhappy with the bill because of the amendments that were coming forward. He freely expressed an opinion shared by many members of the House that the bill curtailed the rights and freedoms of Canadians in ways that needed to be further defined and that if left undefined, as is the case in the current state of the bill, it could lead to some serious problems not only now but in the future in regard to fighting terrorism.

Of course we all agree with the notion of fighting terrorism. I do not think there is a member in the place who would disagree with that concept. However there are members who disagree with the intent and direction of the bill in its current state and would suggest that it needs to be fixed. That is why the right hon. member for Calgary Centre brought forward some of the amendments in this current grouping.

One of main concerns he has brought forward is that criteria be put in place for how individuals would be listed as terrorists under the bill. It is an issue that came up in question period today. Basically the solicitor general told us, in not so many words, that we should trust him. He will develop the list and the criteria and we should not worry. Those are the kinds of comments that do make us worry because quite clearly there seems to be a lack of any coherent systematic list or criteria that individuals will be subjected to before being put on the list.

Once individuals are on the list, how would they get off it? How would they find out if they are even on the list? My colleague from Pictou—Antigonish-Guysborough made that point in question period. Is it that they have to go to the bank, try to use their bank card to find that their assets have been seized before they even receive knowledge that they are on the list?

It seems quite incomprehensible that the government would move forward without defining this aspect of the bill. This is what the amendments attempt to do. That is why I am personally supportive of them and obviously the PC/DR coalition is supportive of them, as are many members of the House.

The government has asked us to put our full and unfettered trust in it to fight terrorism. If the government had proven over the test of time that it was worthy of such trust, I do not think there would be a concern by members of the opposition. If we look over the past record of the government in other dealings, we see there is a reason to question aspects of the bill.

I point specifically to the notion of access to information. I know that the Prime Minister's Office has been involved in court cases with the information commissioner in relation to viewing the Prime Minister's personal logs and agenda books. The nub of that particular issue is not that the information be released, but that the information commissioner be allowed to look at the information to then determine whether that information should be released. The Prime Minister's Office is involved in a suit against the information commissioner on that particular point; this notion of guarding information.

In this case we have a bill which has been brought forward where civil liberties of Canadians will be put at particular risk in certain circumstances and there will be no opportunity for individuals to find out what criteria are put in place that would have them put on the list and, if they should end up on the list, how they might ever get off it.

Clearly the government can see that this is a problem and that if it does not address the question, it will lose support on the particular notion of support for the entire bill.

● (1525)

Members have been generally supportive of course but have reserved the right to question the government and to refine this legislation so that it addresses these points. If they remain unanswered and if the government members fail to acknowledge that the questions the opposition members and individuals across the country have are important, they do so at their own peril because they will not only lose support of some of the members of parliament, but they will lose support from those they represent, their constituents at large, the people of the country.

I dare say that Canadians would be willing to give the government free and unfettered access to imposing these kinds of criteria lists on individuals without some assurances that this absolute power, which is what in essence happens in our parliamentary system when a government has a majority government, is not used to the detriment of individuals across the country.

That is why we need the amendments that are in this group. We need to look at further amendments before the bill. It is dependent upon the government to listen closely to the concerns that are being raised. If it does not, I would say it would lose support not only from members on this side but from members of the government who have already stood in this place during debate on report stage of Bill C-36. The government members have mentioned some of those grave concerns that they have with the bill and how it curtails the rights and freedoms and civil liberties of Canadians.

It would be my hope that we could find a way to improve the bill. We sound a bit of an alarm bell on behalf of Canadians because of previous actions of the government. We would hope the government would prove us wrong, but to put our complete trust in a group that has proved untrustworthy in other instances before—

An hon. member: APEC and Shawinigate.

Mr. Grant McNally: My colleague reminds me of some of the more glaring examples, such as APEC and the Grand-Mère affair which is still brewing in Shawinigan. We need to consider what it is we do with the bill.

For that reason we simply need to support these amendments and make this legislation stronger. Without doing so, we not only send a wrong message to Canadians but we enshrine in law a message to Canadians that their rights will be hindered in the future. They will not have access as to why they may arrive on this list and why they would be in the position that they are in.

For that reason I support these amendments and encourage others in the House to support the amendments, including my colleagues on the government side. I encourage all of us to work together in passing these amendments and fixing up the bill.

● (1530)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to rise today to speak to Bill C-36, the anti-terrorism bill.

We are debating four motions to amend which have been put forward today and which form the first group of amendments. The Bloc Quebecois will be opposing the first amendment because we feel that it has absolutely no impact on the importance of the debate. We are in favour of the other three amendments put forward.

It is important that Quebecers and Canadians understand just how responsible the Bloc Quebecois was in dealing with the anti-terrorism bill. From the outset, the Bloc Quebecois has been favourable to the bill, given the tremendous harm terrorists could cause our society, as they did in the United States.

Obviously, the Bloc Quebecois has shown an exemplary sense of responsibility, while continuing to seek a balance between national security and individual rights and freedoms. In this connection, those Quebecers listening need to have a clear understanding of how parliament operates.

First, the anti-terrorism bill was introduced with great haste by the government. Let us recall that when the minister presented the bill, she told us that it was urgent. The Prime Minister even said that, given the bill's length—186 pages—there were perhaps some shortcomings and that, because of the urgent situation, we must accept this and that we could make amendments in committee. Thus it was that the Bloc Quebecois supported the anti-terrorism bill at first reading, at which stage only the minister makes a statement, followed by the respective critics of each party.

Since the Prime Minister himself told us it was such an urgent bill, and a lengthy one, that shortcomings were inevitable, but could be remedied in committee, we went along with him.

That is why, at second reading stage—this is the procedure, and I am pointing out for the benefit of Quebecers and Canadians who are listening that there is a second reading and the bill is brought before the House—all members had the opportunity to speak before the bill went to committee.

Of course, groups and individuals who are truly concerned about such a bill have the opportunity to come before the committee and be heard. So 80 individuals, groups and organizations appeared before the committee as witnesses. Representatives from each political party and the various critics can ask questions of the witnesses. Amendments are tabled after the witnesses have testified before the committee.

The Bloc Quebecois tabled 66 amendments at committee stage through its critic, the member for Berthier—Montcalm. These amendments are very important because the Bloc Quebecois has always had the same responsible position, which is to strike the right balance between national security and defending individual rights and freedoms.

The objective had been stated very clearly by our party's critic as well as by our leader. There were three main issues, three very important points that the Bloc Quebecois wanted to defend.

First, we wanted a sunset clause. It is very simple. The clause proposed by the Bloc Quebecois applied to all clauses of the bill except those relating to the implementation of international conventions. In that regard, we were willing to agree that those clauses dealing with international conventions remain in effect until the expiration of such international conventions.

For all other clauses providing for special measures, we wanted to include a sunset clause under which those provisions that, in several cases, could jeopardize individual rights and freedoms would no longer be in effect after three years. We understood that there was a state of urgency that called for special measures. We were willing to accept that this special piece of legislation, of which the majority of clauses dealt with special measures, come into effect, but only for a period of three years, except for all clauses resulting from international conventions, which could have remained in effect until the expiration of such international conventions signed by the government.

● (1535)

In spite of all the questions asked in the House, in spite of the fact that the witnesses who appeared before the committee supported the Bloc Quebecois's position, that they supported our demand for a sunset clause, the government decided to do the opposite, and rejected all the Bloc's amendments.

We also asked that the act be reviewed, among other things. We called for "an annual review of the law by all parliamentarians". We wanted to ensure that parliamentarians would be able to take part in the annual review of this act, of its sections that would not come from international conventions, and to intervene if the law enforcement people in Canada and in the provinces abused the system. We wanted to have the opportunity to make changes and to review the act every year.

We wanted that an independent commissioner be entrusted with overseeing enforcement, that a commissioner report be presented each year to the committee or to a standing committee of the House, which would examine it and make recommendations or propose changes, as the case may be. Most of these proposals were rejected by the government.

We also wanted a definition of terrorist activities that would exclude illegal demonstrations and strikes. We had amendments to move to that effect. Our preference would have been to remove a paragraph to eliminate all mention of work stoppage or protest so that those who want to demonstrate peacefully can still do it. Only a very weak amendment has been moved about this.

Only one of the 66 Bloc Quebecois amendments was adopted, the one adding the word cemetery in the clause on hate propaganda. This being an omnibus bill, it will also prevent certain types of hate propaganda, and this legislation could be used to control all demonstrations in cemeteries. This is the only amendment we put forward in committee which the government accepted.

In the legislative process, the committee had to report to the House today, and we are allowed to move amendments at report stage. That is why we have before us 12 amendments we are debating in four groups.

The Bloc Quebecois did not think it was worthwhile to present amendments at report stage simply because it moved all of them in committee. It is at that stage that major changes should have been made, but all our amendments have been rejected, except the one adding the word cemetery in the clause on hate propaganda.

In spite of the 80 witnesses heard in committee, in spite of the position adopted by the Bloc Quebecois, which was in favour of the bill at second reading stage, and even if the Prime Minister and the Minister of Justice had said that, the bill being urgent and very lengthy, it might contain some flaws but that these would be corrected at the clause by clause stage, of the 66 amendments we moved, only one was accepted. It added the word cemetery to the notion of hate messages.

Here is the question we should be asking. The report was tabled on Friday, but the House did not sit on Friday. The government had decided the House would not sit on Friday. However, amendments at the report stage could be tabled until Saturday afternoon.

That is why, in spite of the urgency of the situation, the exceptional nature of the case and the length of the bill, which contained some deficiencies as the minister and Prime Minister said when it was first introduced, we took the time required—because many days and even months have gone by since September 11, two months and some weeks in fact—and we are ready; however, we are now asking for an open debate, we want transparency.

I repeat that the first objective of the Bloc Quebecois was that we act responsibly. We are a responsible political party looking for a balance between national security and individual freedoms. If the bill remains as it stands now, if it is not modified, the Bloc will have to vote against all of its provisions because the bill will be contrary to our premise.

● (1540)

[*English*]

Mr. Scott Brison (Kings—Hants, PC/DR): Mr. Speaker, I am pleased to rise today to speak to Bill C-36. I am disturbed that the government has introduced another piece of legislation that is well intentioned but poorly drafted, defined and implemented. Once again the government is ramming legislation through the House without respecting input from parliamentarians, particularly opposition parliamentarians and members of the justice committee.

We must ask ourselves why the government is introducing this legislation in the first place. It is to defend free society against terrorism, but how can the government crush debate to defend freedom? The fact that the government is crushing parliamentary debate ostensibly to defend freedom should raise questions.

It reminds me of the Woody Allen quote that fighting for peace is like making love for virginity, if I can bring a bit of levity to this sad situation. The government is demonstrating near toxic levels of hypocrisy by crushing debate to introduce legislation which will supposedly defend freedom.

The government has not earned the respect and trust of Canadians in these areas. We have seen APEC where the government used measures that went well beyond what was necessary to preserve peace. In defending the interests of foreign dictators the government quashed the democratic freedoms of young Canadians.

With the Shawinigan affair the government has taken every step it can to twist and manipulate the facts and defend the untenable. In every case the government has covered up and manipulated the process. It has even gone beyond cabinet and used the highly centralized power of the Prime Minister's Office to run roughshod over ordinary Canadians.

The government uses every power at its disposal to run over the powers not only of ordinary Canadians but of members of parliament. If the government is capable of ignoring the rights of members of parliament who are elected by ordinary Canadians we should think of what the government is capable of doing with a piece of legislation this powerful in terms of running roughshod over the rights of ordinary Canadians.

The New Democrats had legitimate concerns and would have had amendments to make at this stage. Instead the entire New Democratic Party was disqualified because it was participating in an annual party meeting in Winnipeg. It is a great day for democracy when the government introduces a piece of legislation to fight terrorism and defend freedom and it attacks one party more severely than the rest.

My colleagues in the Canadian Alliance, the Bloc Quebecois, the NDP and the PC/DR have expressed reservations about the bill. Every opposition party has expressed reservations. We have heard backbenchers on the Liberal side express serious reservations.

I do not think anyone doubts that the government should be trying to introduce legislation to fight terrorism and ultimately defend free and democratic institutions. We all agree with that. We disagree with a government that in trying to fight for freedom is denying parliamentary input and compromising parliamentary representation in Canada.

The solicitor general has all the cards. He has all the power. He is not accountable to anyone in terms of who goes on the terrorist list. In response to questions today the solicitor general said he would review the list every two years as per the legislation. This means that people could face two years of persecution and have their whole lives destroyed because they were put on the list unfairly.

● (1545)

The solicitor general has said that he would not put somebody on the list without some reason and that he would not take it lightly. How can we trust a solicitor general who has not demonstrated accountability to parliament to be accountable to Canadians in general? He has said that an individual Canadian can appeal to the solicitor general directly. When individual members of parliament lack accessibility to changing legislation of this nature, how can we expect Canadians would have any success in convincing the solicitor general that they in fact should not be on the list? I doubt if the solicitor general would be any more accountable them than he is to this parliament. In fact he would probably be less accountable to ordinary Canadians who had the misfortune to find themselves on the list. Of course, that would be catastrophic.

I have expressed concerns about the legislation and about the way the government has once again run roughshod over parliament. It has, through its fancy footwork in introducing the legislation at a time when it can minimize legitimate input and amendment, not earned the trust of parliamentarians and of Canadians. In denying that input it has said that it does not care if anyone trusts it or not, that it will go ahead with this anyway. In fact it does not even want our input.

A government that does not actually respect parliament and parliamentary input, clearly does not respect Canadians and individual freedoms. I think it is absolutely unconscionable that the government is again moving forward with such important legislation without listening to ordinary Canadians and the parliamentarians who represent those Canadians here in the House and in the justice committee. I think it is a very sad day for democracy in Canada.

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, we had great hopes for this bill. We thought that it was possible to reconcile security and freedom. It seems that we were expecting too much from the government.

Following the sad events of September 11, we recognized that we had to change our way of doing things and moreover of seeing things. We realized that we had to take real action to reassure citizens. Obviously, it is essential to ensure the protection of every citizen against the threat of terrorism.

Following these tragic events, we also learned to appreciate what makes us unique, that is democracy and freedom. So, why in this case put aside democracy and freedom in order to compromise them? Why put aside these values, which are so precious, instead of reaffirming them and making them even more precious?

At second reading, we said we were in favour of the principle, because we thought it was necessary to have an anti-terrorism act. However, this bill is unacceptable for us. We tried to amend it but only one of our amendments was accepted by the committee. As far as the amendments made by the minister are concerned, they are really not enough to re-establish a true balance between security and freedom.

The government saw fit to grab broad powers in this bill to justify excessive control of our freedoms. It is inconceivable that in the society like ours one might think that we are gullible enough to accept such an approach. Enough is enough. Any reasonably intelligent person will speak up against this abuse of power.

We could never have imagined that one day the world would be changed for ever by a plane crashing into the World Trade Centre, just as we could never have imagined that one day our government would decide to sacrifice our rights and freedoms, as is the case today. Where are we and where are we going? The answer scares me.

The principle—security— is noble, but the approach is harmful and hypocritical. It makes even less sense when it is our political leaders who are acting this way. This is a golden opportunity for the government to grab limitless powers while having a legal reason to do so. This is where we are at and where our so-called democracy is at.

The government put forward many amendments, but it is too little too late. In spite of these amendments, it is still grabbing excessive power and unfortunately freedoms are being denied as a result. Do not tell me that these attempts at amendments are broad and positive, this is not true. Once again, it is only window dressing.

First, the Bloc Quebecois was asking for a sunset clause. A sunset clause was aimed at putting an end to the bill except for the part implementing various international conventions. The sunset clause would have caused the act to cease to be in force after three years. That is what the Bloc Quebecois wanted.

True enough, one must react to these unusual circumstances, but one must not panic and fall into the trap. This is why the bill must be limited in time.

The Bloc Quebecois' proposal would have allowed the government to face the terrorist threat without losing sight of the fact that, at the end of the day, our freedoms must prevail.

The request was rejected. Instead, the justice minister amended the bill to include a sunset clause coming into effect after five years and concerning only two paragraphs. It involved preventive arrest and investigative hearings. This is obviously not good enough. As a matter of fact, it does not amount to a sunset clause, because one only has to obtain a resolution from both Houses to be able to extend the application of those paragraphs.

Second, as far as the review of the legislation within three years is concerned, this period is much too long. The Bloc Quebecois suggested one year, which would immediately have allowed us to avoid risks of violating individual rights and freedoms. We have shown that this bill could really violate to several aspects of the charter, and the Barreau du Québec has also underlined that possibility.

● (1550)

Moreover, given the haste surrounding the drafting of the bill, the risk of errors and, consequently, the probability of violating individual freedoms are heightened. It would be wise to review this legislation after one year in order to adequately deal with its obvious flaws.

The government's reaction has been to refrain from changing the bill and to rely on ministers responsible for the enforcement of the law to produce reports on the number of arrests and investigative hearings. That is all, and that is not enough.

Third, the Bloc Quebecois condemns the fact that the attorney general can get around the Access to Information Act and the Privacy Act concerning certain types of information. It is unbelievable that such a way of doing things is and can be proposed as being entirely justified and justifiable. The information and privacy commissioners must keep all their powers, rather than increasing those of the attorney general.

Fourthly, we also deplore the fact that Canada waited until such unprecedented tragedies took place before reacting and taking note of the two international conventions. This is something that ought to have been done a long time ago. While Canada is constantly boasting of what a lead role it plays, it is still clearly demonstrating that this is not the case.

A fifth point is that we protest the fact that this bill deviates from the appearance of justice, to implement provisions which, in fact, are a repetition of Bill C-16, the bill on the registration of charities.

Charities will not be able to believe in justice when evidence is given behind closed doors without the key parties even being present. The main question that arises here is this: how can one offer defence against something one does not even know about?

Sixth, the bill enables the governor in council to put entities on the list of terrorists without any legal authorization and without that entity having access to the evidence supporting its inclusion on the list. That is unacceptable. It is a reversal of the presumption of innocence into a presumption of guilt. What have we come to? It is easy to see where we are headed, which is why our present concerns are justified.

Seventh, it must be emphasized that the government did not consult the Quebec justice department. There is an emphasis everywhere on co-operation and collaboration. But this is a principle the Government of Canada seems not to grasp. It seems that advantage is being taken of the unusual situation to cast aside the constitutional provisions relating to exclusive areas of jurisdiction, such as the administration of justice. Looking around us, it is easy to see that co-operation is what will defeat terrorism.

Another point of concern to us is that the government has not seen fit to assess the costs associated with enforcement of this bill, if sufficient financial means to apply it properly are not in place. This is one more demonstration that this bill is triggered by the panic set off by the threat of terrorism. We can conclude that, if the means are not there, all of the objectives of this bill will be nothing but empty words.

Ninth, the Bloc Quebecois would like the Communications Security Establishment to be required to get an authorization from a judge before wiretapping. It is another example of appropriation of powers by the government, in this case the Department of National Defence, which will be able to intercept communications with a simple written note to that effect.

Finally, the Bloc Quebecois is concerned about the individual freedoms and the freedom of association because of the broad and sketchy definition found in the bill. Despite the justice minister's amendment, the potential for abuse remains and many protest groups could be included in the definition. The amendments we tried to defend and to promote in committee were defeated. This is totally unacceptable in a democratic society that is based on freedom of information.

In short, the merit of this bill rests on the necessity to respond to the terrorist threat. But the extent of the impacts on our liberties is inordinate.

While it is certainly a great thing to take action in the current context, care must be taken not to overreact and restrict democratically acquired rights.

Instead of promoting the development of our rights and freedoms, the government is withdrawing, figuring this should reassure the public.

● (1555)

What is happening is the complete opposite, with the government becoming more crafty, overpowering, controlling and disrespectful through this bill.

The government is giving itself the power to act arbitrarily and is openly showing total disregard for the charter of rights and freedoms, which it insisted on imposing and is now at the centre of our freedoms.

History has always shown the contrary. It is in countries where the respect for the rights and freedoms is highest that public safety and security is best ensured. As suggested by the Bloc Quebecois, our freedoms must be promoted. In other words, we have to promote who we are.

● (1600)

[*English*]

Mrs. Elsie Wayne (Saint John, PC/DR): Mr. Speaker, I have to say that my party believes we must have and is generally in support of the principles behind the legislation to fight terrorism, but we do have some major concerns. My leader and our justice critic have brought forth a number of amendments. These amendments should not only be addressed but adopted.

The government believes that the legislation is okay because the government thinks it will be used properly. It thinks that the solicitor general in place at the present time will always act correctly. I have to say that kind of thinking is dangerous, not only right now but for the future. Before the government enacts legislation the government MPs need to imagine what someone whose motives are not good could do under this legislation. That should be the test, because once the law is on the books anyone vested with these powers would be free to use them to the full extent.

Does the government not believe in oversight and in parliament? These are major concerns. It does not matter which party is in power. These are the concerns we would have no matter who is in power.

I stated that we are generally supportive of the principles behind this legislative response to fight terrorism, but we have also been made aware that in 1999 CSIS went to the government of the day, this government, and said it knew there were some terrorists in Canada. CSIS said it needed more money to hire more people to assist it in being able to find these terrorists and get them out of Canada. In fact, at that time the government, instead of giving more money to CSIS, cut its budget and it had to lay off people. That did not come up here. This is what we are saying. The government had the power but that did not come up for debate so that the rest of us here in the House of Commons could have an opportunity for input.

The bill attempts to achieve a balance between the measures needed to protect Canadians from acts of terrorism and the need to respect the civil liberties and human rights that Canadians cherish. We believe that a strong legislative response is necessary, as are the resources to allow our law enforcement community to be proactive in the important task of fighting terrorism.

That is why I say that right now we have to look at what the government has just done. The solicitor general has recently announced funding increases to the RCMP and CSIS. We are pleased that the government has done that, but considering that the government has been financially starving these groups for years prior to September 11, as I have stated, the recent funding will not even begin to address the additional responsibility for Canada's law enforcement agencies. The current reassignment of over 2,000 RCMP officers to duties outside their current postings highlights the personnel shortages. The government's decision to put RCMP in national parks and at borders is stretching security capacity to the breaking point.

Our understanding is that on December 10 there is a budget coming before the House. I pray every day that when that budget comes in it will be a budget that will give the RCMP, CSIS, our security forces and our country the dollars and cents that are needed, and our military forces as well. The military forces do not have the dollars and cents they need. I really fear for all of us in Canada because of what the government has done.

● (1605)

The government knows there is a need for the police to be able to immediately arrest someone they believe on reasonable grounds to be a terrorist threat, but many Canadians are concerned that the expanded powers of arrest and detention are in some instances open to government interference, as was highlighted by the APEC report presented by Mr. Justice Ted Hughes. Bill C-36 would enable police to arrest and detain an individual for up to 72 hours without any charges whatsoever. Not only could this type of police power be used to curtail the right of assembly and demonstration, but it is contrary to the thrust of the APEC report.

We have to get our priorities straight. I asked our security why Father Van Hee is down at the flame and not allowed to come near our doors here. Let me tell the House what I was told. They said that at this time they do not allow any protesters here. I said, "Protesters? He is down there reading the Bible each day. I hardly think he is a protester, and if all around the world we were all reading the Bible we would have peace". They said that they had truly never thought of that.

One of the amendments that our leader has put forth, which amends clause 4, is as follows:

> (1.2) The Governor in Council may, by regulation, establish the criteria to be used by the Solicitor General in making his recommendation to place an entity on the list under subsection (1).
>
> (1.3) Before making the regulations referred to in subsection (1), the list of criteria, or any amendment thereto, must be tabled in the House of Commons and be debated within 10 sitting days after being tabled.

The governor in council would have the power to make a list of terrorist entities upon the recommendation of the solicitor general, not parliament. Some of that information about terrorist entities may come from foreign countries whose democratic values are considerably different than Canada's. There should be criteria that assist the solicitor general in assessing this information. For example, the human rights values of another country could be part of the criteria weighed in the consideration of a listing of an entity.

We believe that parliament should participate fully in the development of these criteria. We want to ensure that there is full debate in parliament. That is what we want: to bring forth debate. We want to make sure that there is protection in Canada. We want to make sure there is security. We want to make sure that our military and our men and women looking after our security have the tools to do the job, but we want to have our voices heard. We are not here just to be negative. That is not why we are here. We are here because of the security of our country. We want to make sure that what is brought forth here is something we have input into and something that is right for all Canadians.

Also, we have another motion that the leader has brought forth. It is an amendment to replace line 30 on page 17 with the following: "the applicant no longer be a listed entity". In this section dealing with the listing of entities, the governor in council may establish a list of terrorist entities on the recommendation of the solicitor general. Someone who has been listed as a terrorist entity can apply to the solicitor general to have his or her name removed from the list. Currently the bill provides that if the solicitor general does not make a decision within 60 days, it is deemed that the solicitor general has decided to recommend that the applicant remain a listed entity.

However, many times we ask for information from the solicitor general and it takes longer than 60 days to get an answer. Good heavens, that happens with just about everybody on the government side.

The amendment that we have put forward would reverse the procedure. If the solicitor general has not made a decision within 60 days it would be deemed that he or she is recommending that the applicant come off the list, not remain on it. This would require the government to deal quickly with applications to ensure that people's lives and reputations are not being ruined if there is a mistake.

We want to make sure that Canada is safe. We want to make sure that our people are safe and feel safe in Canada. We look at our children and our grandchildren and we want to make sure that things are right here in Canada for them.

Therefore, in regard to the amendments that we, our justice critic and our leader, have put forward, we ask that the members of parliament on the government side and all of our colleagues on the opposition side look positively at them and make these amendments take place.

● (1610)

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, before I speak to the amendments let me say, as I believe several other members of our party have indicated, that the NDP is heartily opposed to the bill. We intend to vote against it when it finally gets to third reading if it remains in anywhere near the shape it is in now.

I want to specifically address the amendments that are part of Group No. 1 and congratulate my Alliance colleague from Lanark—Carleton for his first amendment, which is before us today. I believe it is one that we have a particular reason to support. This section deals with the categorization of a terrorist activity as "an act or omission in or outside Canada that is committed in whole or in part", and these are the crucial and offensive words, "for a political, religious or ideological purpose, objective or cause". This wording is offensive. It is offensive because of what it does. It is also offensive because it is not necessary. In terms of what the government is trying to do with the bill, it is sufficient in the rest of the sections to deal with the issue of the use of violence for the purpose of intimidation et cetera. This item (A) is not necessary.

The offence comes because of the mindset that I believe it creates in the country, the message that we are sending to our security and police forces, those men and women who will be conducting investigations and who will be targeting certain groups of people specifically because of this section. Those people who will end up being targeted are those members who practice the Islam faith, members from the Arab community and, yes, members of this party, social democrats, union members and social activists generally.

The reason I speak forcefully on this is because of the information that came out last week about the investigation and surveillance that a former leader of this party suffered from the RCMP for his entire career, from the time he was a student in university until he was the leader of this party in the House. He was under surveillance for all that time.

This type of legislation simply reinforces the thinking of some of the members of our security forces who immediately think that if a person is a member of a union or of the NDP that person is somehow suspect. I believe that will extend to people who practice the Islam faith or are from the Arab community. I do not want to criticize our entire security force in this vein, but I do want to be critical of the government because what this does is reinforce the thinking of people like that within the security forces.

It is reported from the archives that with regard to Mr. Lewis the reason they were investigating him, according to one of the intelligence officers, going back to 1940, was that he was "disposed to criticism of the existing political structure". That is all he had to do to warrant investigation that followed him for his entire adult life. He had to be "disposed to criticism of the existing political structure". Would that take into account 50%, 60% or 70% of the public who from time to time are critical of the existing political structure?

They surveilled him because he decried the suppression of free speech in Canada, so are all the opposition parties who say to the government that it would be suppressing free speech in Canada with the bill going to be subject to investigation and surveillance? I have heard the suggestion that it may already be happening. Mr. Lewis was investigated because he opposed new military spending and because of his efforts on behalf of the unemployed. Is my colleague from Acadie—Bathurst, who has done so much with regard to that, now going to be investigated because that is a political objective that may be offensive?

● (1615)

I am not suggesting it will result in any charges but it will precipitate investigation. He was tracked for his involvement with various anti-establishment causes including nuclear disarmament during the sixties and seventies. He fought for that and was put under surveillance. His opposition to the Vietnam war also put him under surveillance.

This section is not necessary for the purpose of the bill. However the door that it opens is offensive. I ask the government to do some rethinking on this point and accept the amendment moved by the Alliance member for Lanark—Carleton.

Another amendment I would like to speak to is the fourth in the group which comes from the leader of the fifth party, the right hon. member for Calgary Centre. His amendment recognizes that the bill does not go far enough in terms of protecting people's right to counsel.

If people were charged under the law which would flow from the bill, they would be entitled to legal representation according to the standards and values of the country and our legal system which has been built over several centuries. To put a section in the bill that says that is not enough.

The amendment asks the government to allow a judge to appoint counsel if a person cannot afford one. Under the Immigration Act 30-odd people have been detained for lengthy periods of time since September 11. A good number of those people are recent immigrants. They are still entitled to legal representation whether or not they committed any offence. A good number of them are in financial situations where they cannot afford it.

Earlier a member of the Alliance gave some background information on how poorly off the legal aid system was across the country. I want to echo that sentiment because it is very real.

If a judge does not have the authority to appoint counsel, we would see a good number of people who do not have the financial means to deal with this very complex legislation requiring very sophisticated defences to deal with it. Subsequently if arrangements could not be made to cover the cost of defence then there would be no defence at all. An accused would be left on his own.

That is offensive to our legal system. That was changed about 30 or 40 years ago when the legal aid system was introduced. We recognize the need for counsel. We know many people are accused and convicted improperly if they do not have legal counsel. The system does not work well. I applaud the motion by the right hon. member for Calgary Centre and the NDP will be more than happy to support it.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, right at the beginning of my speech, I would like to congratulate the hon. members for Berthier—Montcalm, Saint-Bruno—Saint-Hubert, as well as the hon. member for Châteauguay, for the work they have accomplished. They worked extremely hard to try to make Bill C-36, the anti-terrorism act, an adequate bill that responds both to security needs and to rights and freedoms needs.

We must remember that in attacking the two towers of the World Trade Center, fundamentalist terrorists—they are unfortunately of every creed and political stripe—attacked first and foremost freedom, democracy, justice and fairness.

The best way to show them that they were wrong, that they did not win and that they did not undermine our basic, societal principles, is indeed to make sure that we uphold these values that they are fighting against.

To do the opposite would be to say they are right, to let all fundamentalists throughout the world see that, in fact, so-called liberal societies are vulnerable to terrorism and terror and respond by seeking greater safety, but at the very expense of the values that they claim to be upholding.

In this sense, there is a very important societal debate surrounding Bill C-36. I am surprised and shocked to see how casually the Liberals are dealing with these fundamental issues.

While we look at Bill C-36, we must not forget that Bill C-35 is also on the table. This bill gives new powers to the RCMP, including the power to set up security perimeters without being accountable to anyone.

During question period today, the leader and the House leader of the Bloc Quebecois both asked very relevant questions regarding Bill C-42 and they only got sarcasm in return.

A certain madness is now affecting our friends opposite. At the Sub-Committee on Investment, of which I am a member, they made a proposal to try and solve the traffic problem at the Canada-U.S. border, because there is a traffic problem there, by imposing a mandatory identity card.

Just imagine the disproportion between a necessary debate, and I am not saying that I am against this idea, and the fact that we are using the excuse that we have to ease the movement of people between Canada and United States, to impose an identity card to all Canadians without further debate.

There is some sort of a drift in Bill C-35 and Bill C-42, and in general, in the government approach to security. It is also obvious in Bill C-36.

I have the feeling that we are sailing on the *Titanic* and that the Liberals are having a ball without realizing the iceberg they have created.

Bill C-36 destroys the balance between rights and freedoms and security. Meanwhile, they are having fun, as if nothing were the matter, refusing to hear what the witnesses said and refusing to accept what the opposition parties, particularly the Boloc Quebecois, have brought forward in committee, in a non-partisan fashion. I am glad to see that the Progressive Conservative Party/Democratic Representative Caucus Coalition is bringing in a number of amendments to make some adjustments, but those amendments will likely not pass.

So, we are now witnessing some very worrisome indifference and nonchalance. The Liberals' haste in that regard is cause for concern, all the more so—we should not be naive—as there is a very strong temptation on the part of the Prime Minister and the government to take advantage of the legitimate concerns of Quebecers and Canadians in order to strenghten, in every respects the power that rests with the executive and with the police.

I want to remind the government that, of course, in the post-September 11 context, there is now major support from the Canadian population in particular, and to a lesser extent from Quebec, for the federal government to overcome that crisis.

I also remind this government that we saw the same kind of support during the gulf war. President Bush Sr. was on top of opinion polls after the gulf war. A year later, he lost the elections to Clinton. Why? Because he had not dealt with other issues of social justice and economic development. Let us recall how casually he dealt with the economic crisis of the early 1990s.

● (1620)

This government will continue to drift if it is not careful. Since I am not in favour of developing policy based on worst-case scenarios, I hope that the Liberal government will adjust Bill C-35, Bill C-36 and Bill C-42 and stop using the current climate to try transform us into state that is more totalitarian than democratic.

We will be voting against Bill C-36. I think that the previous speakers explained that this bill—with the inadequate, cosmetic amendments proposed by the minister—upsets the fair balance between security and freedom.

We supported the bill at second reading, because we support co-ordinated, special legislation to deal with the terrorist situation, as was the case with criminal biker gangs. Incidentally, we are anxious to see what the other place will do with the legislation.

We attempted to propose amendments in committee. The minister and the Liberals simply discarded the main amendments in an off-hand manner, except for one, as we mentioned, that was fairly obvious.

Once again, these were not amendments that we hatched out of the blue. They were developed after hearing the witnesses that appeared before the committee. This is the reason that we called for a sunset clause. Because we do not know where this bill will lead us. There needs to be a time limit to ensure that any problems that we have not been able to predict, despite all our good efforts, can be corrected.

Obviously we support maintaining all of the provisions in the bill dealing with international conventions. As for the rest, there would need to be another debate in three years' time. And the need for that debate still exists. All that the minster is proposing is a clause whereby only two provisions would be dropped after five years, that is preventive arrests and investigative hearings. It really is a complete farce.

Despite the fact that the bill comes up after three years, we still need to correct problems as they arise. Therefore, the annual review process is essential. What we are proposing is that different departments report. How will this work when they are acting as both judge and jury?

However, I want to focus on the definition of terrorist activity, particularly subsection 83.01(*b*). I will give a fictitious example.

Suppose this is May 1, 1974. In September 1973, General Pinochet overthrew the democratically elected Allende government. Now, suppose that a group of students decided to peacefully occupy the Chilean consulate. If we go through all the clauses we have before us, we will see that this act corresponds perfectly to what is considered a terrorist act under the bill.

I will quote the subsection in question:

> (*a*) in whole or in part for a political, religious or ideological purpose, objective or cause, and

Opposing the dictatorship of Pinochet in Chili, in 1973-1974—which lasted much too long—that is a political purpose.

> ...in whole or in part with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security...

That is not relevant.

> ...or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act...

What did these young people want to do? They wanted to make sure that the Chilean government would restore democracy in Chili. And this answers that.

Let us read a bit further. Clause (*e*) reads:

> ...causes serious interference with or serious disruption of an essential service, facility or system, whether public or private...

Of course, occupying a consulate can be considered serious interference with a foreign service.

Honestly, if you look at this bill, at this definition, because of they did in 1974, that group of students could be considered as terrorists under this bill.

However, it is not too late to bring in appropriate changes. By the way, I find it paradoxical, and I will conclude on that, that at the very same time that we are honouring Nelson Mandela by making him an honorary Canadian citizen, we want to pass a bill that would have made him a terrorist in the eyes of the Canadian government.

In dealing with terrorism, our main concern is unity. In the present context, the Liberal government is the one that has broken this unity and is forcing us to vote against Bill C-36. It is very disappointing.

● (1625)

BILL C-36—NOTICE OF TIME ALLOCATION

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise on a point of order. An agreement could not be reached under the provisions of Standing Orders 78(1) or 78(2) with respect to the report stage and the third reading stage of Bill C-36, an act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other acts, and to enact measures respecting the registration of charities in order to combat terrorism.

[*English*]

Under the provisions of Standing Order 78(3), I give notice that a minister of the crown will propose at the next sitting, a motion to allot a specific number of days or hours for the consideration and disposal of proceedings at the said stages.

● (1630)

[*Translation*]

REPORT STAGE

The House resumed consideration of Bill C-36, an act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism as reported with amendments from the committee; and of the motions in Group No. 1.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I hope everybody understands that we are once again witnessing one of those appalling, unacceptable and undemocratic practices so typical of this government, which speaks out of both sides of the mouth, especially the government House leader.

Following in its authoritarian way, which has made people lose confidence in the institution of parliament in the first place, the government introduced a bill, Bill C-36, which we would have liked to support. We believe that the events of September 11 cannot go unpunished. The members for Berthier—Montcalm, Châteauguay and Saint-Bruno—Saint-Hubert worked very hard in committee to move amendments that would have improved the bill.

What is it all about? This bill asks us to fight against terrorism without authorizing any recourse to the courts and the rule of law. That is the problem. I chose randomly and read four briefs containing an analysis of Bill C-36. Let us look closely at the threat now looming over this parliament.

Take, for example, Amnesty International. Is there an organization more concerned about human rights than Amnesty International? What did Amnesty International say to parliamentarians? What warning did it give to those who will have to make a decision on Bill C-36? In reference to the definition of terrorism, which is extremely broad and which involves both political and religious convictions, Amnesty International said:

> We are concerned that the provisions may be too broad in scope and may include activities conducted in the full respect of the international standards that apply to human rights. In fact, the individuals that Amnesty International considers to be prisoners of conscience could very well be prosecuted under that definition.

This is serious. Earlier, the hon. member for Joliette, who is well known for his interest in the labour movement and, more globally, for social justice, reminded us that in a context similar to the one that existed in 1973-74, we could have found ourselves in an illegal situation.

I do not understand the glibness, the flippancy and in fact the contempt shown by the member for Glengarry—Prescott—Russell, considering that when he sat in the opposition, he, along with the current Minister of Canadian Heritage, swore that when his party would be in office, it would restore democracy, it would bring about a new way of doing things and it would respect the work done by parliamentary committees. I do not understand why, after receiving warning after warning, the government is coming up with such a broad definition of terrorism.

But what is even more serious, and I doubt the member for Glengarry—Prescott—Russell will sleep well this evening, is what information commissioner John Reid said. We find ourselves in a situation where some provisions of the bill may supersede the Access to Information Act.

This is very serious, because it means that the commissioner, who is in control, who is above everything, who should have the confidence of this parliament and ensure transparency and access to information regarding national defence and the Department of Justice, will not be able to fulfill his role.

Let us look at what he said on page 3 of his brief. In my opinion, this is the most important brief. Here is what he said:

> It's my strong belief—

This is not the member for Joliette speaking, or the member for Châteauguay or the member for Hochelaga—Maisonneuve, but the information commissioner in whom this government should have confidence. Well, what did he say? He said this:

> It's my strong belief, based on a review of 18 years of experience under the act—experience during times of war and crisis, involving exchanges of highly sensitive information among allies—that our Access to Information Act poses no threat whatsoever to international relations, national defence, or the security of Canada.

This is what the information commissioner told the parliamentary committee, what he told members.

● (1635)

In spite of that, the bill contains a provision that says that, for security reasons dealing with national defence, international relations and justice, the Access to Information Act would not apply.

Indeed this is not the first time we see something like this. All opposition members know the kind of contempt this government has shown for the Access to Information Act. That act was revised as recently as a year and a half ago. The reality is that this government does not like debate. It is very authoritarian.

The government is made up of people who say one thing when they are in opposition but do exactly the opposite when they are in government. They are the ones who create this shroud of suspicion causing our fellow citizens to lose confidence in Parliament. I hope the member for Glengarry—Prescott—Russell will think about that.

I would now like to deal with another extremely important aspect of the bill. I am not as old and experienced as the member for Glengarry—Prescott—Russell, but I am in my third mandate here. I say old in the parliamentary sense of the word, as we know the eternal youth of our colleague.

Let us recall Bill C-95, the first antigang act that was passed by this parliament. This legislation provides that the solicitor general must rise each year in the House and present a report on organized crime in Canada. We can debate it. We can discuss it.

We know the importance of organized crime. There are 36 criminal bikers gangs across Canada. They represent a very serious threat in big cities. For organized crime to succeed, we know that certain conditions must exist: the existence of communication lines, the existence of charters that protect individuals and, of course, the indication of wealth.

Why would it not have been possible, after one year of enforcing the legislation, which is recognized to be important in terms of its objective, to reevaluate the legislation, to assess the results achieved, to examine what worked and what did not work?

We are talking about three years. Why wait three years? Let us not forget that if the revision is general, only two provisions of the legislation are subject to the sunset clauses. We know that.

These points were extremely important for the Bloc Quebecois, but not just for the Bloc. For example, they were also important for the defence lawyers association or the Canadian Bar Association. I am asking the hon. member for Glengarry—Prescott—Russell to think closely about these issues.

We are presented with legislation that will reduce human rights. Why then do we have a bill of rights that was introduced in this House by John Diefenbaker; why do we have a charter of rights and freedoms; why do we have a supreme court and why do we have judicial reviews, if the government ignores the legal guarantees that are contained in those provisions?

I am very disappointed with this government. We are all very disappointed with this government.

The list of terrorist organizations is another very disturbing provision. Imagine, the government will establish a yearly list of all terrorist organizations without any judicial control? Those who are given that status will have no access to disclosure of evidence, which means that they will automatically be considered as a terrorist organization.

In the current context, the government must recall this bill for the opposition to be able to play its role. The government must allow the Bloc Quebecois and all opposition parties to improve it substantially. This bill is the first step in the negation of all democratic liberties that we hold so dearly.

All the Bloc Quebecois members and all the opposition members will fight tooth and nail to make sure that this does not happen.

● (1640)

[*English*]

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, I rise to say a few words on the proposed amendments, which have been introduced by a number of members, to Bill C-36, the terrorism bill.

At the outset, the events on September 11 in New York City were absolutely terrible and of course we have to respond to terrorism around the world and the potential on our own country. However, this could have been done through the existing provisions of the criminal code.

The criminal code allows a great deal of flexibility for the RCMP, for CSIS and for police authorities to do what they have to do in terms of terrorism, along with some additional money to the RCMP and for security that I expect to come down in the budget on December 10 from the Minister of Finance. That would have been the route to go.

One thing that always concerns me, when we get into these kinds of situations, is that we have to watch out for what is an overreaction by government. Democracy itself is pretty fragile and we have to watch for an overreaction to events. We have seen this before. If we went back through history, we would see what happened to the Japanese Canadians in the second world war when there was an overreaction to the bombing of Pearl Harbor and the Japanese participation in World War II.

More recently in 1970, we had the invocation of the War Measures Act. I was one of the members of parliament in the House of Commons in 1970. Sixteen of us who voted against the invocation of the act. I remember those days very well. There was a great deal of fear, anger and concern for what might happen.

All of a sudden in the middle of the night the War Measures Act was invoked by the government of the day. There was a real trampling on civil liberties and civil rights by the police, particularly in the province of Quebec. I can remember the extra police precautions around this place. I remember our soldiers were on Parliament Hill. We were all caught up in this frenzy that there was an apprehended insurrection about to occur, which was the warning of the War Measures Act. After a bit of discussion in cabinet, it was invoked. No discussion took place in the House of Commons before it was invoked.

I remember very well the pressure that occurred when we had a vote and only 16 of us voted against the invocation of that Act.

In terms of the overreaction, I remember the then leader of the opposition, Robert Stanfield, a very honourable, decent and progressive man, said after he retired from this place that the biggest political regret that he had as a member of parliament perhaps in his whole political career was that he did not vote against the invocation of the War Measures Act at that time.

There was a real panic and a real mood of the moment. I remember the fear that people had in my riding and around the country because of the frenzy in the media at that time.

A few years after that, most people concluded that it was a tremendous overreaction by the government of the day to invoke the War Measures Act and that it did not have to be done. What had to be done could have been done under the criminal code and the provisions in the criminal code.

Once again we have a very similar situation with the terrible thing that happened in New York City on September 11. We have a minister bring in the anti-terrorism bill, Bill C-36, which in my opinion is an overreaction. It gives more than necessary powers to police authorities. It suspends for a longer period of time than is needed, civil liberties. There are sunset clauses on certain provisions of the bill but not on all of it. These things do not need to occur nor should they occur.

When I look at the list of witnesses who appeared before the justice committee hearings in the Centre Block, many of the changes they recommended are not part of the package that was tabled by the Minister of Justice.

● (1645)

Many of the amendments that are not part of those are in the package we are debating today. I encourage the government across the way to live up to the tradition of the Liberal party, historically at least, a party which was concerned about civil liberties, human rights and adequate protection of the individual living within the criminal code and having the balance in a free and democratic society. These are the things in which the Liberal party has historically believed.

It is ironic that we had the invocation of the War Measures Act by a Liberal prime minister, Pierre Trudeau. Now we have another Liberal Prime Minister, who was a justice minister in those days, bringing in the anti-terrorism bill. Both of these things have been done by Liberal Parties, not the Conservative Parties and not the Alliance Party.

It is with a great deal of concern that I encourage members across the way to accept some of these amendments. I know many members across the way are not happy with the bill of the Minister of Justice. There are at least two cabinet ministers who have spoken privately and expressed a great deal of concern about the bill. In our parliamentary system of cabinet solidarity that is a big no-no. I suspect many other ministers are concerned about this as well.

If we had a free vote in the House, I think we would have a radically different bill. I guess this is another reason why we need some parliamentary reform in this, so that members are more free to vote with their consciences or in accordance with what they think their constituents want or desire.

I hope before this debate is over that we will have a change of heart and that there will be some new amendments tabled by the government. Perhaps some members across the way will get up and speak against certain provisions of the bill and will ask some of the questions that I think need to be asked.

My prediction is that when we go down the road another five or ten years, many people on the Liberal side, who voted for the bill, will say, if not publicly at least privately, that they made a mistake, that the bill went too far, that the bill was not necessary and that we had adequate provisions in the criminal code. I believe we will have the same reaction to this as we had to the War Measures Act when the incidents of October 1970 became history.

I will close by saying we should withdraw the bill. It is not necessary. Democracy is a very fragile thing here or anywhere in the world. These kinds of bills are a threat to the democratic process. They are a threat to due process, and it is an overreaction. It is using a sledgehammer to crack open a peanut. I think the government will live to regret the day that it passed this bill into the history of our country and that it put whips on their backbenches to make sure that they all voted in unison for a bill that was totally, in my opinion, unnecessary because of the powers in the criminal code.

I hope that some government members who feel that way will get up and express their points of view. We will not change the rules of this place until that starts happening in a more systematic way.

A member who ran for speaker was concerned about some of the rigidities in our parliamentary system and how we were really handcuffed in our parliamentary in terms of a real freedom of speech and votes. We are perhaps the most handcuffed parliamentary system in the world when it comes to our freedom to vote.

Even in Britain, which is the mother of parliaments, the Tony Blair government is very popular, and the Margaret Thatcher government before that was very popular in its first term. In both those governments, bills that were introduced by those prime ministers were defeated when the backbenchers of their parties joined in unison with the opposition parties to bring the bills down. In those cases the government did not fall. The government continued on. There were no measures of confidence.

This should not be a measure of confidence. It is not a money bill and it is not a throne speech which is giving a vision of where the government wants to take the country. It is simply another bill in the path of the parliamentary journals. I hope some members will speak their minds and then vote according to their consciences or the wishes of their constituents.

● (1650)

[*Translation*]

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Mr. Speaker, I would like to take part in this debate from the perspective of my short experience as a member of the Standing Committee on Foreign Affairs and International Trade. Even though this bill deals with internal security in Canada, I would like to express my views with that new experience in mind.

Witnesses from various countries and international associations who appeared before the Standing Committee on Human Rights and International Development told us how important and urgent it is that Canada intervene to uphold human rights in other countries.

We should acknowledge that, over the years, Canada has earned an excellent reputation because it advocated the protection of human rights and it has been, to use the Prime Minister's words, the best country in the world as far as the defence of human rights goes.

But, in the aftermath of the September 11 attacks, the government has introduced a series of bills, including Bill C-36, dealing with judgments, arrests, and so on, in response to terrorist activities.

At the same time, the government has introduced Bill C-35, aimed at changing international conventions, and Bill C-42, on public transportation safety. We realize that the government reacted in a state of panic.

Although the importance of the terrorist actions of September 11 must not be diminished, including what occurred at the World Trade Center and the Pentagon, actions that are unacceptable, we have reacted, because something had to be done. But it had to be done without losing sight of the balance to be maintained between safety and the right to individual freedoms.

Otherwise, as some members of my party have said before me, it would be an inappropriate reaction, playing into the hands of those who were responsible for the September 11 terrorist actions, that is, changing our democracy, our system of individual and group rights to suit the objectives of those rightly called terrorists.

This is not the intent. Safety may be increased and all measures improved, with new ones even being added, in order to increase security.

I personally have nothing against the fact that, for example, we spend more time in line-ups at the airports in order to get to our ridings, because I understand that to fight effectively against attacks like those carried out with planes on September 11, we must all accept that things take longer. I do not think many people in our country are against that.

We have all accepted measures, and there could be others, of course. But there is a limit. I am going to make a comparison. A bill was unanimously passed by MPs last spring against organized crime. There were a lot of deaths—I do not have the figures, but it seems to me there were over 160—which resulted from bikers' wars. Sometimes, it was a settling of accounts among criminals, but sometimes there were innocent victims too. The bill is still awaiting passage in the Senate. It must be following a fairly singular process, since, according to the government, there is some urgency.

There are therefore two processes, so that they are jostling each other at the doors, so to speak. So the bill was passed in a panic during the night.

● (1655)

My colleagues, the hon. members for Berthier—Montcalm, Châteauguay and Saint-Bruno—Saint-Hubert, spent the night proposing a series of amendments in reaction to the pile of amendments proposed by the government, and discussed very rapidly. The whole thing had to be passed within hours.

They proposed some 60 amendments themselves, close to 66, in keeping with the Bloc Quebecois' objections and aimed at improving this bill. To us, these amendments were a way of being consistent with our vote on second reading, which addressed the principle of the bill and was aimed at improving the situation in order to adopt new measures so that there could be an effective battle against terrorism and at the same time protection of our rights and freedoms.

When one speaks of preventive arrests, these are based on presumptions and on information received, without much idea of where it will lead. Preventive arrests are going to be made only on that basis, without complete evidence, supposedly in the name of national security. This information may sometimes come from the information services of other countries without any decision on them being made by the information commissioner; instead it will be the Department of Justice, or one might almost say the Minister of Justice, because there is sometimes much differentiation.

Hon. members will realize that the definition of terrorism is not clear, even though an attempt was made by a colleague to clarify it. In our opinion, this is not enough. This is why we feel that Motion No. 1 is incomplete. We agree with the other three motions, which are in line with the amendments that the Bloc Quebecois proposed in committee, but that were rejected.

The democratic process is at stake. The government prides itself in being a model for democracies. It keeps making that comment at every opportunity, whether it is when making representations or sending a delegation abroad, and even within the country. The government is very concerned about how human rights are respected elsewhere, but here some parts of the legislation will not be governed by the 1982 charter of human rights, the Trudeau charter. And it wants us to pass this bill very rapidly, after hearing witnesses very quickly.

This is an extremely important bill, yet the provinces were not consulted and no consultations took place outside Ottawa. And the government is gagging us once again. It is telling us that it will use closure, because it is in a hurry to pass this bill as quickly as possible.

As the NDP member said earlier, generally speaking, when a bill has a major impact and includes several new measures, parliament takes all the time necessary to review it. Hon. members do not feel pressured, as is the case now, to do things as quickly as possible and to discuss the legislation as little as possible.

Yet, the government has the necessary tools, including the Standing Committee on Justice and Human Rights, which could broaden its consultation. But instead the government is resorting to closure. We must always go faster. It is this kind of pressure which, in the end, generates even more concern, as was pointed out by several organizations, including one in particular.

I went to the Subcommittee on Human Rights and International Development. Amnesty International is concerned. It feels that the definition of terrorism is not specific enough and that this puts at risk those who may openly express their opinions. We should at least have the support of an organization like Amnesty International.

● (1700)

I would still have a lot to say but I will conclude by congratulating once again my three colleagues who worked really hard to try to propose an acceptable position.

[*English*]

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I am deeply concerned about Bill C-36, and I am honoured to speak to it tonight.

I believe the legislation in its present form is disturbing and unless some changes are made we in the New Democratic Party will not be able to live with it. We believe the bill has to be changed. It is currently anti-democratic. It fails the basic test of protecting our civil liberties from the state. We are a country with a proud tradition of fighting for democracy.

I came here today from a taping in a studio where I taped a message to our armed forces serving overseas. I represent many members of the armed forces in my community.

I find it ironic that we have thousands of people who have gone overseas to protect democracy and the values we care about, but right here we are looking at some pretty scary legislation which I think will jeopardize the things they are fighting for.

Last week, along with my leader, I met with women from the Muslim community in Halifax and Dartmouth and we heard their real fear of this bill. Many of them came to Canada because they believed that our democratic institutions would protect them from oppressionn but Bill C-36 makes them afraid to answer their doors. Once again it may be the police taking them away because of the ethnicity of their names.

I have also been with teachers opposed to the bill because of its attack on our civil liberties. I have met with immigrant service organizations that tell me of the fear of their clients.

The bill goes way too far, way too fast. I would like to talk about some of the specific concerns we have. I will start with the sunset clause.

One of the ideas touted by numerous witnesses was the idea of an American style sunset clause. This would have the effect of forcing the government to reintroduce, debate and amend the legislation for it to take effect for another period of time. A three year time limit affecting different aspects of the legislation was suggested by numerous witnesses.

The NDP proposed an amendment that would have addressed those concerns. However, the government had already decided that it would only include a watered down sunset clause by which the House and the Senate would vote after five years for a motion to extend the investigative hearing and preventative arrest sections, two of the more controversial measures in the bill. Though this is better than no clause at all, it is not a sunset clause in the true sense. Rather than having to introduce and re-examine legislation, this would simply require the government to tell its members and senators to vote an extension of that which currently exists in Bill C-36.

There is much more in Bill C-36 that should have been sunsetted and properly so. The definition of "terrorist activity" would have been a good candidate for sunsetting, as well as provisions extending powers of surveillance and wiretapping given to Canadian security agencies, along with new ministerial permits allowing the attorney general to exempt information from the Access to Information Act, the Privacy Act, and the Personal Information Protection and Electronic Documents Act.

The only significant amendment made to these final sections was to put a 15 year limit on the life of these certificates as well as to provide for a limited judicial oversight. Though this is a minor improvement, it in no way addresses our concerns about the power concentrated in the hands of the attorney general.

When it comes to the definition of terrorism in the bill, we have substantial concerns. Though we proposed amendments to improve this section, none were accepted and amendments recommended by witnesses, which would have gone a long way toward addressing our concerns, were also rejected. Our amendments would have included the words "extreme terror and intimidation" as motivations for terrorist offences, to make it clear that only acts with those motivations could be considered terrorist acts.

Second, we proposed the exclusion of threats to economic security in that section.

Third, we proposed removing the section that would include the disruption of essential services as a terrorist act.

Finally, we proposed that the government amend the same section to clarify that no acts involving peaceful, civil disobedience could be considered terrorist acts.

● (1705)

We also have concerns with the wiretapping and surveillance provisions. Provisions which, among other things, allow the communications security establishment to monitor communications in which Canadians are a party as well as allowing Canadian security agencies more latitude in seeking and using various surveillance tools are still part of the legislation, unamended and unsunsetted.

We have a great deal of concern about the issue of listed entities. Some important amendments have been put forward by members of the Conservative Party on the issue. We found the section around listed entities to be worrisome. A listed entity has its assets frozen and confiscated. Though there is an appeal mechanism for a listed entity, an appeal is only possible once an entity has already had its assets frozen. Numerous charitable and religious groups are very concerned about this section because the freezing would be tantamount to a death sentence.

In the media we have heard from members of the Somalian Canadian community who see the bill as an attempt to criminalize their attempts to support their parents, brothers and children in Somalia.

We proposed two amendments to this section but none was accepted. We also supported two amendments from the member for Calgary Centre. One would report the seizing of assets and one would reverse the legal onus around the listing of entities, which used to be called labelling of a terrorist group, so that there is some presumption of innocence.

The idea that the government suggests that a person is guilty without trial simply based on a secret accusation from the intelligence community is terrifying. The process allows CSIS to legalize witch hunts.

The Minister of Justice did not listen to the justice committee or to the witnesses who appeared before it. The amendments that were introduced did not adequately address our key concerns.

The definition of terrorist activity is overly broad in the bill. The sunset clause is limited in what it covers. It is incomplete in what it requires and amounts in the end to a 10 year sunset on two provisions of the bill.

Ministerial certificates are still part of the bill and the government has done nothing to address the concerns of charitable and cultural organizations, as well as business that could find themselves unfairly listed. The amendments are at best superficial.

We want to see amendments to the legislation that would make it absolutely clear that this new law cannot be used or abused against Canadians who participate in demonstrations, strikes or other customary forms of political or institutional dissent, or to create big loopholes in our privacy and freedom of information laws. The limited amendments from the government have left the door open for all of these things.

Why should the government be trusted with new powers, which it may use to distinguish between real terrorists and non-terrorists, if at the moment it cannot seem to distinguish between peaceful protesters and violent protesters? If the minister is concerned about the reputation that the government has developed, one would assume that she would make a much more diligent effort to try to clear up this very important issue.

About 10 days ago there were demonstrations less than a kilometre away from the House against the G20, the world bank and the international monetary fund. Television crews caught young protesters breaking windows and spray-painting public signs. This was after scenes of violence at the summit of the Americas in Quebec City and at the APEC conference in Vancouver.

Members should not get me wrong. I oppose vandalism, even of McDonald's, but I also oppose any law that would equate their actions with the evil events of September 11.

I am frankly suspicious of the government, and the tens of thousands of peaceful protesters are also suspicious of the increasing use of police force against demonstrations. The stubbornness of the government in refusing reasonable amendments in this historic legislation gives credence to the suspicions that we have.

● (1710)

I believe in a democratic Canada. I take the civil liberties given in our charter very seriously. I beg that we now take the time and make the effort to produce a piece of legislation that protects our security while defending our civil liberties in this anxious and difficult time.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, with your permission, before I start my speech on Bill C-36 and on the proposed amendments, I will give a little reminder to the Liberal government, which just invoked closure for the 72nd time since 1993.

I remind it that, when the Liberals were in the opposition, they—among others, the hon. member for Glengarry—Prescott—Russell, as leader of the rat pack—denounced the Conservative government for being undemocratic, because, according to him and after some checking, 9.4% of parliamentary business was done after closure had been imposed.

Since the Liberals took office, that figure is more than 17.4%, that is almost double. It is disturbing to see a government practically double the number of times it invokes closure to deal with bills in the House of Commons.

Today, this is the 72nd time since 1993. If they wanted to be consistent, they too could declare themselves undemocratic, having doubled the number of times closure was invoked by the Conservatives when they were in office.

This being said, I would like to join my colleagues who congratulated the hon. members for Berthier—Montcalm, forSaint-Bruno—Saint-Hubertand for Châteauguay for their excellent work, especially in circumstances that parliamentarians should not be in, that is, dramatic and atrocious.

Indeed, the government gave parliamentarians, with only a few minutes' notice, about 100 pages of amendments. The pagination is deficient and parliamentarians were told to do their job. These parliamentarians are then asked to be careful and on the look-out.

While the committee was sitting, the government replaced the majority members, because they only had to vote, but it had on the committee some people who were really interested and who wanted to examine the amendments until 2 or 3 o'clock in the morning. Then it said "Let us bulldoze all this and have these amendments agreed to, because even if the opposition parties move some amendments, we will vote against them."

I believe this is what is feeding the irony the people listening to us have shown too often toward parliamentarians.

Members, as well as those who are watching us, will understand that, unfortunately, after voting in favour of the principle of Bill C-36 at second reading, the Bloc Quebecois will have to vote against this anti-terrorism bill at third reading because the government refused to listen to reason and to understand our reasonable motives for wanting this bill amended to strike the right balance between security and freedom.

I will try to explain clearly to the House and to Canadians why we will be opposing this bill and what amendments we brought forward, because we sincerely wanted to support this anti-terrorism bill for all the reasons stated previously.

Our opposition to this bill is based on six reasons. I will state them first and then explain them. The first reason we will oppose Bill C-36 is the sunset clause, which we asked for from the very beginning. There is a sort of sunset clause in the bill, but it is incomplete. So this is the first reason we must oppose this bill.

The second reason deals with reviewing the legislation.

The third reason concerns the definition of the expression terrorist activity.

The fourth reason deals with the Access to Information Act and the Privacy Act.

The fifth and penultimate reason concerns the security of telecommunications or electronic surveillance.

The last reason, which is just as important—because I did not list them by order of importance—is the list of terrorists and of charitable organizations.

With regard to the sunset clause, I will quote from people who are not members of the Bloc Quebecois to demonstrate that witnesses who appeared before the committee were also apprehensive about the sunset clause or lack thereof. This goes to show that members of the Bloc Quebecois or opposition members are not always the only ones to oppose government policies.

Here is what two witnesses said before the Standing Committee on Justice and Human Rights.

● (1715)

The first comment comes from the executive board of the Canadian Automobile Workers, from its president Buzz Hargrove. He said:

> It is obvious that there are areas which seriously infringe on public freedoms, which are the foundation of a democracy.

He went on to say:

> Canadians must be able to express their opinions on a piece of legislation as fundamental as this, legislation which will change their daily lives.

Another witness, and not the least, who appeared before the committee was this government's Minister of Fisheries and Oceans. We will see if he is as consistent with himself. If he is not consistent with this government, or with his caucus, we will see if he is consistent in his own thinking. He said:

> I think that, as a government we should be open to a sunset clause. It would then be up to the government to prove that these measures are important. Whether for a period of three years or whatever, I am in favour of a sunset clause.

His colleague, the Minister Responsible for the Status of Women, supported him.

Even with the slight amendment on the sunset clause, on two aspects of Bill C-36, we are opposed to the absence of a sunset clause for the bill as a whole, such as other countries have, and we explained this.

With respect to a review of the legislation, we proposed that there be an annual process. We called for a report on a variety of aspects of the bill to be prepared by an independent commissioner and studied by the Standing Committee on Justice and Human Rights.

To all intents and purposes, after we have called for an annual review by parliamentarians and an independent commissioner, the government has proposed that the reports cover only two aspects of the bill: investigative hearings and preventive arrests. It is therefore proposing that a report be presented to parliament. After the report is presented and adopted, there would not be a real review process, which is very important, as everyone agrees.

As for the definition of terrorist activity, we explained this at length, but it is important to recall that our amendment would have meant that demonstrations and illegal strikes would not be considered terrorist activities. There was an illegal strike in Quebec last week. Everyone would agree that this was not a terrorist activity. Even the former president of the CEQ would agree that, while it was an illegal strike, it was not a terrorist activity.

Even though the definition has been amended, we believe that some protest groups—this was brought up by editorial writers and experts—could still fall under what is called terrorist activity. This definition, while amended, does not meet the expectations of the public or the Bloc Quebecois.

As far as the Access to Information Act and the Privacy Act are concerned , I will give the floor to the primary stakeholders, John Reid and George Radwanski, who are responsible for their implementation. They clearly stated that they did not appreciate the fact that the minister would have the power to issue orders preventing the communication of information, when it is normally up to them to decide wether or not information can be communicated for defence or national security reasons, their decision being subject to review by the federal court.

Again, these are the two primary stakeholders who are voicing their concern about the amendments to the Access to Information Act.

As far as the Communications Security Establishment and wiretapping are concerned, we have put forward amendments requiring that the defence minister seek the court's authorization before approving wiretapping by the Communication Security Establishment. The minister did not see fit to amend the bill in this way, thus giving free reign to the defence minister, which in our opinion would set a dangerous precedent.

In conclusion, regarding the sixth and last point, the listing of terrorists, we have put forward amendments so that organizations not be listed or lose their charitable status without being made aware of the evidence against them.

It would be quite normal for those listed as terrorists by the Minister of Justice or the government to at least know on what basis they are being accused.

I believe my colleagues before me explained it very well in their speeches, and I tried to explain clearly the six points on which we are still in disagreement. Again, we might be overly optimistic, but we do hope that the government will listen, otherwise we will have to vote against the anti-terrorism bill.

● (1720)

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I am happy to have the opportunity to speak to Bill C-36, the anti-terrorism act.

Even if the media are saying the Minister of Justice made numerous concessions about the provisions now included in the bill, in fact she approved only minimal changes that will barely satisfy the New Democratic Party and some of the witnesses who appeared before the committee. The minister has been saying over and over to committee members that, given the importance of this bill and the speed with which it was prepared, she is open to the idea of amendments to the bill and will gladly entertain suggestions from the members.

However, we are not satisfied with the way government treated committee members and particularly opposition members. The committee finished its proceedings and, one week later, even if the committee had not had time to table a report to present its conclusions or make some recommendations, in one day only, the minister submitted 100 amendments, none of which, including the more important ones, acknowledged any of our concerns.

Those amendments and some other unimportant opposition amendments were carried in a marathon sitting. That sitting clearly proved that members of the government are not willing to consider the serious and well thought out proposals of the opposition.

Furthermore, one of the most serious problems with the government position is that it keeps saying that the bill only targets those who engage in terrorist activities against society and that it results from the emergency created by the events of September 11.

Yesterday, the committee was informed that this bill would become an important part of the criminal code and that including the words terror and extreme fear in the definition of terrorist activity would raise the bar too high and possibly complicate the legal fight against those crimes.

We had asked that the bill include a sunset clause. One of the ideas suggested by many witnesses was an American style sunset clause. This would have had the effect of forcing the government to introduce, debate and amend the bill so that it could remain in force for another period of time.

A three year limit on different aspects of the bill has been suggested by many witnesses. One of the concerns raised by the government is that there are some aspects of the bill that would allow Canada to be consistent with various UN conventions on terrorism.

The New Democratic Party moved an amendment that would deal with these concerns. However, the government had already decided that it would not agree to a diluted version of the sunset clause.

In five years, the House and the Senate would vote on a motion to extend the duration of the clauses on investigation and preventive arrest, two of the most controversial measures in the bill. Even though this is better than no clause at all, it is hardly a sunset clause.

Instead of having to introduce and examine the bill once again, the government would only have to ask its hon. members and senators to agree to an extension of the existing provisions of Bill C-36.

In examining this clause, I am reminded of the member for Winnipeg—Transcona who used the example of fishing this morning. He was fishing in northern Canada; at two o'clock in the morning, he was fishing on one of the lakes, and the sun was setting, but it did not set completely, and it started to rise again. This is what the government is trying to do with Bill C-36. In five years' time, the bill will apply again for ten years.

This clause makes me think of the base in Chatham, where army planes made what we called touch and go landings. Planes would hit the airport runway and take off immediately. They did not stop. We saw it all the time. This is what is going to happen with this bill.

It is too bad that the government is not proposing a bill that will be not only reviewed, but that will come before the House of Commons again for another debate. It is cause for concern. Members, and all Canadians I think, must know by now that I was a labour representative for several years.

● (1725)

We have often seen people protest in the streets for their rights. Sometimes, things get out of hand. Is this legal? Is it really criminal? Could demonstrating put people's rights at risk? Will the right people be arrested? On occasion, when under pressure, a person may get carried away but that does not make that person a terrorist.

We are planning to give police more authority. It is not that I do not trust our police forces but sometimes things get out of hand. For example, we cannot forget what happened in Vancouver when there were protests during the APEC summit.

We saw pictures on television of young people who were sitting on the road, being asked to leave. I remember the police officer with his pepper spray. We saw it. He did not even give the young people a chance to leave. This is what is going to happen. Remember what happened in Quebec City. I am not ashamed to say it. Everyone knows it, we were there to protest at the Summit of the Americas.

We have the right to do that. It is in the Canadian Charter of Rights and Freedoms. We have the right to demonstrate peacefully. Because a young person might sometimes do something that is not correct, is that reason enough to call him a terrorist? Is that what we want? Is that the kind of country we want?

We are against terrorism and we are asking for legislation to stop it. However, the government should not come up with legislation that we will have to live with for a lifetime.

Even though we brought forward important amendments with a view to improving that clause, amendments that witnesses had recommended and that would have gone a long way in addressing our concerns about Bill C-36, the government brought forward an amendment removing the word lawful from the exception dealing with dissent or protest. This was the least of the demands for amending that clause.

Our amendments would have included the words “extreme terror and intimidation” as motivation for terrorist crimes in order to make it clear that only criminal acts with such motivation could be viewed as terrorist activity.

Second, we suggested excluding threats to economic security from the same clause.

Third, we suggested removing the provision by which the disruption of essential services would be made a terrorist activity.

Last, we asked the government to amend the same clause to clarify that no activity qualified as peaceful civil disobedience would be considered to be a terrorist activity.

These amendments were all rejected. There is no sunset clause for this provision. Once the legislation has been passed, the definition of terrorist activity will become a permanent part of the Criminal Code of Canada. The NDP voted against this clause.

The provisions allowing the Communications Security Establishment, CSE, to monitor communications between Canadians and giving Canadian security agencies greater leeway in searches and the use of different surveillance tools are still in the legislation. They have not been amended and are not subject to a sunset clause. The NDP proposed a very precise amendment pertaining to these clauses that would force the CSE to obtain a warrant in order to be able to control and monitor communications between Canadians.

We are pre-occupied by the clause concerning the entities that would be on the list. This clause allows the government to make a list of groups. Until yesterday these entities were called terrorists groups but they are now called entities listed for the purposes of anti-terrorist measures.

For these reasons, the NDP cannot support a bill that would deprive Canadians of their liberties. The NDP will not support the justice minister's legislation because it will not help Canadians.

● (1730)

Ms. Pierrette Venne (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, the most disturbing part here is that almost all the witnesses who appeared before the justice committee did so for absolutely nothing, because our justice minister, stubborn as usual, totally ignored the concerns of all these witnesses as well as their valuable and legitimate recommendations to improve the bill.

The minister has not only ignored their representations before the standing committee on justice, but she has also rejected out of hand the recommendations brought forward by the special Senate committee on Bill C-36.

For the information of our listeners, so that they can really understand how little the minister cared about the House and Senate committees and all Canadians, she stated this on October 18, in her introductory speech, at the first sitting of the standing committee on justice. I quote:

> I also welcome consideration of possible refinements to the provisions you find in this bill. We must ensure that the bill is the most balanced and effective response possible.

And just before leaving the committee, at the end of the session, she added to this by stating:

> On behalf of the solicitor general and myself, I also want to underscore how important it is for you to provide us with your best advice in some of these areas.
>
> Therefore, it's going to be very important for you, in terms of the work you do, to help us make sure that we do have the most effective and fairest law. I know you will take up this challenge expeditiously and seriously

As for taking that challenge seriously, we have. Can the same be said of the minister? I am not so sure.

All of the amendments proposed by the Bloc Quebecois were based on the recommendations made by the large majority of the witnesses who came before the standing committee on justice, as well as those contained in the Senate report, of course.

Of all our amendments, just one was retained, but not in its original form. As for the other three opposition parties, their proposals suffered the same fate as ours. Considering that, the minister must take MPs for fools, when she makes a statement about being prepared to listen to us and benefit from the witnesses' expertise in order to improve her bill.

Besides, as regards promptness, again we can say mission accomplished. The bill we are debating is the most important one, in terms of curtailing rights and liberties, on the legislative agenda since the sad and famous War Measures Act of 1970.

According to projections, the legislative process should be completed before the Christmas recess. This shows how effective the government's steamroller is.

However, innocent people have become the victims of the biker war and, more generally, of organized crime in Quebec. Yet, Bill C-24, which deals with organized crime, is still waiting in the other place.

The situation is obviously urgent, but considering the impact of the measures considered, we had the right to expect something other than a slapdash legislative process.

Mark Fisher, a member of the Labour Party in the British parliament, said the following about the English anti-terrorist act, during the second reading stage last Monday. I quote:

> When the House does something precipitous, it rarely acts wisely.

Referring to increased powers that the justice minister is giving to the officers of CSIS and to himself, the solicitor general simply said:

> Canadians demand those measures.

We can question his sources of information, and I hope that it does not come from CSIS, because the facts are quite different.

● (1735)

I do not know if the solicitor general reads the electronic mail he receives, but if he is on the same mailing list as we are and nevertheless says a thing like that, there certainly must be someone in his office who is hiding information from him, because almost every message we have received expressed vigorous opposition to the provisions of Bill C-36.

Moreover, when a bill like this is called nonsense and act of treason, to quote only those two examples, there can be no doubt about the opposition of Canadian citizens to the state's interference with individual liberties.

I would now like to talk about the motions we have before us at report stage.

First, Motion No. 1 by the member for Lanark—Carleton proposes that the definition of terrorist activity be amended by eliminating any reference to political, religious or idealogical purposes. Members of the Bloc considered those references inappropriate and we certainly are ready to support Motion No. 1.

Motion No. 2 by the member for Calgary Centre would set out the criteria to be used by the solicitor general in recommending that an entity be placed on the list of terrorists. I think this is appropriate.

In the second paragraph of this motion, the member for Calgary Centre suggests that these criteria should be debated in the House before being adopted. We agree with that. However, I think that a vote should be held following this debate. I imagine that this is what the member for Calgary Centre wished, but I did not see it in the text of the motion.

As for Motion No. 3 by the same member, it would compel the solicitor general to give answers to the organizations listed. If he does not do so, with the present amendment, the organization will not have to pay to go before a federal court. There again, we consider that this motion is appropriate and that we will be in a position to support it.

As for Motion No. 4, I consider it superfluous since the right to a lawyer is already recognized. There is a paragraph added that reads as follows:

> In any proceeding under this section, the presiding judge may appoint counsel to represent any person subject to the investigative hearing.

Notaries have a saying that if it is too strong, it won't break". As far as I am concerned, this is the case here. We can obviously support it because it is already recognized.

These were my comments on the amendments before us.

● (1740)

[*English*]

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

[*Translation*]

The question is on Motion No 2. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

[*English*]

The question is on Motion No. 3. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on the motion stands deferred.

[*Translation*]

The question is now on Motion No. 4. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on Motion No. 4 stands deferred.

[*English*]

We will now proceed to Motion No. 6 in Group No. 2.

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance) moved:

Motion No. 6

> That Bill C-36, in Clause 29, be amended by adding after line 18 on page 62 the following:
>
> "In no case shall a person be bound to secrecy for a period exceeding fifteen years, unless otherwise indicated by the deputy head."

He said: Mr. Speaker, the amendment would alter the definition of persons permanently bound to secrecy in the act. In Bill C-36 which is currently returning to the House from committee the definition of persons permanently bound to secrecy is long but includes a whole series of people. The definition is automatic. The binding to secrecy is automatic for anyone in those categories.

The purpose of the amendment is to allow the discretion to be reversed. A person would be bound to secrecy permanently if designated by the deputy head of the relevant department but not otherwise. The point of this is to deal with the almost obsessive secrecy that permeates this piece of legislation.

The dangers writ large in the attitude the government has taken toward secrecy in Bill C-36 were summarized by the remarks in the House of the member for Ancaster—Dundas—Flamborough—Aldershot. He said:

> Section 87 enables the government to withhold information pertaining to security issues forever...That is the excuse that has been used by dictatorships throughout history and around the world.

That is the danger writ large. The danger writ small, if one likes, in relation to the clause was summarized most eloquently by Edward Greenspon in an article published in the November 17 edition of the *Globe and Mail*. I will read quite an extensive quote from the article to illustrate exactly what the concern is. He wrote:

> Commentators have been rightly critical of the provisions giving the minister an unfettered blanket exception from the Access to Information Act. Ms. McLellan has indicated a willingness to amend her bill to include a Federal Court review, but that represents too drawn out a process to serve as an effective instrument of oversight.
>
> Then there are the little noted sections of her bill that replace the old Official Secrets Act with the new Security of Information Act. The changeover unduly constrains the release of information by whistle blowers, and permits the Orwellian designation of certain government officials as "persons permanently bound by secrecy." That means they must take their secrets to the grave.

He continues:

> Ms. McLellan should take note of a comment made by University of Toronto security expert Wesley Wark at a recent symposium on her bill. "In the war on terrorism, the public will need to be told more rather than less about the actions and capabilities of Canadian security and intelligence institutions."

There are of course good reasons some people should be bound to secrecy for an extensive period of time, say for 15 years as I propose in the amendment. There are certain cases in which a permanent lifelong ban on release of information may be appropriate. However those instances ought to be the exception and be granted on a case by case basis rather than being automatic.

Automatic secrecy provides a convenient veil behind which any number of restrictions can be hidden. When facts are hidden behind a veil there is a temptation to extend secrecy to things that have nothing to do with terrorism or national security. This would essentially gut the entire openness in government movement that has slowly built up strength over the past 20 years. It would be a real shame to see that destroyed. This is what the amendment hopes to prevent.

The amendment I have proposed would change the way deputy heads of security agencies such as CSIS, the RCMP or the Communications Security Establishment may designate employees by limiting secrecy to 15 years except when the deputy head specifically makes a change to the contrary. This would curb the absolute muzzling powers that are placed on the whistle blowing capacities of employees to expose gross excess, corruption or other misuses of power.

● (1745)

The 15 year limit was chosen for two reasons. First, it is consistent with the time limit on ministerial secrecy certificates. I have reservations about ministerial secrecy certificates. However the government saw fit to use 15 years so in the spirit of consistency and logic I am proposing 15 years.

Second, 15 years is the length of time after which most security information would be obsolete anyway. There are possible exceptions but most security information would be rendered obsolete.

There are exceptions. Let us imagine going back in time to the forties where one might have wanted to make exemptions of longer than 15 years for nuclear secrets. Those kinds of exemptions can be built in on a case by case basis by the people who know best. Let us give them the authority to go that way but let us not give them a blanket exemption.

The time allocation that has been put in place may make it difficult to address other aspects of the bill later. I have an amendment coming up with regard to a sunset clause. I will address the issue now because I might not have a chance to do so later.

I was an early advocate of a sunset clause. The government resisted initially. I think this was based largely on the fact that the Prime Minister had offered an ad lib comment off the cuff in Shanghai and did not want anyone to show him up. Whatever the reason, the government has been reticent about putting sunset clauses in place. That is a grave error. The partial sunset clause it put in place is inadequate.

There are aspects of the bill that are good. The sunset clause on preventive arrest that would permit ongoing investigations to be grandfathered or exempted from the sunset clause is a good idea. Where the government has put in the sunset clause it is a welcome change. However the sunset clause should be extended not to the UN conventions we are entrenching but to other aspects of the bill that would greatly reduce the traditional civil liberties of Canadians.

We need to confront an interesting question. We were talking about a three year review of the bill that would take place between now and the next election. Why are we are now talking about a five year sunset clause? I fail to see why three years made sense when the bill was introduced but now five years is appropriate, unless the review was something that could be swept under the rug as prior reviews have been.

There is a long history of reviews that have been dealt with so expeditiously that members of the committees meant to be reviewing were unaware of them. The review of the Referendum Act that supposedly took place in 1995 was so brief that members of the committee were unaware of it.

I was on the committee and I asked the chief electoral officer about the review. He said it came up as an item of business with no advance notice or discussion. It was meaningless.

As long as that was the case the government was willing to have a three year review. Now that we are talking about something genuine, a real limitation on the government and a real review which would involve any embarrassing oversteps brought to the public's view, the government wants it to be after the next election.

Members of the House ought not vote in favour of suspending civil liberties until such time as it is electorally convenient for the Prime Minister to reintroduce those civil liberties. It is a shame. It is a strong reason to vote against the bill as a whole but certainly to vote in favour of any amendment that would extend the sunset clause.

● (1750)

Mr. Stephen Owen (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the amendment put forward by the member for Lanark—Carleton deals with two key issues: persons permanently bound to secrecy and to special operational information. It is important for us to understand that we are talking about a very restricted intersection of those two definitions. A person may become a person permanently bound to secrecy if the person is a current or a former member or employee of a scheduled entity or if designated by a deputy head and personally served with a notice to that effect.

The criteria are important. On the criteria for designating a person to be a person permanently bound to secrecy, in quoting from the *Globe and Mail* article, the member for Lanark—Carleton spoke of people who take their secrets to the grave. This is an immensely important and inaccurate distinction that the writer is making. They are not their secrets. They are secrets, special operational information that must be kept secure. They are not their secrets to take to the grave and they certainly are not their secrets to disclose. However the criteria for designating such a person are twofold: the person has, has had or will have authorized access to special operational information; and it is in the interests of national security to designate the person. We are talking of national security.

New offences create a special regime for those persons who have a privileged access to the most vital information, such as special operational information and criminalizes on their part the unauthorized disclosure or a purported disclosure of this narrow band of information going to the essence of Canadian national interests.

The security and intelligence community has certain operational requirements that need to be fostered. These operational requirements include an ability to ensure secrecy and project to others that they have the ability to protect the information entrusted to them.

While it is true that the person may be designated for life, the character of the information may change. The definition of special operational information makes it clear that it is information the Government of Canada is taking special measures to safeguard from disclosure in the national interest.

Very briefly, with respect to the sunset clauses which the hon. member has referred to, and perhaps I may use the opportunity at a later time to respond to them, it is important to understand that these sunset clauses are cumulative to a number of other accountability mechanisms and review mechanisms in the bill. We have ministerial responsibility. These are not police officers, prosecutors, people in distant parts of the country making decisions. These decisions are under the certificate of an attorney general. As well, they are under judicial review, judicial accountability, some ministerial responsibility and judicial oversight on most if not all of the aspects in some way or another of this bill.

We have annual reports of attorneys general and solicitors general, federally and provincially. The federal ones will be put before this House on an annual basis. This will build cumulatively a database on which to base further reviews including the three year parliamentary review. I would suggest in this forum of public accountability, that it is the solemn duty of every minister of the House not to let this three year review go anywhere. Members of the justice and human rights committee will be examining it. People in the House will be examining it. We will have data building over time to base that review on.

The sunset clauses after five years only come after that ministerial responsibility, judicial oversight, cumulative annual reports, parliamentary review, including review by committees. On an annual basis I think we should fully expect in the justice and human rights committee that the relevant ministers will be brought before the committee to answer questions on their annual reports on an annual basis.

The vigilance required of all of us in the House as with the news media, as with the general public is going to be critical to ensure that this very important legislation is put to the intended use and only to that use.

● (1755)

With respect to sunset, yes, parliament will have to in both houses by special resolution extend it, if the circumstances demand that because of the continuing threat of terrorism those tools are found to be necessary and are appropriately used for the protection of the public. I would suggest that the best sunset clause will be when these powers are never used because they are not necessary because the threat has dissipated.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I am pleased to rise following the Parliamentary Secretary to the Minister of Justice. I do not know whether I should draw a picture or explain to him the difference between a real sunset clause and what the minister calls a sunset clause in Bill C-36.

Either the member across the way knows full well that he is misinforming the House as to what a sunset clause is or he has completely misunderstood the bulk of the evidence we heard at the Standing Committee on Justice and Human Rights.

What the minister added to Bill C-36 is a misinterpretation of what a sunset clause is. Every expert, every specialist in this field, anyone who has studied the issue is saying loud and clear that the clause the minister calls a sunset clause is not a sunset clause.

What is a sunset clause? Obviously the member does not seem to understand it. I am going to explain it to him and then if he has not understood yet I will draw a picture in three colours. This applies to the minister too.

A sunset clause is a clause that states that the bill or certain provisions will no longer be in effect after a given date. For instance, if one chooses the same date as the minister, one would say that some provisions or the bill, with the exception of such and such a provision, will cease to be in force on December 31, 2006.

Sure, it is five years. We wanted three years; five years is too long. It is only to use the same example as the minister, the same date as the minister. It is a sunset clause. On the day after December 31, 2006, Bill C-36 would cease to exist. Then, if the government wants to re-enact the extraordinary powers it has grabbed, the legislative process would start all over again.

What is a legislative process? Maybe the member, the parliamentary secretary to the minister, still does not know what it is. It starts with the introduction and first reading of a bill. Then, there is second reading. After second reading, if the bill is passed by the House, it is referred to the Standing Committee on Justice and Human Rights. The committee reviews the issue, hears witnesses, makes recommendations and proposes amendments to the bill. They are either passed or defeated in committee.

If it is adopted in committee, the bill comes back to the House for consideration at the report stage. There is a vote. Then we go on to third reading. There is another vote. The bill is sent to the other House and the legislative process starts over again. That is a real sunset clause.

The minister told us: "Work adequately and seriously in committee. I will listen to you. What you ask is important. What the other House will do is important. What people will say before the committee is important to me". What the minister tabled as an amendment in answer to what was said in committee, no one had asked such a frivolous thing in committee, not even in the Senate. Because it is not a sunset clause, it is trivial.

Paragraph 83.32 says that 15 days after December 31, 2006, the government will have 15 days to adopt a motion, without parliament and the members of this House being able to make any amendments.

And with a simple motion, a simple resolution adopted simultaneously by this and the other house, the bill, or more exactly the act, because in five years it will be an act of parliament, the legislation will be extended without the members of this house, the elected members—and in five years, we will probably have seen another election; we will have new elected representatives who will have to justify their actions before their constituents—being able to add a word to this act, being able to modify it. Its application will be extended.

It is not a sunset clause. If there is the least bit of honesty in the front rows, they we will stop saying that paragraph 83.32 is a sunset clause. It is not true.

● (1800)

The justice committee members who are here this afternoon and listening to me know very well that nobody asked for such a clause.

As the member opposite said in his remarks, you will there is the whole issue of review. That review is just some more window dressing. It will be done three years from now. It is reassuring to see that every year a report will be tabled by the Attorney General of Canada and by the attorney general of each province. They will be reporting on their own administration of the act and on the powers they have assumed.

Does anyone know where that report will go? It will go gather dust on the shelves of parliament. Those shelves are full of reports that are worth no more than the paper they are written on.

Is that what we will have to make people feel secure? Who asked for that in committee? I was not absent very often, and in my absence, the hon. member for Saint-Bruno—Saint-Hubert was there and later on we would exchange our information. Nobody asked for such a trinket. It is only as a joke that one might imagine such things. All that is to cover up, to grab powers and go on a power trip, as they are doing opposite.

This is a cause for concern because it will be a precedent in criminal law. When we amend the criminal code, this legislation will still be there. They will say: "This has already been done in Bill C-36 in exceptional circumstances, so maybe we could do it again with this principle of law or this criminal code amendment". Where will it end?

The best proof that this is dangerous and that we can wonder how far this government can go is that—as if Bill C-36 were not enough—last week, Thursday to be precise, they introduced Bill C-42, another bill granting exceptional powers to certain ministers. It is another piece of legislation where the Canadian Charter of Rights and Freedoms is ignored. A state of emergency can be declared, and the motion is not examined for conformity to the enabling legislation and the charter of rights.

Do not tell me the charter will apply and that the courts will review this. It can take 30 to 60 days. That is not nearly enough to go before the courts and make sure any given measure is in keeping with the charter of rights and freedoms.

I cannot understand how members opposite, who can see what the ministers are doing, can say nothing. I know some who consider themselves to be champions of individual and collective rights. It is time they said where they stand.

It is not funny, but if we look at the amendments, for example Motion no. 6, we have to ask ourselves: Is the proposed amendment any better than Bill C-36? Just imagine. We are not wondering if this is the right amendment that will allow us to reach the desired balance between individual and collective rights and national security. We are not asking ourselves that question any more.

We can choose between a 35 tonne steam roller and a 25 tonne one. That is the choice we have.

In Motion No. 6, part 2 on the Official Secrets Act, the amendment deals with information that a person can hold and that would be subject to secrecy for life or for a period of 15 years. Will we put this information on hold for 15 years or for life? This is the choice we have today. Of course 15 years is better than life, but it would be even better if we did not have to wait 15 years. We are entitled to know what is going on. We are entitled to this information.

When we vote on an amendment, what we choose in fact is the one that is less offensive.

● (1805)

Across the floor no one rises to speak. In the corridors, when they talk to journalists, one or two members may blurt out that this bill does not make sense. They will say "This bill goes against individual and collective rights. I am a great champion of these rights and I will do my utmost to convince my caucus". But what really happened? The government rammed 91 amendments through this House to strengthen some of the powers that it gave itself.

This is so true that it had to resort to a complicated scheme in the part dealing with the Access to Information Act. In order not to deprive the Minister of Justice of the power to issue certificates, they delegated that power to a judge of the federal court of appeal through a complicated process. It would have been so simple to delete clauses 87, 103 and 104 and go back to the enabling legislation, to the existing act, which is working well. Who says so? It is not the opposition, but the information commissioner and also the privacy commissioner. Is it so difficult for members opposite to understand that it is not necessary that ministers get involved in this for reasons of national security?

We agree with this motion which proposes to set a 15 year time limit but this is not ideal. Ideally the government should understand the situation and withdraw its bill.

● (1810)

BILL C-36—SPEAKER'S RULING

The Speaker: Order, please. I wish to inform the House of the result of the inquiries I made further to the point of order raised by the hon. member for Pictou—Antigonish—Guysborough earlier today.

[*English*]

The hon. member drew the attention of the House to the fact that the evidence of meeting No. 50 of the Standing Committee on Justice and Human Rights had been posted at the committee's Internet site before the evidence of earlier meetings. The suggestion was made that in this way an undue advantage was given to the testimony of the hon. Minister of Justice and hence to the government's advocacy of Bill C-36.

I have learned that Meeting No. 50 of the justice and human rights committee deals only with the clause by clause consideration of Bill C-36. It is standard procedure in the committee's directorate to give precedence to clause by clause meetings over those at which testimony is heard. This is done to assist all hon. members in their deliberations on the bill at report stage.

No outside request was made with respect to the order in which the evidence for this committee is being processed and there has been no deviation from the usual practice.

I would also like to point out that the evidence of Meeting No. 50 does not contain any testimony of the hon. Minister of Justice. She appeared at Meeting No. 49 earlier the same day and the evidence of that meeting, along with that of earlier meetings, is being processed in the usual manner.

Hon. members may therefore be assured that there has been no improper influence or preferential treatment with regard to the evidence of the justice committee.

REPORT STAGE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, I certainly appreciate the diligence and timeliness of your effort in examining the point of order I raised earlier today.

The debate has digressed somewhat into a concerted effort to deal with the issue of sunset clauses, which I think hon. members on both sides of the House have quite accurately described as not truly a sunset at all. It is very much an attempt by the government to give the appearance of it being a sunset clause, but we know that there is not a true lapsing. Therefore a procedure that begins, as outlined by the hon. member for Berthier—Montcalm, would follow a true passage of a bill, thereby giving due process and all the requisite examination that occurs in a process of the reintroduction of a bill.

The sunset clause, as contained in the bill as amended, touches only on two aspects of the bill, that being investigative hearings and preventive arrests, so it is very much focused. It is fair to say that the sun only sets, if it sets at all, on two limited provisions of the bill and the purpose of the sunset clause is essentially eclipsed by the fact that it does not truly set. The sun does not go down. It continues in effect by the simple revocation and reintroduction of the bill, which circumvents all those other checks and balances, including the committee stage and the true examination at all stages of the bill.

This legislation is complex. It is certainly a bill that is necessary. That perhaps is where the Progressive Conservative/Democratic Representative coalition can distinguish itself from other parties in terms of its opposition. We support the necessity of the bill. We support the focus of much of the bill, which is to give police increased preventive powers and, in some instances, even governmental powers that should exist in times of emergencies. It was the Progressive Conservative Party of the day that introduced the Emergency Measures Act that replaced the War Measures Act.

This is a bill that certainly comes about in a time of consternation and concern in the country. What we are worried about are the additional powers that are tagged along, the kitchen sink approach to the legislation, which would vest more powers in the offices of government and in its ministers. In this instance, I am talking particularly about the certificate process which would circumvent access to information.

Access to information, I am quick to add, was fought for long and hard in this place by current members of the government to ensure transparency, openness, accountability and all those things that Canadians have come to expect and to truly compel the government to follow. Yet this is a clawback of that. The issuance of certificates would circumvent and eviscerates many of those long sought after access to information rules.

The parliamentary secretary spoke in the House, in response to these amendments, about the need and the proportionality of this legislation. I would submit that, yes, there is a need, however the proportionality here, in terms of the powers that would be vested in the minister's office, is not proportionate to what is occurring. The long term implications that exist for Canadians are extremely worrisome.

I point to what we heard at the committee, at private meetings and read in correspondence and to what I suggest all members of the current House of Commons must be receiving, particularly from new Canadians who feel most vulnerable and threatened by these extraordinary new powers that would be vested in the minister's office by virtue of these certificates.

Pragmatically what this would allow the government to do, by virtue of that power being vested in police, is to make decisions that would affect the very liberties, securities and freedoms that are enjoyed by Canadians, without knowledge of what the accusation may be. By issuance of certificates, a cloak would be placed over the allegation.

● (1815)

The idea that due process and the right to make full answer in defence is firmly entrenched and sacred. Our legal system is challenged and shaken at the foundation by the issuance of certificates which are now available to the Minister of Justice under the bill.

I want to focus specifically on the motion brought forward by the hon. member for Lanark—Carleton that speaks of the extension of the 15 year period of secrecy. This period of secrecy would extend to deputy heads, the chief of the defence staff, departmental heads, ministers, crown corporations, the clerk of the privy council or other persons authorized by the clerk.

This is an attempt, as the hon. member stated, to conform and bring into line the period of time in which secrecy can be put forward. This cloak can be presented over important information that is held by the government. The parliamentary secretary stated that there are times when that secrecy needs to be invoked and I do not disagree with that.

The point is the government should have to justify using that extraordinary power. After 15 years it should have to reinvoke powers that allowed this to happen. It should not acquiesce or have the powers extend off into eternity, but it should go through the motions of distinguishing the time which those powers exist.

The same thing can be said of the power to have a person's name taken off the list. The solicitor general said that if after 60 days he had not made a decision the name would stay on the list. He would not do anything.

He added that if people's names were on the list the onus was on them. They may have been accused and not even known the reasons that led to their names being placed on the list. However the solicitor general said that if after 60 days he had not gone to the trouble of making up his mind or deciding why someone's name was there it would stay on the list.

The purpose behind the amendment put forth by the right hon. member for Calgary Centre was to force the government to act, to make it go through the trouble of justifying and openly stating the reasons for listing a person so that an individual had some obligation to go to court.

Under the current status and amendments in the bill individuals have to initiate a challenge in the federal court because the access request and the information that may be sought through those normal channels could be sidelined or brushed aside by the issuance of a certificate.

However individuals are now required to initiate an action against the federal government through the federal court if they have money, perseverance and are prepared to engage in a long protracted legal battle.

However there is another irony here. Individuals can have their assets frozen by virtue of being listed. They can have their ability to fund such a protracted and expensive process completely taken away, thus leaving them further exposed and leaving them to face the horrible conundrum of finding themselves on a list, perhaps wrongly.

There is ample reason to suggest that mistakes will be made. They have been made now. Last week we were informed that Mr. Attiah in Chalk River found himself on a list and the information was wrong. He lost his job after being questioned by the police.

That is why we are concerned about this issue. It is the process and ability to know the reasons a person may be suspected. The basic tenets of criminal justice are being completely whisked away by virtue of some of the provisions of the bill.

We are not raising these amendments or these concerns because we like the sound of our own voices. We are asking legitimate questions about this issue.

The professor of justice who was vaulted from the classroom into cabinet seems to take great pleasure in pointing out that if one supports the bill one should shut up and go away. It does not work like that. One can support a bill and try to improve it. That is why we have the process of proposing amendments. That is why we go to the trouble of trying to improve a bill right up until the time that it comes before the House to be voted upon.

● (1820)

This is what parliament is about. It is about an opportunity to intelligently discuss and constructively criticize legislation. When we see the government again invoking time allocation at a record number for no apparent reason, when we have two days set aside for debate yet the government House leader again drops the legislative equivalent of a nuclear bomb and eviscerates further debate, Canadians must slouch back and wonder what is happening to the democratic process.

It is enough to make the worst hypocrite blush when members of the government, who were so adamant when in opposition about not using these types of provisions, do so indiscreetly and with very little regard for what should amount to legitimate and very important debate on a bill of such importance.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, in speaking in support of Motion No. 6 put forward by the member for Lanark—Carleton, I want to put on the record that members of the NDP will be supporting the motion as we have the previous amendments. We think these amendments are an attempt to make the bill more palatable.

I want to echo the comments of my hon. colleague who spoke before me and question the kind of direction we are taking, not only as a parliament but as a Canadian society. It is very surprising to me. I think a lot of people wonder whether this place, we as parliamentarians and the work we do, are relevant. We have to question that as well when we see legislation which has come forward and on which the government now has made clear it intends to bring in closure or time allocation.

This is probably the most important piece of legislation to come before the House in decades, maybe in the history of our country, and yet the debate is being forced and pushed because the government is so intent on shutting down public debate. As I said earlier when debating other amendments, I have never had so much feedback from Canadians across the country than on this legislation.

When we look at this particular amendment, which would limit the secrecy provisions on individuals who work for security agencies to a maximum of 15 years, it is yet another proposal to deal with the fundamental issue of what is in the public realm and what is deemed to be held by the government or by government agencies. Rather than codifying practices and procedures that remove the rights of Canadians to information, to due process and to understanding what it is that is being said about them or against them, we should be examining the kinds of processes we have now.

It was probably surprising to some people to read stories in the press recently about someone like David Lewis, a former leader of the New Democratic Party, who was under surveillance by law enforcement agencies. These practices have gone on for years and years yet as Canadians we know very little about them.

Frankly I find it quite shocking. It seems to me that rather than pushing the bill through, we should be opening up some of these processes that now exist in examining what has gone on in previous years that we are only now just beginning to find out about.

I would hope, based on his comments today, that the hon. member, who spoke so eloquently in his opposition to the bill, would agree with members of the New Democratic Party and vote against the bill. We should be putting forward amendments but at the end of the day we should recognize that the bill is flawed and anti-democratic and it jeopardizes the civil liberties and rights of all Canadians.

While we have been told repeatedly by the Minister of Justice and other government officials that the bill is targeted toward terrorist activities and organizations that support those activities, there are still huge questions about how far the bill will go, how wide the net will be cast and that there will be people who will be targeted.

The case of Mohammed Attiah is a very good example of what can happen even before the bill is approved. It should serve as a significant warning as to what will take place if the bill goes through and there is further targeting. This was a situation where a Canadian citizen who worked as an engineer in an atomic energy plant was questioned because his name happened to be on some list. I am sure his ability to respond and call in someone who could advocate for him was non-existent. He was placed in an incredibly vulnerable position and as a result lost his job. Just being under suspicion caused him to lose his job, his credibility and the professionalism he had built up in his work in that area.

● (1825)

When I read about that case I was outraged and, as I said, it happened before the bill even becomes law.

I would rather that as a parliament we actually examine what is now taking place. We should examine those procedures to make sure the practices we currently have are not being abused and that the human, civil and political rights of Canadians to dissent, to access information and to a fair hearing are being upheld.

I strongly believe that it is incumbent upon all of us in the House, particularly among the opposition parties, to work as hard as we can to make improvements to the bill. However, we in the NDP have come to the conclusion that the bill must be defeated. It is bad legislation. It does not serve the public interest nor does it serve the democratic interest of our country.

We will be supporting the amendment and I thank the member for Lanark—Carleton for bringing it forward. Obviously a lot of work has taken place in the committee. We want to make sure there is a full debate, not just around this amendment but other amendments that are yet to come forward. We want to make sure that there is a full debate about the bill and that it is not just rammed through by the government. It is probably the most significant piece of legislation to come before the House and we need to make sure it does not go through.

● (1830)

[*Translation*]

The Deputy Speaker: It being 6.30 p.m., the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24 (1).

(The House adjourned at 6.30 p.m.)

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