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OFFICIAL REPORT
(HANSARD)

Tuesday, June 20, 2006
(Part A)

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, June 20, 2006

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1005)

[*Translation*]

REPORT OF THE PRIVACY COMMISSIONER

The Speaker: I have the honour to lay upon the table the report of the Privacy Commissioner pursuant to the Privacy Protection Act for the year 2005-06.

[*English*]

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

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GOVERNMENT RESPONSE TO PETITIONS

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

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[*Translation*]

INTERPARLIAMENTARY DELEGATIONS

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the Canadian delegation of the Canada-Africa Parliamentary Association on the bilateral visit to Maputo, Mozambique, from March 21 to 23, 2006, and to Cape Town, South Africa, on March 24, 2006.

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[*English*]

CANADA PENSION PLAN

Ms. Chris Charlton (Hamilton Mountain, NDP) moved for leave to introduce Bill C-336, An Act to amend the Canada Pension Plan (arrears of benefits).

She said: Mr. Speaker, I am pleased to introduce legislation today that would allow for full retroactive payments plus interest when someone applies for benefits under the Canada pension plan.

The CPP is a pay-as-you-go contribution based program that is funded solely by employers and employees. It is absurd that a person who is late in applying for his or her pension under the CPP is only entitled to 11 months of retroactive benefits. It is not the government's money.

The bill would put an end to this insufficient and unfair period of retroactivity and would do the same for disability pensions, a survivor's pension and a disabled contributor's child benefit. This is something that should and could have been done long ago. In fact, my colleague, the member for Sault Ste. Marie, championed similar legislation in the last Parliament.

I urge all members not to wait any longer and support this important improvement to the income security of Canadian seniors.

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

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CRIMINAL CODE

Mr. Art Hanger (Calgary Northeast, CPC) moved for leave to introduce Bill C-337, An Act to amend the Criminal Code (child sexual predators).

He said: Mr. Speaker, I am pleased to reintroduce this private member's bill, an act to amend the Criminal Code regarding child sexual predators.

The bill would ensure that the fullest force of the law is brought to bear on those who prey on our children. It carries a minimum sentence of life imprisonment for cases of sexual assault on a child that involves repeated assaults, multiple victims, repeat offences, more than one offender, an element of confinement or kidnapping, or an offender who is in a position of trust with respect to the child.

Those who prey on our children must know that there are serious consequences for their actions. Thus, if the bill passes, no longer will they walk away with a slap on the wrist while their victims are left to deal with a lifetime of hurt and pain. The bill would ensure that they are locked away for a very long time.

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

* * *

PETITIONS

UNDOCUMENTED WORKERS

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, I have a petition that calls on Parliament to immediately halt the deportation of undocumented workers and to find a humane and logical solution to their situation.

Today is World Refugee Day and it centres around the theme of hope. I would like to congratulate High Commissioner António Gutteres and all his officials for the wonderful work they do in protecting refugees around the world and of course the people who are without status.

[*Translation*]

ERITREA

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, I have the honour to table petitions signed by 993 individuals, mostly from Ontario, regarding a motion passed in May 2005 by the Standing Committee on Foreign Affairs and International Trade concerning the conflict between Eritrea and Ethiopia, which stated that Ethiopia should abide by the final decision on borders and that its refusal to do so was having an impact on the humanitarian crisis in both countries.

The signatories are asking the government to stop providing direct aid—which it has already done—and to participate in the World Food Program's fundraising campaign for Eritrea—which it has not yet done.

I am honoured to table these petitions.

[*English*]

FUNERAL SERVICES

Mr. Rob Moore (Fundy Royal, CPC): Mr. Speaker, I am pleased to table a petition today, spearheaded by a mother from the town of Hampton in my riding, containing 17,471 signatures, in addition to 3,175 signatures from Canadians across Canada on the website.

The petitioners believe that a funeral is a necessity and should be a non-taxable service. They ask that Parliament have some respect for the dead and compassion for the grieving family by removing the GST, PST and HST taxes from all funeral services.

● (1010)

CANADA POST

Hon. Andy Scott (Fredericton, Lib.): Mr. Speaker, I have the pleasure to present two petitions from a number of constituents in my riding of Fredericton and throughout New Brunswick that recognize that the government has traditionally supported an enhanced mail delivery in all parts of the country, that Canadians require their mail in a timely and efficient manner and that many seniors, the sick, shut-ins and people with disabilities face barriers daily regarding accessibility issues.

The petitioners call upon the House and the minister responsible for Canada Post to maintain traditional mail delivery and service instead of implementing changes that are causing people to travel long distances from their homes to receive their mail.

[*Translation*]

WILBERT COFFIN

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, I am honoured to table a new petition concerning Wilbert Coffin.

Mr. Coffin was unjustly condemned to death in 1954 for the murder of three American hunters killed in 1953. He was hung on February 10, 1956.

People in my constituency are submitting a new petition requesting that Parliament direct the Minister of Justice to order a complete judicial review of the Coffin case.

[*English*]

FALUN GONG

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, I present a petition today from a number of people in southwestern Ontario who call upon the Canadian government to strongly and publicly call for an independent investigation by the international community into the death camps in China and strongly and publicly call for an end to the persecution of the Falun Gong.

MOTOR VEHICLE SAFETY ACT

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I have the honour to present a petition consisting of many pages of signatures of people in the city of Toronto.

The petitioners call upon the Government of Canada to enact legislation to provide a side guard for large trucks and trailers to prevent cyclists and pedestrians from being pulled under the wheels of these vehicles. The petitioners state that given that a coroner's report in 1998 looking into the deaths of Toronto cyclists has recommended several times that these side guards be installed and given that it is a legal requirement in the United Kingdom and Europe, Canada should also do the same.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

FEDERAL ACCOUNTABILITY ACT

The House proceeded to the consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, as reported (with amendment) from the committee.

[*English*]

SPEAKER'S RULING

The Speaker: There are 30 motions in amendment standing on the notice paper for the report stage of Bill C-2.

[*Translation*]

Motions Nos. 5, 15 and 25 to 27 will not be selected by the Chair as they could have been proposed in committee.

[*English*]

All the remaining motions have been examined 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.

Two of the report stage motions received are identical to the proposed amendments negatived in committee by a casting vote of the chair.

[*Translation*]

Since the rejection of these motions was essentially a matter of procedure rather than a judgment on their foundation, I have decided to select them at report stage, which will allow the House to vote on the substance of these amendments.

[*English*]

The motions will be grouped for debate as follows:

[*Translation*]

Group No. 1, concerning conflicts of interest and lobbying, will include Motions Nos. 1 to 4, 6, 7 and 9.

[*English*]

Group No. 2, concerning access to information, Motions Nos. 8, 13, 14 and 17 to 22.

[*Translation*]

Group No. 3, concerning the director of public prosecutions, will include Motions Nos. 10 to 12, 16, 23 and 24.

● (1015)

[*English*]

Group No. 4, concerning procurements and contracting, Motions Nos. 28 to 30.

[*Translation*]

The voting patterns for the motions within each group are available from the clerk. The Chair will provide the details to the House at the time of voting.

[*English*]

I shall now propose Motions Nos. 1 to 4, 6, 7 and 9 in Group No. 1 to the House.

MOTIONS IN AMENDMENT

Hon. John Baird (President of the Treasury Board, CPC) moved:

Motion No. 1

That Bill C-2, in Clause 2, be amended by replacing line 12 on page 6 with the following:

"(2) No minister of the Crown, minister of state or parliamentary secretary shall, in his or her capacity as a member of the Senate or the House of Commons, debate or vote on a question that would place him or her in a conflict of interest."

Motion No. 2

That Bill C-2, in Clause 2, be amended

(a) by replacing, in the English version, line 10 on page 22 with the following:

"ministerial staff;"

(b) by replacing, in the English version, lines 16 and 17 on page 22 with the following:

"or decision-making power in the office of a minister of the Crown or a minister of state; and"

Motion No. 3

That Bill C-2, in Clause 2, be amended by replacing line 1 on page 33 with the following:

"(2) Subject to subsection 6(2) and sections 21 and 30, nothing in this Act abrogates or dero-"

Motion No. 4

That Bill C-2, in Clause 2, be amended by replacing lines 18 and 19 on page 33 with the following:

"67. (1) Within five years after the day on which this section comes into force, a comprehensive review"

Motion No. 6

That Bill C-2, in Clause 78, be amended by deleting lines 4 to 8 on page 80.

Motion No. 7

That Bill C-2 be amended by adding after line 42 on page 84 the following new clause:

"88.11 (1) Any member of a transition team referred to in section 88.1 may apply to the Commissioner of Lobbying for an exemption from that section.

(2) The Commissioner of Lobbying may, on any conditions that the Commissioner of Lobbying specifies, exempt the member from the application of section 88.1 having regard to any circumstance or factor that the Commissioner of Lobbying considers relevant, including the following:

(a) the circumstances under which the member left the functions referred to in subsection 88.1(5);

(b) the nature, and significance to the Government of Canada, of information that the member possessed by virtue of the functions referred to in subsection 88.1(5);

(c) the degree to which the member's new employer might gain unfair commercial advantage by hiring the member;

(d) the authority and influence that the member possessed while having the functions referred to in subsection 88.1(5); and

(e) the disposition of other cases.

(3) The Commissioner of Lobbying shall without delay cause every exemption and the Commissioner of Lobbying's reasons for it to be made available to the public.

(4) The Commissioner of Lobbying may verify the information contained in any application under subsection (1)."

Motion No. 9

That Bill C-2, in Clause 99, be amended by deleting line 9 on page 89 to line 5 on page 90.

Mr. Pierre Poilievre (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, I am thankful for the occasion to speak to these motions. I think most members of the House will agree that these amendments are largely technical in nature and fix the minor problems that the committee was not able to address.

I would invite any comments and questions from members across the way but I do not see these as being particularly controversial.

Hon. Stephen Owen (Vancouver Quadra, Lib.): Mr. Speaker, members of the official opposition do not agree that these are merely technical amendments. We will be willing and anxious to debate them in the proper groupings.

Mr. Paul Szabo: Mr. Speaker, I rise on a point of order. The parliamentary secretary has just delivered a speech on Group No. 1 but I do not believe there was a call for questions. I wonder if the Chair would entertain questions for the parliamentary secretary.

The Deputy Speaker: I was not in the chair at exactly that moment but my understanding was that debate was called, the parliamentary secretary rose and gave a very short speech and then the member for Vancouver Quadra rose and gave an even shorter speech.

Apparently questions and comments were in order and were not called.

Hon. Stephen Owen: Mr. Speaker, I believe my remarks were a preamble to my questions and comments, at which point I deferred to my friend on a point of order.

The Deputy Speaker: That certainly was not obvious but if the member wants to proceed to questions or comments to the parliamentary secretary then feel free to do so.

Hon. Stephen Owen: Mr. Speaker, thank you so much. I appreciate your clarifying the situation so well.

With respect to Motion No. 1, we had considerable evidence and testimony before us in the special committee from the Law Clerk and Parliamentary Counsel on the infringement on the autonomy of the House of Commons and members of Parliament with respect to Bill C-2.

Numbers of amendments were made, including the one that is restored in Motion No. 1. They were made by committee in direct response to the advice that such an inclusion in the bill would offend the autonomy of the House and its members and disturb the appropriate independence between the members of Parliament, the House, with respect to both the executive of government and the judicial branch. I have great concern that this motion would reinstate the amendment that the committee took out on the recommendation or at least the strong advice of the chief law clerk.

Furthermore, with respect to Motion No. 6, this again reflects the replacement of a deletion by committee with respect to Mr. Walsh's advice of infringing the autonomy of the House. I would ask the parliamentary secretary if he would explain exactly why he is continuing with that infringement after we had dealt with it at committee.

● (1020)

Mr. Pierre Poilievre: Mr. Speaker, I thank the member for his work on the committee.

On the question of Motion No. 1, I will bring to the House's attention exactly what this amendment does. It deals with the provisions around parliamentary secretaries and ministers of the Crown voting on matters in which they have a direct commercial or financial interest. The member has asked why we believe this should continue to be in the law. There are a couple of reasons, but the most obvious is that if a member of cabinet or a parliamentary secretary has a financial interest in a particular sector or industry, they should not be able to use their position in the House of Commons to further that interest.

We did hear some interesting and persuasive testimony to the contrary from the House legal clerk. He believed that it infringed upon members of Parliament and their parliamentary privileges. We, however, take a different point of view.

As initially proposed by the government, subclause 6(2) would have expressly prohibited a minister or a parliamentary secretary from debating or voting on a question "that would place him or her in a conflict of interest". This provision is an essential element of the conflict of interest regime that we are attempting to codify in the accountability act. It is based in part on a similar provision found in the Conflict of Interest Code for Members of the House of Commons, itself forming part of the Standing Orders of the House.

These provisions already exist in the Standing Orders of the House of Commons and therefore we believe they should be codified directly into statutory law. That is what the accountability act sought to do in the first place. It was to take what were rules of the House and make them statutory law, codified in law so that they could be enforced more.

Absent such a provision, it would be open for a minister or a parliamentary secretary to vote even where to do so would be a conflict of interest and even where the conflict of interest and Ethics Commissioner had ordered him or her to refrain from voting. In other words, an individual could come into the House against the explicit instructions of the Ethics Commissioner and vote on an issue in which he or she had a direct financial interest.

In addition, absent such a ban, a minister or parliamentary secretary who did vote on a question that would put him or her in a conflict would not be subject to complaint, as no breach of the act would be made. In other words, they could stand in the House and vote on something that related directly to their personal financial interest and no member of the House would be in a position to file a complaint with the Ethics Commissioner because there would be no statutory prohibition on doing such.

That is the reason why we have introduced this amendment, Motion No. 1. We stand by it. We believe it is the right thing to do. We encourage all members of the House to support it.

Hon. Stephen Owen (Vancouver Quadra, Lib.): Mr. Speaker, in looking at the amendments, Motions Nos. 6 and 7, it is curious that in Motion No. 6, which the government seeks to delete, we are deleting the requirement of the commissioner to table reports in both Houses of Parliament on such matters. I am certainly very curious as to why that would be thought to be appropriate. That is Motion No. 6.

Motion No. 7 adds further sweeping powers to those of the commissioner to exempt people who might otherwise be precluded from registering as lobbyists. I can only recall the words of the Prime Minister when declaring publicly that a volunteer member of his transition team would be caught by the proposed accountability act and that it would not be appropriate for that person to register as a lobbyist for five years. A great deal was made of that, whether that person was a sacrificial lamb or whatever, and it was said that this showed the toughness of the act.

However, Motion No. 7 seems to provide an exception for that type of situation. While I am not necessarily debating against that provision, I find it curious that after making such a matter of it in the public as a demonstration of the strictness of the act, an exemption then would be allowed by order of the commissioner. I find that quite strange.

Also, while I am on my feet in the matter of this debate, I might say more broadly that the Liberal amendment put forward to ensure that the restrictions against lobbying for the period of five years not simply be against ministerial staff, public office holders and their senior staff, but should also be for senior members with official positions in the opposition and their senior political or policy staff, for a period of five years, for the obvious purpose of ensuring that when there is a change of government, the opposition House leader, party leader, deputy leader, whip and their senior staff, with their party in government, also would be precluded from registering as lobbyists, whether it is for three years or five years, and we are still debating those terms.

It would seem only logical, if the government, which was the opposition, were truly serious and genuine about getting money out of politics in the sense of political influence, of not going into the lobbying business and making money out of contacts in government. If the government were genuine about that, I would think that it would have accepted the opposition amendment to make sure this was balanced.

After all, we must make sure that the revolving door between positions of political influence and the lobbying industry, of which the Prime Minister and the President of the Treasury Board have often spoken, is not a one way street. We must have balance in it. If the stated government objective is to be achieved, that balance is absolutely necessary.

● (1025)

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, I hope I can clarify two issues for my esteemed colleague from Vancouver Quadra.

With respect to Motion No. 6, it is a technical one. Basically the amendment we have introduced today would remove the duplication in the bill that came out of committee in favour of the amendments introduced by the Liberals. I would specifically cite Liberal amendments Nos. 6.1 and 6.2. There was also government amendment No. 29. We are basically just eliminating duplication as the bill came out of committee. Officials are here should the member wish further clarification to be certain on that.

With respect to the transition team members, parliamentary secretaries and ministers have no appeal process, although everyone else does, to the independent commissioner, someone of a judicial or quasi-judicial background. Whether it is senior officials, people at the deputy minister or assistant deputy minister rank, and staff working for ministers, all of those categories, which is the overwhelming percentage, some 95% to 98%, of those covered by the act, do have the capacity to appeal to the commissioner. What we are doing is extending that to the transition team, which was an oversight on our part.

I did notice that at committee the member did not support including the transition team, which is certainly his right. We just wanted to create the equity for assistant deputy ministers, deputy ministers and other staff that existed for everyone else except for ministers and parliamentary secretaries.

● (1030)

Hon. Stephen Owen: Mr. Speaker, while I thank the President of the Treasury Board for that explanation, I think the concern that I and my colleagues had in committee with respect to the transition team inclusion, the extra amendment that would include this, was simply on the basis of an apparent unfairness, in that the impact would have a retrospective negative outcome for a particular person who was a member of the transition team.

I appreciate that explanation. I think the inclusion is appropriate on that ground so that there could be special circumstances that are considered.

Hon. John Baird: Mr. Speaker, I may disagree on positions with the member for Vancouver Quadra, but I would never doubt his motivation.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, we are discussing Bill C-2, specifically the first group of amendments, which includes amendments 1, 2 to 4, 6, 7 and 9, if my memory serves me correctly. I will speak to these amendments.

As I begin, I will talk about the review of Bill C-2 and the problems we encountered. If I go off topic I am sure you will rein me back in.

Many amendments are being presented today at this stage because of how very quickly Bill C-2 was considered. We had very little time. I ordered a study from the library on similar bills, that is, bills with 300 or more clauses. I learned that the average duration of consideration of these bills since 1988 was roughly 200 days. We had more or less 40 days to review Bill C-2, which shows how hastily it was done. It is clear that a number of aspects of this bill should be improved; a number of witnesses pointed this out when they came before the committee.

Today, reading the proposed amendments, we recognize that this bill can and must be improved. It is also very important to remember what the Auditor General said about the sponsorship scandal, as our leader very eloquently pointed out during a scrum yesterday. The Auditor General's remarks have a direct bearing on this bill.

Before Mr. Justice Gomery and at a press conference, Ms. Fraser said that all the rules had been circumvented. The rules were in place, but they were circumvented. The fact that the government, through the Treasury Board president, is introducing an accountability bill is a good thing in itself. Reaffirming certain existing rules is a good thing in itself, but what is most important is whether the government will have the will to abide by these codes of conduct and these accountability rules that are before us today. Time will tell.

It is very important to remember that the rules were in place and were circumvented. Whether or not the rules set out in Bill C-2 are circumvented will depend solely on the government's will.

The government's will will very quickly become apparent as Bill C-2 is implemented.

The first motion, made by the President of the Treasury Board, reads as follows:

> That Bill C-2, in Clause 2, be amended by replacing line 12 on page 6 with the following:
>
> "No minister of the Crown, minister of state or parliamentary secretary shall, in his or her capacity as a member of the Senate or the House of Commons, debate or vote on a question that would place him or her in a conflict of interest".

This was originally in the bill. The committee members defeated this clause and deleted it from the bill, but the Conservatives want to reintroduce this part. This is interesting, but I have this question: does the spirit of the act apply solely to ministers, ministers of state and parliamentary secretaries or does this part of the act also apply to government members, Conservative members?

I see that the President of the Treasury Board is present. What follows may be of interest to him and to the whip. It is useful to remember that last week, the member for Simcoe North introduced a Conservative bill asking the federal government to release funds for a feasibility study on a waterway in order to promote tourism. Strangely, when we visited his website, we noticed that this Conservative member owns the main hotel in this tourist area.

● (1035)

In fact, it was noted that his family has owned that facility for five generations, since 1884.

Will this standard be applied haphazardly or scrupulously? What will be permitted? If anyone is wondering to which member I am referring, it is the member for Simcoe North. He tabled a bill that would seem to involve a conflict of interest, at the very least.

If the Conservative party confirms that this respects the spirit of Bill C-2, that the ethics counsellor supports it and that everything is in order, we from the Bloc Québécois will reconsider our position and perhaps support the member. However, when a party purports to be cleaner than clean, purer than pure, and then, at the first opportunity, a member tables a bill that goes against the principle and spirit of Bill C-2, one might wonder how that bill will be applied in the future.

Speaking of the future, we have a problem with another amendment in the first block of amendments. Surely the President of the Treasury Board will be able to alleviate our concerns, which seem legitimate to me at this point. I am referring to Motion No. 4 regarding subsection 67(1) on page 33 of the bill—since we must compare like with like. The section now reads as follows:

> Within five years after this Act receives royal assent, a comprehensive review of the provisions and operation of this Act shall be undertaken by such committee—

The following amendment to subsection 67(1) has been proposed:

> Within five years after the day on which this section comes into force—

Why change something that does not appear very important? Instead of saying that the act should be reviewed five years after receiving royal assent, this indicates five years after subsection 67(1) receives assent. Fortunately, we have meticulous, effective, attentive experts to point out minute details that may seem trivial, but that are very important in practice.

We always said that we supported the principle and philosophy of Bill C-2. We wanted to be in favour of more accountability and all those aspects of the legislation. However, no legislation is perfect. I defy the members of this House to show us perfect legislation. It was very important, therefore, to be able after five years to review not all of Bill C-2 but just the part on wrongdoing. That is why we wanted the committee to be able after five years to review what had worked well so that it could be established and continued, as was done with the Environmental Protection Act and several other pieces of legislation. If some aspects did not work so well, however, they could be re-assessed.

If amendment No. 4 passes, the government could say that Bill C-2 comes into force tomorrow morning, apart from subsection 67 (1). It could decide to have this subsection come into force in four or five years. This would mean that the legislation would be reviewed only when the government wanted.

In committee—the Conservatives voted in favour of this amendment to review the act after five years—we were told that there might be some shortcomings and some things might have to be corrected. What is implied by this change? Maybe there is an explanation that can convince us. Why take correct wording, which appears in other legislation and says that the act will be reviewed in five years, and change it to say that the act will be reviewed five years after subsection 67(1) comes into force? What were they trying to say?

Usually, amendments are not introduced just for the fun of it. We have better things to do.

● (1040)

We ensure that amendments are introduced to correct or improve the bill. Sometimes, maybe, they are introduced to distract attention from certain gains that some think they made in committee. By a little word, a little sleight of hand, the gains are erased.

We cannot support amendments that would restrict the ability to review this legislation. We will ask questions until we get answers, in particular: what was the underlying intent of these changes?

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, I will answer the first question from the member for Repentigny. The accountability bill deals with conflicts of interest of members of government. The latter are at a more senior level of responsibility. It is not a bill governing conflicts of interest of members of this House.

If the member would like to deal with that matter, he is free to do so in another bill, on another occasion. The House will study it. I am certain that all members are open to improvements. However, Bill C-2 concerns ministers, ministers of the Crown and parliamentary secretaries.

I will answer the second question in English.

[*English*]

With respect to clause 67(1), it was suggested at committee that there be a review after a period of five years to look at the effect of the act on the government and others affected by it, and whether it has achieved the intended objectives. That is simply the rationale. It would obviously make sense to do so after the bill has come into force. Some of the initiatives come into force immediately, while other parts will take a bit longer. It will take six months for the new commissioner of lobbying to be established.

I am looking at clause 67(1) and I am hard-pressed to see my colleague's concern. If he would like to make further comments, perhaps I could respond.

[*Translation*]

Mr. Benoît Sauvageau: Mr. Speaker, I thought I had made myself clear. I expressed my concerns five times in my speech so that he would understand. Nevertheless, I will repeat them. I was formerly a teacher and sometimes it took quite some time to explain things.

First, an amendment was adopted: the French title of the act has been changed from "Loi sur l'imputabilité" to "Loi sur la responsabilité". That is one of the Bloc Québécois' victories.

Next, by stating that this bill only deals with the executive, he is openly saying that a Conservative member may have a real or perceived conflict of interest. A member may own a hotel and ask for a feasibility study. To my knowledge, the member for Simcoe North is the second to do so. The first was the member for Shawinigan, who owned a hotel in Shawinigan and asked the federal government to finance part of it.

I asked the member for Simcoe North if he also owned a golf course, just to see if there were other similarities. He did not respond.

As for the question from the President of the Treasury Board, subsection 67(1) of the current act—the large document with many pages— states: "Within five years after this Act receives royal assent —". The amendment proposed by the President of Treasury Board states: "Within five years after the day on which this section comes into force—"

Why?

● (1045)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member raised some interesting points. The issue of haste has been a question in this place for some time.

The member raised another question with regard to the motivation behind certain of the changes being proposed. Part of the difficulty is there was no speech given by the government to explain the purpose or the intent of the motions that were provided. As the member will know, these amendments were not even put in until 6 o'clock last night and were not available to members until after midnight, which did not give us an opportunity to do a proper review.

I think the member is quite right. We should encourage the mover of the motions to at least make a statement of intent of the motions being presented to this place.

[*Translation*]

Mr. Benoît Sauvageau: Mr. Speaker, this is like the sequel to a movie, but a sort of watered-down and less interesting version.

We have been—how shall I put this—

An hon. member: Rushed along.

Mr. Benoît Sauvageau: We have been rushed along—thank you —throughout our consideration of Bill C-2. All I could think of was the expression fast track, but I did not want to say it. So we have been rushed along, both the witnesses and the personnel who were directly or indirectly involved in the legislative committee on Bill C-2. We, the members, have been rushed along from beginning to end, including in the clause-by-clause study of Bill C-2. Furthermore, we have tried to show, insofar as possible, our good faith in moving the bill along constructively, but this was not always well perceived by the government party.

As far as the amendments are concerned, it is still more or less the same old thing. What is different, however, is that it is just like Canada, just like the House of Commons. So what we saw a little more of in camera in committee—even if it was televised, it was not so obvious to people—what the Conservative government has done, from the beginning, in the legislative committee on Bill C-2, it is pursuing this route again today, in the House of Commons, by tabling 30 last-minute amendments in a big rush.

I think it is only natural to ask questions. When we asked questions in committee, we were accused of bad faith. We are asking questions today, and we are accused of wanting to delay the procedure, or no one answers us.

A five-year review was planned further to enactment of the bill. We are told that, no, it is no longer after enactment of the bill, but after the section comes into force. Why? I would think this is a legitimate question. We cannot get an answer to this question, and this makes us people of bad faith.

For the member who just asked me the question, I would say that what is happening in the House of Commons is the same as what happened in the legislative committee on Bill C-2, but on a larger scale, and I think that the day that is beginning will continue like that, unfortunately.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I rise to say a few words about the first group of amendments at this stage of Bill C-2. I note that the ruling has been made to delete some of the amendments and to allow others, then to cluster them into what seem to be logical groupings. I cannot find fault with the methodology here. They seem to be along the same themes. There is some logic and flow to the methodology.

I must begin by taking offence with some of the comments made by my colleague from the Bloc. If we are going to deal with Bill C-2 properly and do justice to it, we must begin from the same base level of information and, hopefully, from the same base level of truth and facts. I notice that my colleague never misses an opportunity to open his remarks with a certain sarcasm and even a certain level of insult to some of us who were on that committee. The member tries to imply or to lay some foundation that there was a prejudice toward him being able to do his job properly.

I think we should put it on the record that there was ample time for all the witnesses who wanted to be heard to be heard. In fact, the committee ran out of witnesses. The committee had dedicated hours left vacant as it were and regularly, habitually, members ran out of questions prior to the end of the questioning period allocated for the witnesses.

Anyone who implies that the compressed period of time that we used to study the bill was in fact a shortened period of time is simply misleading the public. It should be put on the record that we should begin this study with honesty and in a forthright fashion with all the facts.

Bill C-2 is all about transparency, ethics, et cetera. It would be unethical to imply that anyone was denied the right to do a proper and thorough job in the study of the bill.

Some of the amendments put forward in Group No. 1, as I say, the NDP finds no fault with their technical nature dealing with the conflict of interest act. As I say, we are going through it in a thematic way. The first topic as we come to it in Bill C-2 is dealing with the Conflict of Interest Code, to codify the code. This will move the code into the act to make it statutory in nature, rather than a guideline and expanding the application of the conflict of interest act to ministers of state who may find themselves in conflict as well.

The NDP does not oppose that. Our party finds that there have been ample examples in recent history, within the last Parliament certainly and possibly even this Parliament, where it would have been logical to have the application of the Conflict of Interest Code apply to a broader base, to more members.

It should be explained to members that there is great public interest in Bill C-2 and in the speedy passage of the bill. There is a method to our madness in trying to ensure that the bill gets through the House in this session of this Parliament. There are people who are opposed to some of the fundamental principles of the bill, especially the election financing section as we come to that later.

One of the political parties is claiming that this is some conspiracy to disadvantage them. Legislation is not crafted for the partisan interests of any one of the four political parties in the House of Commons. All of the political parties had their executive directors and president appear as witnesses before the committee. None raised the fact that they should get special privileges or that we should craft this legislation with the health and well-being of any one particular party in mind. We crafted the bill for everyone and we apply it equally, fairly and universally to everyone.

We should not delay the implementation of the bill to accommodate the greed of one political party. I say greed because the only problem it is running into is the fact that it charges $950 for delegate convention fees to its convention. That party would not have a problem if it was not trying to make money on its convention.

We in the NDP are also having a convention this fall. Our party's convention fees are $135. It is $95 if the person is an early bird. That party is the architect of its own problems, as usual.

● (1050)

I caution the Liberals that if they are considering conspiring with their Liberal-dominated Senate to delay, block, undermine or sabotage this bill, we will expose them in the House and outside the House. We will cry from the highest rooftops and condemn them for—

● (1055)

Hon. Wayne Easter: Mr. Speaker, on a point of order, the member is off topic. It is not relevant.

The Deputy Speaker: I do not think that is a point of order. It is a point of debate.

The hon. member for Winnipeg Centre has the floor.

Mr. Pat Martin: Mr. Speaker. we are dealing with the amendments. It is our first opportunity to deal with the amendments of Bill C-2 at report stage in the House of Commons. It is important to frame the context in which this debate will take place. There are enemies of this bill who are conspiring to undermine the implementation of this bill. That should be exposed with the same frankness as my colleague from the Bloc spoke of when he was trying to accuse the other parties of undermining his right to do a thorough job and study of this bill.

I do not think the Senate needs to take any longer than we did to deal with this bill. We rolled up our sleeves and did the grunt work, if I can speak plainly. We worked extra hours. We worked into the night. A week's worth of witnesses and a week's worth of committee stage should be all the Senate needs.

I am disappointed when I hear Liberal members of Parliament saying that we should be talking about this well into the fall, well into the winter. One Manitoba Liberal senator is saying that Christmastime and beyond is not unrealistic for the Senate to do a thorough analysis of this bill.

That is the kind of sabotage talk that we heard from the Bloc earlier on too, that we should still be hearing witnesses into the spring. That is crazy. We all know what needs to be done. It is not that tough. Honesty and ethics are not concepts on which we should have to start from scratch. We all know the difference between right and wrong.

There are some people who are so steeped in the tradition of unbridled patronage and rum bottle politics, learning at the feet of Allan J. and people like this. They just do not know anything else. There are some parties that cannot survive in a climate of transparency and accountability. They would strangle in that atmosphere. It is poisonous to them.

We are trying to create an atmosphere where ethical standards rule the day. We are trying to create an atmosphere where ethical standards dominate. There is a downside to the culture of secrecy that allowed corruption not only to flourish but to rule the day, to dominate. It is an end to that era.

This first set of amendments to the report stage of Bill C-2 is beginning to lay the foundation of a whole new era. It is like moving from the Mesozoic era to another era.

I am optimistic that we are going to hopefully get all this out of our systems early on, that we do not hear the cheap potshots from my colleague from the Bloc, and that we do not hear grandiose revisionist history from the Liberals.

I saw a press release put out by the Liberal Party in western Canada that said that the NDP voted down its recall amendments, its floor-crossing amendments. That is untrue. The floor crossing thing was ruled out of order. Nobody voted for it or against it because it was ruled out of order. It is a complete fabrication. It is an—

Mr. Paul Szabo: Mr. Speaker, on a point of order, in fairness, we do have a group of motions to debate and much of what is being said here has nothing to do with those motions. It is not relevant to the debate.

The Deputy Speaker: I am sorry, but in the context of report stage, members often speak to the whole bill and that is what I understand the member for Winnipeg Centre to be doing.

The member for Winnipeg Centre, wrapping up with one minute to go.

Mr. Pat Martin: Mr. Speaker, I was only making my remarks in my first opportunity to speak at this stage of this bill. I felt it was important to clear the air and to begin from a basis of the same body of information and facts.

First of all, some of the Liberal propaganda is absolutely false. No one voted for or against the floor-crossing amendments because those amendments were ruled out of order. I ask them to perhaps send a second press release into western Canada and stop accusing the NDP of sabotaging the floor-crossing amendment. The truth is that the Liberals crafted it in such a way that it could not be entertained in committee. It was out of order, plain and simple.

We will do the general public a good service and we will do justice to this bill if we begin from the same informed base of information. These technical amendments in the first grouping should not trigger a great deal of gnashing of teeth or rending of garments. I think they should be accepted.

● (1100)

Hon. Stephen Owen (Vancouver Quadra, Lib.): Mr. Speaker, I have two points with respect to the previous speaker's more general observations. One is general and the other is specific.

The bill was certainly rushed through committee stage. Almost every expert witness from different sectors cautioned us, as a committee, to take our time because it was complex and lengthy. It involved dozens of different statutes and it would have some dramatic impact in many of the opinions of witnesses. That was simply the evidence before us.

We moved at quite a pace. A number of witnesses were grouped together in time periods, which frustrated them in feeling they were being properly listened to and understood.

Therefore, I do not think there is any question that, while we moved quickly and effectively through most of the bill, many of the witnesses, including Arthur Kroeger, the dean of the senior public official community in Ottawa, thought it should take the committee all next fall to go through it properly.

The other issue the member raises is with respect to the crossing the floor amendment, which I introduced. He is absolutely right. The chair of the committee did rule it out of order. I then asked for a vote to overrule the chair so it could be considered. The NDP voted with the government against overruling the chair. That was in substance the same thing as voting against for the amendment.

I take no issue with the members being opposed to that amendment, but there was a vote against my motion to overrule the chair in his finding the amendment out of order. That was the sequence of events. However, we are here to debate the bill.

However, let us get on, go through clause by clause and have a good discussion on this and perhaps stop the more general speeches.

Mr. Pat Martin: Mr. Speaker, I thank my colleague for clearing up the misinformation that is abounding in western Canada, certainly in Barbara Yaffe's column in the Vancouver *Sun*. She quotes the member for Vancouver Quadra saying that the NDP voted down his floor-crossing amendment. The big bad NDP could have punished the member for Vancouver Kingsway, but we chose not to. There is a big difference between not voting for the member's amendment and voting to uphold the ruling of the chair. I too shared the chair's opinion that my colleague's amendment was out of order. It does not mean I did not support the content of his amendment.

I had two floor-crossing amendments, both of which were ruled out of order. I liked ours better. If both of mine were ruled out of order and if his were in order, I would have supported his. Therefore, there is some misinformation abounding in the country. It does a disservice to this debate and a disservice to Canadians to have this bantering back and forth.

Let us all agree on one thing. Bill C-2 has great merits and should be passed expeditiously for the well-being of the whole democratic system and to keep those who would violate and breach the public trust in check. Those who would violate the public trust, as we saw in recent history, should be held in check and should be barred and blocked from ever doing so again should they ever form government again.

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, I have a request for unanimous consent that I believe will meet with the approval of the House.

The member for Repentigny, my dear colleague from Quebec, has a real concern with Motion No. 4. We believe it is a small technical one, but in the interest of parliamentary cooperation, I would ask for unanimous consent that Motion No. 4 to be withdrawn.

The Deputy Speaker: Does the hon. minister have the unanimous consent of the House to withdraw the motion?

Some hon. members: Agreed.

(Motion No. 4 withdrawn)

● (1105)

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, this is a general comment. It has been mentioned a number of times before by my colleagues on the committee, both from the Bloc and the Liberals, that we were rushed through committee and we did not have adequate time to examine and discuss all the legislation contained in it.

I would merely remind my esteemed colleagues that we had passed a motion in committee to extend the sitting time of that committee for the entire summer, if need be. In other words, we were not putting any restrictions on the length of time that we required to examine the bill with rigour and to give it its full examination and the due diligence required. We were quite prepared to sit as long as it took.

Because of the extended hours and because of the complete and sincere motivation of all members to ensure that the bill was as strong as possible, we were able to complete the examination of clause by clause last week, but it was not because we were rushed. We had the ability to sit as long as we wanted. It was the decision of the committee to pass the bill clause by clause when we did.

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, I appreciate the opportunity to speak on this very important legislation, something the current Prime Minister and this party campaigned on persistently, day in and day out, through the election campaign, getting the support of Canadians from coast to coast to coast to clean up the slide in ethics we have seen in the federal government for a very long time, particularly in the previous 13 years.

What this Parliament had an opportunity to do, on the C-2 legislative committee, was work through a very large, comprehensive piece of legislation. I believe we dealt with over 280 individual amendments to the legislation. To be honest, I am quite shocked and saddened to hear some of the debate today. Something seems to happen in a democracy where everyone seems to be working on good faith and then all of a sudden, if they happen to lose debate on amendment or lose a point at committee, people turn around and start attacking the motives of other people rather than accepting that as the give and take of democratic society.

In the six years I have been a member of Parliament there have been three independent legislative committees. There was the Bill C-36 legislative committee, after September 11. There was the Bill C-38 legislative committee, dealing with same sex marriage. Now we had the Bill C-2 legislative committee, dealing with the federal accountability act. Of the three committees I have observed over my time, this committee really stood out as a model.

Last Wednesday night, when our committee finished going through the clause by clause section of the bill, there was an interesting moment. We went person by person around the table, four Liberals, two Bloc Québécois, one New Democrat, five Conservatives, and each of us took an opportunity to say what we thought of the committee. I did not hear anyone at the close of the committee say that it was a sham, or the witnesses were rushed, or we did not give due consideration or the minister did not do his job.

Six days ago everyone was very pleased with the way the process. People were pleased with the due diligence that the committee gave. In fact, throughout the course of this committee, we sat for 24 hours per week and the committee did a lot of heavy lifting. Through the course of that committee, I thought it was a model for how a minority Parliament could work. We will see how we go for the rest of today, going forward to the end of this week. However, the legislative committee was a model of how a minority Parliament could work within a smaller dynamic of a legislative committee because every party put forward amendments. Every party won some and every party lost some. That is how a democracy works.

All of a sudden we come back to the House for report stage and we hear people like the member for Vancouver Quadra and the Bloc Québécois say that this was rushed and people were not given their opportunity to put forward amendments and have thoughtful conversation. The truth is, as the member for Winnipeg Centre said, not one witness came before the committee and said that he or she needed to be rescheduled, or needed a week to think about this, or needed to regroup and talk to some lawyers and get specific legislative counsel on how to go forward with some ideas. Everything seemed to go forward very effectively. Members of the committee should be applauded, the member for Notre-Dame-de-Grâce—Lachine, the member for Vancouver Quadra and the member for Winnipeg Centre.

As I have the opportunity, I tip my hat to my colleague from Nepean—Carleton, the Parliamentary Secretary to the President of the Treasury Board, for the great work he has done of this legislation.

Bill C-2 is an incredibly complicated bill. It corrects a lot of the things that Canadians have been complaining about in our parliamentary system for years. It gives more power to independent officers of Parliament. It gives more transparency and accountability for members of Parliament. It deals with the issues of lobbyists and accountability, campaign finance reform and important reforms to procurement, which is my area of responsibility as parliamentary secretary to public works. This is vast, complex, important legislation and all Canadians have been thrilled with the incredible work done by the member for Nepean—Carleton.

We are addressing now Group 1, Motions Nos. 1 to 3, 6, 7 and 9. Specifically I want to talk briefly about Motion No. 9.

Motion No. 9 is an amendment which would delete paragraphs 41.4 and 41.5 in clause 99 of Bill C-2 regarding the trust funds of MPs. These provisions allow a House of Commons committee to issue an opinion on whether an MP has breached the new trust fund rules, which will now be a criminal offence. No prosecution can begin until the committee has issued its opinion or at the very latest, before 30 sitting days. If a prosecution is later commenced, the prosecutor must give the committee's opinion to the trial judge who in turn must consider it in deciding whether the MP has committed the crime.

● (1110)

We moved this amendment for several important reasons. First and foremost, we believe these provisions are inconsistent with the fundamental principle underlying the director of public prosecutions provisions of Bill C-2, namely, the need to ensure that prosecutions are free from political interference both in appearance and in reality. By delaying the commencement of prosecutions and requiring the prosecutor to submit the committee's opinion as evidence in a criminal trial, these provisions contradict this key principle of prosecutorial independence.

Second, MPs accused of violating the new trust fund rules have the right to a fair trial. These provisions would compel a trial judge to consider the committee's opinion in determining whether an MP is guilty of a crime. This could force a judge to consider evidence that would otherwise be inadmissible in a criminal trial, thus potentially jeopardizing the fairness of an accused MP's trial.

Third, there is a relationship between Parliament and the courts. Requiring a judge to consider the committee's opinion in determining whether an MP is guilty of a crime would impinge on at least the perception of the court's impartiality and independence. The separation of powers between Parliament and the courts is integral to Canada's constitutional makeup and vital to upholding public confidence in our justice system.

It is for these three core principles that we are moving to delete proposed sections 41.4 and 41.5 from clause 99 with government Motion No. 9.

A number of my colleagues will be speaking to other clauses, but I would remind the House that Bill C-2, not only as a piece of legislation but the process that we have undertaken has demonstrated how this Parliament can work. We set up an independent legislative committee. Anybody who wanted to speak to the bill was allowed to speak to the bill. Amendments were allowed, and I think that 280 or 290 amendments came before the committee. Every party won some; every party lost some. This is an opportunity to demonstrate how this Parliament can work if we are all interested in the public good and not our own partisan political good. Bill C-2 will stand out as a real harbinger for good things to come for this Parliament if we maintain the faith.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I want to address some of the issues that the parliamentary secretary underlined. He mentioned the reason the government came forward with Motion No. 9, which would delete a series of clauses in Bill C-2, clauses which were adopted subsequent to amendments that were brought forward by me, based on the recommendations of our Law Clerk and Parliamentary Counsel, Mr. Walsh. They dealt with ensuring that the constitutional autonomy of the House and its members was not impeded upon or in any way infringed or subjugated to the provisions of Bill C-2.

It is quite interesting. The amendments which were adopted at committee dealt precisely with criminal prosecutions, allegations and accusations, charges that a member of Parliament had committed an offence and would require that a committee actually deal with it and issue an opinion. It could not go forward until a committee had dealt with it, and that once a public criminal prosecution went forward, the prosecutor was legally obliged to provide the committee's opinion to the judge, and the judge had to—could, not had to—could take into consideration said opinion of the committee.

The point that was made by Mr. Walsh when he appeared before the committee, the point that I made when I raised it in committee and the point which was accepted by committee because it was adopted unanimously in committee, was that such a procedure and requirement already existed in the Parliament of Canada Act. I believe it is section 56, but I could be wrong. The requirement was that the prosecution not go forward until the appropriate committee of the House gave its opinion, in that case it is the Board of Internal Economy for allegations of misuse or fraud of a member's operating budget. A criminal prosecutor had to provide the opinion to the judge and the judge could take the opinion into consideration in rendering a conclusion, decision, sentencing, et cetera.

That already exists in terms of criminal offences that could flow out of allegations of misuse of a member's operating budget. It already exists. Therefore, the government's argument that it wishes to remove those sections from Bill C-2 because it would infringe on a criminal proceeding does not hold water.

● (1115)

Mr. James Moore: Mr. Speaker, this government certainly disagrees with the opinion of my colleague opposite. Her opinion is earnest and legitimate, but when she was making her statement, she in fact stumbled over the key word "would" or "could" consider.

We believe very strongly in defending and protecting the independence of our courts. Requiring a judge to consider a committee's opinion in determining whether an MP is guilty of crime, by mandating such a thing or having the perception of such a mandate could infringe on the perception of the independence of the courts. That is something that the Liberals have tried to use as a political baseball bat against their opponents in the past.

I know my colleague does not believe that any government should in any way have the perception of impinging on the independence of any of our courts. That is why we are moving this motion.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I want to make some general comments on the debate as a whole.

The speech by the parliamentary secretary was somewhat brief and basically characterized the amendments in this group as being general cleanup. I did not see it that way. As a matter of fact, Motion No. 5 which was deemed out of order raises some interesting questions about the thinking.

Among other things, report stage is meant to allow members of Parliament who are not on the committee to propose amendments and to debate some of the changes that have been made to a bill. They are members who have not had the opportunity to hear all of the witnesses and they may have a fair bit of work to do once they see the nature of the changes coming forward at report stage.

Notwithstanding that the bill was completed at committee last week, the amendments before us today were only put on the notice paper last night at 6 p.m. Of the original 30 amendments, only 24 remain. The amendments were not available to members until after midnight. Until yesterday there was only one report stage amendment relating to the Canadian Wheat Board on the notice paper. If there were only a couple of amendments, we might have been able to do this, but now we are faced with a vast array of amendments, most of them from the government itself.

If there are 20 amendments coming from the government on this bill, why have these been made at this late time? We are talking about the federal accountability bill and if openness and transparency are being encouraged by this bill, then the process we are going through right now does not support the concept of openness and transparency. Proposed subsection 41.4 was deleted in its totality yet this clause was strongly recommended by the House counsel at committee and was adopted by the committee. The government has turned around and put in Motion No. 9 to delete proposed subsection 41.4 in its totality.

Some answers need to be given as to the rationale behind the move the government has made. The House is probably entitled, if I may use that infamous word, to have an explanation from the government or the mover of the motion as to why certain changes have been made. It is interesting that there was absolutely no commentary whatsoever made on any individual motion in Group No. 1, in which there are seven amendments. This basically says that other members of the House are on their own.

The member for Winnipeg Centre has basically said that all the work has been done and everybody should simply accept it. We know that throughout the committee stage, the NDP member took his orders from the government. I am not sure why the member has not raised some of the questions that have been posed by other members about the raison d'être for some of these amendments. I am not sure if he was aware of them. He did not talk about these amendments in his speech. It was more about getting the debate over with.

I do not think there is anybody in this place who does not want to have this bill passed. Before the House starts in the morning, there is a prayer about making good laws and wise decisions. If there are elements within this bill which do not reflect the best counsel that has been made available to committee and the amendments that committee made with all of the benefit of that work, and the government summarily dismisses and deletes whole clauses, that requires some explanation. That is valid. That is not delay. That happens to be good parliamentary practice.

● (1120)

For the member to suggest that questions by any member in this place are somehow motivated by something other than trying to find out why the details are there and why we are trying to make good laws here raises a question about the member's motivation. I would leave it at that.

I am pleased that the minister has offered, and it has been approved by the House, to deal with Motion No. 4 on the five year review. It struck me that as we consider the bill as approved by the committee and reported to the House at report stage and then examine these motions, as we consider one motion and try to determine the effect of the change, and often the entire clause and the wording of the lines is repeated, we have to pick out the nuances. I think the Bloc member was trying to point out that it might be a change of only one word.

Motion No. 4 has to do with whether this matter will be in force from royal assent or from the day on which it is enacted or proclaimed. We had the same situation, as a parallel, with Bill C-11, the whistleblower legislation. In the last Parliament, after two or three years of work by all parties, the bill was passed at third reading and received royal assent. It is the law in the country but it is not in force today because it was never proclaimed by the government. We will find, as we get into further debate on this matter, that some amendments in Bill C-2 would amend Bill C-11, which has not yet been enacted. We will need to proclaim Bill C-11 from the last Parliament before Bill C-2 can be totally in force because it cannot amend a law that is not in force in Canada.

As was indicated by the member who just spoke, the bill has a lot of clauses and many of the amendments have been dealt with. We do know the government has the opportunity and the right, notwithstanding that the matter has been dealt with fully at committee, to make changes at report stage, which is a privilege not available to other ordinary members.

The government can decide to tell the committee that it does not agree with the committee and it can throw an entire clause out, which is what was done under Motion No. 9. I hope, as we move on to the other groupings, if the government intends to be open and transparent on the provisions of Bill C-2, that at least one speech will explain, at least in brief, the purpose, intent or the effect of each of the amendments being proposed in the groupings the Speaker gave us.

Group No. 1 consists of six motions that should have been commented on. If they are just clean up motions then we should have had representation that they were clean up or translation problems.

Group No. 2 consists of nine motions, Group No. 3 consists of six motions and Group No. 4 consists of three motions. It would help the debate along if the government would at least put on the record the nature, the intent and the effect of each of the motions it has posed. If there is not enough time in the 10 minutes available to the movers of those motions, I would be most happy to give unanimous consent to extend the speaking time of the government speaker so that at least the speaker would have two or three minutes on each motion to do a proper job and to be open and transparent in the discussion of Bill C-2.

● (1125)

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I wish to point out a couple of things for my hon. colleague in contravention to what he has suggested in his speech.

First, he made a comment that due to the lateness of the amendments submitted by the government it perhaps was putting hon. members, who had not had the opportunity to sit on the committee, at somewhat of a disadvantage since they did not really see any amendments until after midnight last night.

I would point out that of the 30 amendments submitted, 10 of them were by opposition parties. Therefore, for the member to suggest that it was only the government that was trying to hijack the democratic process by submitting amendments at the last moment is not quite correct.

Second, I also have to object to the suggestion made by my hon. friend that the government did not speak to these amendments. Although the Parliamentary Secretary to the President of the Treasury Board was quite brief in his opening remarks, the President of the Treasury Board spoke to Motions Nos. 1, 3 and 6. The Parliamentary Secretary to the Minister of Public Works just spoke in his address to Motion No. 9. I make reference now to Motion No. 7, which was mentioned earlier by one of my colleagues.

Although I am not objecting to the Speaker's ruling, I want to point out that Motions Nos. 5 and 7 were quite complementary because they dealt with the ability of a transition team member to appeal his or her decision to the commissioner of lobbying if in fact the decision was to restrict that transition member to the five year ban on lobbying.

On Motions Nos. 5 and 7, one dealt with the previous transition team and one with future transition teams. I am not sure exactly why the Speaker's ruling was to exclude one and allow the other but so be it.

Would my hon. colleague agree that, even though the Prime Minister has been quite clear and unequivocal in his statements that no member of a transition team of the government will be allowed to lobby the government for five years, this amendment, which would provide transition team members with the same recourse, the same right to appeal as any other public office holder, is equitable and fair?

● (1130)

Mr. Paul Szabo: Mr. Speaker, some things are prima facie and I would suspect that others would share that view, so maybe the answer is no.

In terms of the suggestion that there is a hijacking of the democratic process, I suppose the fact that the Liberals put in two amendments and the NDP, I believe, put in four, that leaves 24 for the government.

An hon. member: Five.

Mr. Paul Szabo: Okay, a substantial number.

The member should know that the government has the unique authorization to make amendments which are out of order for other members of Parliament. It is the minister's bill and he can make those amendments and basically tell the committee thanks but that he does not accept its position and that he will go another way.

I saw that happen in the bill on reproductive technologies where we saw a couple of clauses of the bill totally reversed. I am aware of that.

I do not subscribe to the hijack thing but I would suggest that although a series of speakers over the day may address every motion, I think it is incumbent on the mover of the motion to make a statement to the House at the beginning of the debate on the motion of the intent of the motion, such as, Motion No. 1 is clean up, no problem; Motion No. 2 is translation, no problem; and Motion No. 3 we do not agree with the committee and we have decided to delete that clause and here is another one because it is duplicative.

Those kinds of indications of the basis may help another speaker trying to participate in the democratic process to at least use those as a filter to consider their own commentary that they may have made without that knowledge.

As a courtesy to the openness and transparency of the debate, I ask that the mover of the motions make a quick summary on the ones that are clean up and on the ones that are not controversial and to sum up why it is making changes to others. If we do that I think all members of this place and Canadians as a whole will benefit from the debate.

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, it was a privilege to serve with other members of Parliament on the committee studying Bill C-2, the accountability act. I think we did tremendous work on behalf of Canadians.

From the testimony we heard and from the work that was done, we had a thorough vetting of the issues related to accountability. We heard from a great number of witnesses and we worked in a way to move the bill forward. Members on all sides of the House sacrificed a great deal to see the bill through committee.

It is the number one priority of our government and it is something that was long overdue. Canadians were demanding more accountability from public office holders and from Parliament, more accountability in the way their tax dollars are spent and more transparency in the way we run our democratic process. This bill, at the end of the day, accomplishes all those things.

I want to speak to Motion No. 9, which is a serious motion and one I urge all members of the House to consider as it impacts on some very fundamental rights and issues relating even to members of Parliament.

Specifically, the changes brought in by adding two provisions, subclauses 41.4 and 41.5, to the new MP trust fund rules proposed for insertion into the Parliament of Canada Act raise serious legal policy issues regarding the independence of prosecutions from political interference, as well as serious Charter of Rights issues related to the ability to get a fair hearing. They also raise some concern with regard to the Constitution and the division of power. It is for those reasons that the government proposed reversing those amendments.

To be clear, I would urge all members of Parliament to consider this amendment very carefully. It is not a minor amendment like dotting an *i* or crossing a *t*.

The amendment in subclause 41.4 would require:

> Any person...who has reasonable grounds to believe that an offence has been committed under section 41.1 shall...notify the Committee of the House of Commons designated to consider such matters.

This is the clause that prohibits members of Parliament from accepting benefits or income from a trust established by reason of their positions as members of Parliament, and from circumventing this rule.

The committee may then issue an opinion on the matter. The committee would study the facts of the situation and then issue an opinion on the matter. The new paragraph 41.4(4) provides that, in any prosecution of that offence, if there is a criminal prosecution of the offence, the prosecution shall "provide the judge with a copy of the opinion of the Committee", which would be a committee of this House. It is important to note the exact wording, "and the judge shall consider the opinion in determining whether an offence was committed".

Further, a similar process is proposed in the second amendment, subclause 41.5, for contraventions of subclause 41.3, and that authorizes the Conflict of Interest and Ethics Commissioner to make orders regarding the treatment of MPs' trusts, with the same requirement as I outlined before in paragraph 41.4(4), that "the judge shall consider"—the committee's—"opinion in determining whether an offence was committed".

Obviously it is pretty clear, even on the face of the wording, that these amendments raise serious legal policy and constitutional concerns.

● (1135)

First and foremost, the amendments are inconsistent and completely at odds with the fundamental principle underlying the new director of public prosecutions provisions contained in Bill C-2, the federal accountability act, namely, the need to ensure the independence of prosecutions from political interference. It is that perception of political interference, the whole idea that somehow politicians could influence a judicial outcome, that is the whole reason for the underpinnings of the move to the director of public prosecutions. It underlines a lot of what we have done in the federal accountability act.

Obviously I hope that all members of the House would agree with me that we should not have political interference in the judicial process. I think that is fairly basic. This amendment, as the bill currently stands, would provide for just such an interference.

Second, the amendments present a serious risk of violating the Canadian charter right to a fair trial of a member of Parliament charged with an offence. All of us as Canadians, and even those of us who are members of Parliament, are entitled to a fair trial under our Canadian Charter of Rights and Freedoms.

By requiring a judge to consider a parliamentary committee's opinion on whether an MP has committed an offence, the amendments would preclude a judge from respecting the procedural safeguards mandated by the charter, for example, by requiring a criminal court to consider evidence that is otherwise inadmissible either as hearsay or as opinion evidence with respect to an MP's guilt or innocence and/or to consider prior incriminating testimony, including testimony that the committee may have compelled from the accused member of Parliament. To be clear, this has an impact on the charter rights of members of Parliament and would undermine the right under the charter to a fair trial if we allowed this to proceed as proposed.

Third and finally, the amendment appears to undermine the separation of powers among the legislative, executive and judicial branches. The Supreme Court of Canada has consistently held and has often stated that this is a fundamental constitutional principle. In the House, we all know that there is a separation among the executive, the judicial and the legislative branches. It is essential to having a thriving democracy and fairness in our system that those divisions be kept sound. It is a basic constitutional principle.

In passing this as it is, it would impinge on at least the perception of judicial impartiality and judicial independence, another fundamental principle that flows from our Constitution. It is for these reasons that I ask all members to consider deleting proposed sections 41.4 and 41.5 from clause 99.

To sum up, the independence of the judiciary, the right for a member of Parliament to get a fair trial under our charter of rights, and the division and the separation of powers among the judicial, executive and legislative branches of our government are all pretty basic fundamental values that we all hold dear. I ask all members to consider that when we consider Motion No. 9.

I urge that the motion be adopted because otherwise we risk putting members of Parliament in a very serious situation with regard to their rights and we also undermine the independence of the judiciary in this country.

● (1140)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I thank the member for giving a very good summary of his concerns and opinion on Motion No. 9, which seeks to delete proposed sections 41.4 and 41.5 in their totality from the bill as reprinted from the committee.

When I reviewed this, one of the issues I flagged was that it suggests in proposed subsection 41.4(4) that the committee shall provide the judge with a copy of the opinion of the committee and "the judge shall consider...". That is where I stopped, because the point on the independence of the judiciary certainly was a very important aspect.

I do not think we can legislate that a judge "shall" do anything. We went through a process where there was a review of the sponsorship program by the Standing Committee on Public Accounts. A number of those matters went forward to a judicial inquiry. Subsequent to that, there have been legal proceedings.

Is this the kind of thing that the member is suggesting shall not happen in the future in terms of a committee undertaking at its discretion or being designated to be a quasi-judicial review committee for purposes of identifying wrongdoings that may be subject to prosecution under the laws of Canada? If so, is this in fact changing a practice that already exists in Parliament?

Mr. Rob Moore: Mr. Speaker, I thank the hon. member for his consideration of the arguments that have been put forward. I think they are serious arguments. I heard the quote by the member, which reads that "the judge shall consider the opinion in determining whether an offence was committed".

The member also stated that we cannot tell a judge what to do, but that is exactly what the bill is doing. It is saying that a judge "shall consider" the opinion of the committee. This is not any committee. We are not talking about general laws relating to evidence. We are talking about a House of Commons committee, a committee of Parliament. We are talking about a committee that falls under the legislative branch. We are blurring that line between the legislative branch and the judiciary.

Committees are made up of elected members of Parliament. As anyone who sits on a committee knows, there can be influences on one's judgment. We have to be very careful that we never do anything to undermine the right of a member of Parliament or anyone else in Canada to a fair trial. That is one of the underpinnings of our justice system. It is one of the rights that we cherish under the charter and that we are all entitled to as Canadians. As I said before, even as a member of Parliament one is entitled to a fair trial.

By forcing a judge to consider evidence of a committee, we are blurring that line. Not only would we be blurring the line among the legislative, the executive and the judiciary if we were to adopt this, not only are we doing that, but we are at serious risk of undermining the charter rights of a member of Parliament who is potentially involved in one of these trials.

Just so we know the context, we are dealing here with offences that may be committed under clause 41.1, which would prohibit MPs from accepting "any benefit or income from a trust established by reason of his or her position as a member of the House of Commons". Any person with reasonable grounds to believe that has happened can make a complaint to the committee. The committee will study it. The real problem is mandating that the committee's evidence be put forward to a judge and that the judge "shall" consider it. It undermines the charter rights of the accused.

● (1145)

[*Translation*]

Ms. Monique Guay (Rivière-du-Nord, BQ): Mr. Speaker, as the second member of the committee representing my party, it is truly important to me to take the floor today on Bill C-2 and the amendments we were presented with very late yesterday evening.

I must also speak about the process of the committee. In more than 13 years in the House of Commons, I have never seen so hurried a process as in the committee studying the Accountability Act. I can also add that certain people are very unhappy at not having been able to testify before the committee. I have received many letters from many witnesses writing me to say that they wanted to testify to the committee, but it had been impossible for them to do so in so little time, impossible to draft a brief in 24 hours. And so, for all sorts of reasons, many individuals, groups and associations have been unable to come and testify before our committee, because of the enormous time limits imposed on them. As my Liberal colleague was saying earlier, certain groups were brought together, but they were given so little time. For example, five different groups had a total of 10 minutes to make their presentation. And they were keeping such a close eye on the stopwatch when we asked our questions that working under such conditions was terribly stressful. I had never seen that here.

As you know, this is a rather bulky bill: that is obvious. We were told at the Library that a bill of this size normally requires some 200 hours in committee, and we did the job in two weeks.

So I am very, very pleased that the President of the Treasury Board has withdrawn Motion No. 4. It must also be understood that this motion was strictly concerned with the ethics portion, which will have to be reviewed in five years. So I am very pleased that he has withdrawn it. I am certain that by the time five years are up we will have found a multitude of problems in this bill, because it will have been passed at top speed.

All the same, we have cooperated. We have contributed some important amendments, and all the political parties have cooperated. However I do not know why we were sent amendments at the last minute, again, yesterday evening. One might say it was to hurry us up. We have a number of them to examine, to study, and we are still working at top speed to get this bill passed at once.

That is deplorable, because we are supposed to be doing important, serious work, and we are going to do our best. At the same time, I note the size of this bill and I want to express my concerns regarding its eventual implementation. For in fact, we studied it so quickly that I fear we may encounter certain difficulties in applying this legislation.

In time, we may find that parts of this bill are not working because we may not have had enough time to study them thoroughly.

That said, I would like to discuss the two motions that the Bloc Québécois finds problematic. In Group No. 1, which includes Motions Nos. 1, 2, 3, 6, 7 and 9, Motions Nos. 6 and 9 are problematic. Let me explain why.

I will begin by reading Motion No. 6, which is on page 80 of the bill in clause 80, subsection 11.2.

> Every report to Parliament made by the Commissioner shall be made by being transmitted to the Speaker of the Senate and to the Speaker of the House of Commons for tabling in those Houses.

This section would effectively remove our parliamentary rights.

Furthermore, in Motion No. 9, an entire paragraph, paragraph 41.4 (1) is removed. It reads as follows:

> Any person, including the Conflict of Interest and Ethics Commissioner, who has reasonable grounds—

I will not read the whole thing to you, but at the end, once again, it states that this situation would never come before the House of Commons. It mentions judicial and parliamentary roles and says that we should not place ourselves in conflict of interest situations. Pardon me for saying so, but we were elected to the House of Commons to legislate with the full confidence of the population and we are here to make decisions.

● (1150)

We are not here just to hear ourselves talk. The committees are extremely important and the work they do is normally done apolitically, if I can use that expression, particularly in a situation where there is a question of ethics. I think that the members of this House are capable of setting politics aside and considering what may sometimes be a complex situation.

And then if we remove this subsection altogether, we are leaving ourselves open to lengthy, expensive legal proceedings when we could have gone through one of the committees of the House of Commons. We will decide which one. That committee could already assess the situation. That is what we are elected to do, we are here precisely to ensure that things are done properly. Let us first consider it in committee. If the committee believes that there are grounds for prosecution, it may make a recommendation. However, that recommendation would have no legal effect. It would be the opinion of a committee of the House of Commons. Then, if there is a prosecution, the judge will make his or her decision based not only on the opinion of a committee, but based on actual facts, because we too will have done an initial examination of them.

There cannot be one without the other, and neither interferes with the other; on the contrary. It is an opinion and the judge could ask for other people's opinions. The judge could ask a committee to meet and could have private studies done. That will cost us even more money when we can very well, here, find the body that could examine such a situation.

This raises quite an important question. Mr. Walsh, who is the guardian of our rights as parliamentarians, testified before the committee. He made some extremely important recommendations. He told us that this section would interfere with our rights as parliamentarians and would take away rights that we now have. And so if we remove those sections, parliamentarians will have nothing more to say about the bill. We will no longer have any role to play in this House. In terms of ethics, it means that we parliamentarians are not intelligent enough to make recommendations.

In the past, we have proved that we were capable of doing serious work in committee and considering important matters, including these. There are actually still a lot of things in this bill. Ethics is not the only subject. There is the part about political party financing. I therefore think that we are having rights taken from us, and that is why, in our view, Motions Nos. 6 and 9 should not be before us.

Mr. Walsh did not make his recommendations on a whim; quite the contrary. He came to see us. In fact, we had to press the matter to get Mr. Walsh to sit on the committee, for three years, so that we could get to the bottom of things. The Conservatives did not want that. It was Mr. Walsh, when he came to the committee, who alerted us to it. He told us that he was the guardian of the rights of parliamentarians and the rights of this House. He warned us that we were going to be taking away fundamental rights of parliamentarians. We are doing that again. I very well recall that in committee we had voted against amendments of this nature because we thought that it made no sense to take away our rights as parliamentarians.

Today, with these two new motions, we are bringing something back before the House that we did not agree with in the first place.

Obviously, I would have liked the President of the Treasury Board to withdraw these two motions, so that we could have worked together and kept—and I do mean kept—our rights as parliamentarians and could have continued to do our work here, as responsible, elected individuals and honest people.

● (1155)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member made some very good points, particularly with regard to the representations made by Mr. Walsh to the committee.

I had the opportunity to work with Mr. Walsh on the government operations and estimates committee when we were dealing with the Privacy Commissioner, Mr. Radwanski. Under our rules and the way matters work, we must seek some advice on how to do these things properly lest we make a mistake that could frustrate the intent of Parliament.

Mr. Walsh came to committee and with the full consultation of his legal team brought these two clauses forward and convinced the committee to accept and adopt their inclusion. I am not sure whether or not the government at the time made any argument whatsoever opposing the adoption of Mr. Walsh's recommendations.

I am a bit concerned about the phrase "that the judge shall consider the committee's report". I am not sure whether or not we have a problem with the independence of the judiciary. We do have an opportunity to amend any report stage motion, and we could delete subsection 4 if it is the offending provision and salvage the rest of it. If that is the case, maybe other members who wish to speak to Group No. 1 may want to consider that amendment to make the retention of sections 41.4 and 41.5 more palatable to the whole House.

I would ask the member whether or not that is a problem for her or whether she is just prepared to vote against Motion No. 9?

● (1200)

[*Translation*]

Ms. Monique Guay: Mr. Speaker, I will say first, regarding my colleague's concerns, that Mr. Walsh has no political affiliation. He is really the official responsible for our rights and is a lawyer. Yes, he was at the committee with a number of legal advisers who were there to help him.

To re-assure my hon. colleague, I will read subsection 41.4(4):

> In any prosecution under section 41.1, the prosecutor shall provide the judge with a copy of the opinion of the Committee, and the judge shall consider the opinion in determining whether an offence was committed.

The judge shall consider. He is under no obligation. He determines whether or not an offence was committed. Personally, I do not see any problem with that.

The problem is that we are losing our rights as parliamentarians. The judge, though, is free. If we provide a report, it does not mean that the judge will not be free to decide whether or not an offence was committed. At this point, we get into the legal aspects of the legislation.

A committee is perfectly capable of studying a case and seeing whether there really is a problem. We are not lawyers; we are parliamentarians. As such, our first duty is to determine whether there is a case or situation in which ethics were broken, or a mistake was made, or someone intentionally did something that was unethical. When the committee reports, a copy is given to a judge. The judge decides, not us. We do a rough draft; we take a quick look at a situation. A committee can easily determine that no offence was committed. There is no need in that case to go before a judge.

This will be less expensive because it is part of our work as parliamentarians. If every time there is a possibility that something is unethical it has to go directly to a judge, there will be no end. A host of lawyers will get involved. We have to consider the cost of all that. We have to see things as a whole, and not just little parts of subsections.

I would like this section to remain in the bill so that parliamentarians can do their job and do it fully. There is no conflict between the two, quite the contrary. I think they are complementary. As I said earlier, I would like to keep this section in its entirety.

The same is true of Motion No. 6, which deprives us of our rights as parliamentarians. I am opposed to that.

[*English*]

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I would like to raise some concerns that I have with respect to the amendments that were made to Bill C-2 in committee dealing first with subclause 41.4(4). It states—

The Acting Speaker (Mr. Andrew Scheer): The hon. member for Repentigny on a point of order.

[*Translation*]

Mr. Benoît Sauvageau: Mr. Speaker, I apologize to the hon. Minister of Justice.

A colleague in the back pointed out, quite rightly, that the television screen currently reads "C-2—Projet de loi sur l'imputabilité" in French. Since the amendment was agreed to, I would like us to be able, by unanimous consent or some other procedure—I am not sure how—to have this changed so that the correct title of the bill appears on the television screen.

The Acting Speaker (Mr. Andrew Scheer): I thank the hon. member for his comments.

[*English*]

We will take note of that. We hope the people responsible for the television recording of the House will act appropriately.

Resuming debate, the hon. Minister of Justice.

Hon. Vic Toews: Mr. Speaker, I wish to make a few brief comments with respect of subsection 41.4(4). In dealing with this issue about a possible prosecution where the committee has considered the matter, subsection 41.4(4) says, both in subsection 41.4(4) and in subsection 41.5(4), and the wording here is very important. Subsection 41.4(4) states:

> In any prosecution under section 41.1, the prosecutor shall provide the judge with a copy of the opinion of the Committee, and the judge shall consider the opinion in determining whether an offence was committed.

There are two serious concerns I have with that subclause. First of all, the binding of the prosecutor's right to determine how he or she should conduct the prosecution by requiring a specific report to be tendered as evidence as to guilt or innocence.

The point that I would like to make is that this raises all kinds of questions under the Canada Evidence Act with respect to cross-examination on reports and the like. I think it introduces a very serious restriction on the prosecutor's ability to prosecute. It also may create difficulties for the prosecutor.

The other point, though, is a much more serious point. That is:

> —the judge shall consider the opinion in determining whether an offence was committed.

The committee itself does not rely on formal rules of evidence. It may hear all types of evidence, whether it is hearsay, opinion, whether that is admissible under the strict rules of criminal law or not. The opinion then is created by the committee, probably in many respects in a way that does not respect the proper criminal law trial process.

Then the judge is compelled to consider what may be evidence that is not properly before him in any other context. The judge is required to consider the guilt or innocence of a person on less than satisfactory evidence.

Even if the subclause were to say that the prosecutor may tender the copy of the opinion or the judge may consider the opinion, I would think it would be highly irregular for a judge ever to consider that. If the evidence is relevant to the guilt or innocence of an accused, the prosecutor should be required to put that evidence into trial in accordance with the proper rules of evidence.

I would submit that there is a serious Charter of Rights and Freedoms problem in terms of a fair trial. Second, there is a serious problem in terms of requiring a judge, a judicial actor, to consider the report of the committee which performs a very different parliamentary function.

I have spoken to some of the other members here. I believe that there may be a solution in the works to this particular problem. I wanted to put my concerns on the record and perhaps the member from the Liberal Party would want to address this in a formal manner if that could be done.

● (1205)

Hon. Stephen Owen (Vancouver Quadra, Lib.): Mr. Speaker, I understand the concern of the Minister of Justice with respect to proposed sections 41.4 and 41.5. I would suggest, as a subamendment to Motion No. 9, rather than deleting all of proposed subsections in proposed sections 41.4 and 41.5, that we simply delete lines 19 to 28 on page 89, which would remove proposed subsections 41.4(3) and 41.4(4) with regard to the prosecution. On page 90, under proposed subsections 41.5(4), delete 41.5(4) rather than the whole of proposed section 41.5. That deals with the concern of the Minister of Justice with the courts.

That would ensure that both the courts stay out of the House of Commons business and the House of Commons and its committees stay out of the courts and prosecutorial business, which is the constitutional structure that we have of autonomy and independence of those branches of government. Yet it would still allow the prosecutorial service and the courts to have the benefit of the public committee or House report that might have been tabled in its proceedings. It could therefore pay what attention it deemed appropriate to it. That would be my subamendment.

● (1210)

Hon. Vic Toews: As a matter of clarification, Mr. Speaker, on the member's comments. I note that the proposal he is making would essential remove proposed subsections 41.4 (3) and 41.4(4) in proposed section 41.4.

Would he want to do the same thing in respect of proposed subsection 41.5(3) as well in proposed section 41.5, because those are identical provisions, proposed subsections 41.4(3) and 41.5(3). If he is proposing that there be unanimous consent to the removal of proposed subsections 41.4(3) and 41.4(4) and proposed subsections 41.5(3) and 41.5(4), I think the Speaker could find the support unanimously to make that amendment.

The Acting Speaker (Mr. Andrew Scheer): If the Minister of Justice is seeking unanimous consent right now for his amendment, will he provide the table and the Speaker with a copy of the motion?

Mr. Paul Szabo: Mr. Speaker, I rise on a point of order. There is a will to get this done, but we have to ensure that we do it in the proper fashion. I do not believe we can move an amendment on question and comment.

Motion No. 9 still stands on the paper with other wording. Therefore, there has to be a motion to delete a sentence in Motion No. 9 and click in the proper line numbers for 3 and 4. That should be moved by someone who is making a speech. I suggest that it could either be the Minister of Justice or a subsequent speaker.

The Acting Speaker (Mr. Andrew Scheer): The Minister of Justice did indicate he was seeking unanimous consent during questions and comments.

Hon. Vic Toews: Mr. Speaker, on the same point of order, my colleague from Vancouver Quadra made this proposed amendment. It is a sound amendment. I was suggesting that he also add, and I was not clear whether he had done that, proposed subsection 41.5(3). If he has concerns with proposed subsections 41.4(3) and 41.4(4), then he should also have the same concern with proposed subsection 41.5 (3). I understand his position is he would like to remove proposed subsections 41.4(3) and 41.4(4) as well as 41.5(3) and 41.5(4).

We are certainly amenable to a unanimous consent amendment on that basis. If the House requires a more formal amendment, perhaps that can be moved later. I do not want to cause problems for the House in terms of its record keeping because I understand that is important as well.

● (1215)

Hon. Stephen Owen: Mr. Speaker, l agree with the Minister of Justice in his suggestion that proposed subsection 41.5(3) also be deleted. That makes the package complete. What we are suggesting, with unanimous consent, is to delete the government's Motion No. 9 and replace it with an amendment that would delete proposed subsections 41.4(3) and 41.4(4) and 41.5(3) and 41.5(4). I would seek unanimous consent for that opposition.

Hon. Marlene Jennings: Mr. Speaker, I believe that the correct wording to amend Motion No. 9 would be: That Motion No. 9 be amended by deleting lines 19 to 28 on page 89 and lines 39 to 5 on page 90. That would delete the two paragraphs, which are proposed subsections 41.4(3) and 41.4(4) and 41.5(3) and 41.5(4). The rest of those two clauses would remain intact.

The Acting Speaker (Mr. Andrew Scheer): I appreciate the interventions. For clarity, we will now seek unanimous consent for the motion from the member for Notre-Dame-de-Grâce—Lachine for the alterations she just read out. Does she does have a written copy for the table and for the Speaker? We are dealing with some changes to the bill and we will need to have the hard copy.

If it pleases the House, we could resume debate until everything gets sorted out and then we could have a tidier motion with the written copy.

The hon. member for Malpeque.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I am pleased to speak to the first group of motions, but I want to speak more in the general sense because I have some serious concerns with the bill overall.

To begin with, I congratulate the committee on its work. It worked extremely hard and did the best under very rushed circumstances. I personally think this was drafted as much for political purposes as it was for its accountability provisions.

I believe this to be an bad bill. It is an overreaction to accountability issues more so on the perception of what is happening out there rather than the reality. The intent of the bill is fine, but we need to be serious about this. I believe there would be some serious long term consequences to the political process in Canada as a result of the bill.

I will say one thing about the member for Winnipeg Centre. He has not hid the fact of using the financial provisions in the bill as an attack on the official opposition and the ability of that party to finance itself under its traditional method of financing. In quite a number of ways all parties had financed their parties the same way, with funding from companies and unions, and higher limits.

One of the presumptions in the bill seems to be that everyone is considered first and foremost a crook, whether they be in the bureaucracy or in politics and that in the bill we have operate by exclusion. I was opposed to my government's move to limit as much as it did the right of companies and unions to contribute to the political process. I think we are making a serious mistake in that regard.

Why should companies and unions be completely excluded from the political process? If we are to have a democracy and have it work well, then we want inclusion of everyone. It is not exactly where the money comes from when we have caps on the amount of money, be it $5,000 or whatever. It is how we account for the money spent in a transparent. That is the important issue. By these exclusions, I think we will hurt our over the long term.

I do not mind if unions contribute to the NDP. I think that is a good thing. I do not mind if the banks contribute to the Liberals and the Conservatives. It involves them in the political process and makes them responsible to that political process, as long as there is good accounting for how that spending is done. We do have spending limits for candidates during elections. We do have spending limits for national parties. Therefore, we have substantial controls in that way.

I raise that point because I am really concerned about the long term consequences on democracy in our country with the kind of exclusions put forth in Bill C-2.

● (1220)

In terms of some of the comments that have been raised by the member for Winnipeg Centre, I think there is an attempt to use the current leadership contest within the official opposition to bring in these measures quickly enough to hamper the ability of that party to have a good democratic convention to elect its leadership because the rules are being changed in midstream. Many of us, including me, will be affected because we already have financed the party in certain ways.

I have to ask, does anyone really think that adding those kinds of restrictions and making it more difficult for a leadership contest of one of the major parties in this country to take place will add to democracy in this nation? Will it really add to democracy? Is that what we are after? I do not think it will by putting those restrictions in midstream.

Politics and leadership are all about the debate of ideas. Political parties are supposed to be all about the debate of ideas and policies that can be put forward. We can differ in terms of those ideas but political parties have to have the ability to finance themselves, yes, in an open and transparent fashion. There were problems in the past and I am not denying that. In fact, I do not believe that I receive any money from companies or unions.

I am concerned about the process as we go down this road in 10 or 20 years. The Liberals happen to be in a leadership contest right now, but other parties eventually will be as well. We have to be concerned about the future of our democracy with some of the proposals that are in this bill.

I have made my points on unions and corporations. One thing that is glaringly not in the bill is the whole issue of third party financing. There is some and I worry about what I see happening in the United States. I do not want to see funding of advertising during election campaigns and the kind of attack ads and negative advertising that occur in the United States happen in this country. I do not want to see that happen in Canada, but with third party financing being allowed the way it is, I think we might get into that. That worries me and I raise that as a concern.

The other general concern I have is on the whole issue of accountability within government itself. What happened in terms of what brought about the Gomery inquiry should not have happened, I agree. However, I believe, and this is strictly a personal comment, that if one is in business, one has to risk some money. If one is going to have efficiency in terms of a business and its operations, one has to risk some money in order to gain efficiency. If there are problems, charges will be laid and people will be dealt with.

I am concerned about going down the road the way the government is going. The Liberal government I will admit was going the same way previously and I think that was wrong too. I believe we are spending a lot of money on auditors and accountants in first considering everybody that moves to be a crook. We are spending $3 to chase $1 instead of spending the money efficiently in terms of the projects and programs that mean something to people. I am concerned about that.

Departments now are looking at how to get results for how one thinks. Some departments are actually hiring consultants because of their concern about whether they will be able to account for how that money was spent in terms of that thought process. That is not going to make efficient government.

I lay out those few points because I think they have to be said. I am concerned about the direction in which this bill is going. I am concerned about its impact on the political process. I am concerned about its impact on the ability of government to be an efficient machine in terms of getting the job done for the people of Canada.

● (1225)

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I want to make a couple of quick comments on my hon. colleague's presentation. I find it astonishing, frankly, that on one hand the hon. member would talk about how he hates to have exclusion by not allowing corporate and union donations, yet in the same breath he has introduced a motion excluding the Canadian Wheat Board from the Access to Information Act. He talked about not wishing to exclude corporate and union donations to the political process, yet he forwards an amendment saying on the other hand he wants to exclude the Canadian Wheat Board from the scrutiny of access to information. He does not want farmers who have been contributing to the Canadian Wheat Board, whose money the Canadian Wheat Board is using, to have the ability to find out where that money is being spent. I find that so contradictory it is almost laughable.

I also want to make my main comment on his contention that the proposed act would in some way restrict the ability of the Liberal Party of Canada to hold leadership conventions because it is putting $1,000 limit on contributions. The Liberal Party seems to have a $995 registration fee. I want to get on the record that hard costs are not considered a contribution. In fact, if it costs $300 per delegate to host the convention, that is excluded from any donations from a contribution standpoint. What I am trying to get at is if the Liberal Party wishes to up-charge its delegates, if the hard costs to put on the convention are only $300 per delegate and the Liberal Party is charging $1,000, it is actually getting a contribution of $700 per delegate and that should be considered a contribution.

I am not sure where the hon. member is coming from. Quite frankly, if he wants to make sure they are able to hold leadership conventions in the future, merely charge the amount of money that it costs to put on the convention. It will not be considered a contribution.

● (1230)

Hon. Wayne Easter: Mr. Speaker, I will take the member's points on hard costs. There will be an opportunity in Group No. 2 to deal with the Canadian Wheat Board issue but because the member made the point, I feel obligated to respond.

The member has clearly shown what little he knows about the Canadian Wheat Board. The fact of the matter is the Department of Justice itself indicated that the Canadian Wheat Board should not be under the Access to Information Act in the proposed act because it is not a government agency. The members opposite try to portray it as a government agency, but it is a farm marketing agency. That is what it really is. The board of directors is elected by farmers.

The fact of the matter is to get information on the Canadian Wheat Board there is no need to go to access to information because the Canadian Wheat Board puts together every year an audited annual report. On top of that, the Canadian Wheat Board goes out to every district where it has people elected. Those district elected people can be questioned on how the Canadian Wheat Board spent its money. It is clear that the Canadian Wheat Board is probably one of the most transparent in terms of its administrative operations of any organization in the country. Therefore, the Access to Information Act need not apply.

By the standards of the member's question, it is a wonder he is not suggesting that Cargill Grain or Archer Daniels Midland Company, the good friends of members of the government, should be in this particular accountability act as well under access to information.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, the hon. member talked about an attack on democracy. If we look at it and those big corporations that give, he will say that the unions do it too. Well, we are treating them both the same and there will be no more of it.

However, when we talk about what happens in our country, he should be ashamed. He has the right to make comments in the House of Commons, but he should be ashamed of what happened in our country. I remember that the former prime minister of the country, Jean Chrétien, received money from Auberge Grand-Mère. He took money from the transition fund to pay Auberge Grand-Mère. After that what happened in our country was we lost the transition fund which could have helped small and medium businesses.

[*Translation*]

It is the same all over again with the sponsorship scandal. The sponsorship program could have helped community radio stations across Canada, which would have helped the regions. But the Liberals had to cause another scandal. We lost all of our good programs because of the Liberals. Now we have such a bill here before us, not because everyone is corrupt, but to ensure that no one will be ever corrupt again. This is the result.

Given the current democracy, does the member not agree that the best thing, in the end, would be to ensure that no one ever has a chance to be corrupt, which will mean a better reputation for us here in the House of Commons?

● (1235)

[*English*]

Hon. Wayne Easter: Mr. Speaker, Tommy Douglas would be rolling over in his grave if he was listening to the NDP members these days. They lost their social conscience and are now in bed with the Conservative Party of Canada. It is absolutely amazing to think about the little deals that the member for Winnipeg Centre must have cut with the President of Treasury Board when he had that meeting in secret behind closed doors. Maybe we need access to information to see what the member for Winnipeg Centre and the President of Treasury Board talked about in that exclusive meeting so that the member for Winnipeg Centre would side with the Conservatives every step of the way in terms of the accountability bill. Maybe that is where we need access to information.

For the NDP to operate in the politics of exclusion is really unbelievable. I thought it was an inclusive party. For the member for Acadie—Bathurst to make allegations and talk about people the way he attempted to do, the bad apples, those who have done wrong have been charged. Some of them—

The Acting Speaker (Mr. Andrew Scheer): Order. I would like to have a little order for the rest of the debate here today. I hear a lot of noise coming from all sides of the House. If we could have a bit of order for the rest of the debate today, that would be greatly appreciated by the Chair.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, it gives me great pleasure to inform you that if you seek unanimous consent, I believe you will receive it for the following amendment. I move:

That Motion No. 9 amending Clause 99 in Bill C-2 be replaced with the following:

That Bill C-2 in Clause 99 be amended by deleting lines 19 to 28 and lines 39 to 44 on page 89 and lines 1 to 5 on page 90.

The Acting Speaker (Mr. Andrew Scheer): Does the hon. member have the unanimous consent of the House to move the amendment?

Some hon. members: Agreed.

The Acting Speaker (Mr. Andrew Scheer): The House has heard the terms of the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

(Amendment agreed to)

Mr. David Anderson (Parliamentary Secretary (for the Canadian Wheat Board) to the Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, it is a pleasure today to talk to Bill C-2. I want to address a couple of specific issues.

In the last few minutes, we have heard the member for Malpeque attacking the member for Winnipeg Centre. We also heard him on a rant about the Canadian Wheat Board and his beliefs on that. I want to quote him a couple of times. He said in his speech in talking about political fundraising that he wants the inclusion of everyone. He wanted to have everyone treated equally in terms of fundraising for political parties. He also said that exclusions hurt democracy, but it is interesting that when it comes to his position toward the Canadian Wheat Board, he wants it excluded from the access to information provisions of this bill. We need to say that it would a tragic thing if that were to happen in this House.

I want to thank the member for Winnipeg Centre for having brought forward the amendment in the committee and for standing strongly behind it, because we believe it is an important amendment.

For 13 years the Liberal Party was in power and for 13 years the Liberals have hidden things. We know that they have hidden things because, in the end, we saw the results of them hiding one thing after another. Finally there was the scandal and the corruption was revealed, which everyone in Canada is familiar with, but I do not think there was any place in this country where they hid things more than they did in terms of the Canadian Wheat Board.

Mr. Speaker, I know you are fairly young, but in the 1990s you must have heard this. All of Saskatchewan is familiar with the fact that at one point the present House leader of the Liberal Party was in charge of the Canadian Wheat Board. There was a time when the Canadian Wheat Board, the RCMP, the customs department and Revenue Canada banded together to come up against individual farmers. There is a litany of times when farms were raided in the middle of the night. There was one story of people who got home from the hospital in the afternoon and this conglomeration of government officials invaded their farm in the middle of the night, trying to seize their trucks and their grain because these farmers had had the courage to actually take a load of grain across the border.

It ended badly. It ended with a dozen farmers in jail. The problem with the whole situation was that no one could find out what happened. There was no access to information as to what had happened in that whole scenario. Farmers still do not know who was doing what, how the whole thing was put together, and why they ended up in jail.

Not only that, but farmers have questioned the Canadian Wheat Board's spending over the years. They have not been able to find virtually any information about the spending. The member for Malpeque mentioned that the Wheat Board has annual reports. It is true that it does have annual reports, but each one of them has become harder to dig through to find out the information as to how it is spending farmers' money.

I need to point out that it is all farmers' money that is being spent by the Canadian Wheat Board. It takes the grain, it sells the grain, and it takes off what it needs. It now has $70 million a year in administration costs. Then it delivers the rest of the money, or it is supposed to, back to the farmers. Farmers have no way of knowing if that is in fact what happens, because there is no way of finding out what is going on behind the scenes at the board.

Farmers have questioned things like the cost of administration, which has risen to the point where it is at $70 million a year. They have questioned how the special funds and the contingency funds are being put together and managed. I do not know if members know this, but there is a fund of farmers' uncashed cheques. The board keeps these farmers' uncashed cheques set aside, and after six years they are put into another fund. The board has been spending that money. There is no way that farmers can find out how that money is being spent. Actually, I do not think there is even any way for farmers to find out if they have money in that fund.

It is very important for farmers in western Canada to have access to information for the Canadian Wheat Board. It is a government agency. It is legislated and mandated by the Canadian government. We have a Canadian Wheat Board Act. We have a minister in charge of the Canadian Wheat Board. Certainly it is a government agency. For a long time, the Liberals have stopped farmers from finding out what is going on there. We need to have access to that information.

I again want to thank the member for Winnipeg Centre for having the courage to bring forward the inclusion of the Canadian Wheat Board in the provisions of the access to information sections of this bill. Obviously anyone who is concerned about fairness and accountability would be willing to support those provisions.

● (1240)

One of the things that really bothers me is this. What is it that the Liberals are afraid of here? Why is it that the member for Malpeque would be so paranoid about farmers actually finding out about what is happening within the Canadian Wheat Board? I think that probably it is because they know that after 13 years it is just as well that farmers do not find out what has been going on there and what role the Liberals have had to play within the Canadian Wheat Board. We know that it has been significant. We know that they have had a lot of influence on it over the years. We also know that where they have had influence throughout this country in the past 13 years, it generally has not been a good thing for Canadians.

My question, then, is this. What is it that they are so afraid of? What is it that they are afraid farmers will find out if farmers have access to the Canadian Wheat Board's general information?

I want to point out that this access to information provision protects commercially sensitive information. It is not that farmers, competitors or whoever are going to be able to go in and find out what is going on with the commercial contracts. That is not a part of this. It is about the general information and the work that is being done there.

I again want to congratulate the member for Winnipeg Centre, thank him for including the Canadian Wheat Board in the access to information provisions and encourage him to continue to support that provision.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I understand that we are still on Group No. 1. This topic does not come up until Group No. 2, but seeing as it was mentioned, I have to ask the member opposite to keep in mind that he took an oath when he became parliamentary secretary.

I find it remarkably strange that the Parliamentary Secretary to the Minister of Agriculture and Agri-Food with responsibilities for the Canadian Wheat Board is standing in the House today to argue that it is fine for people to break the law. Because the fact of the matter is, in regard to the farmers he talked about earlier, that the Canadian Wheat Board operates as a single desk selling agency. One of the reasons it operates as a single desk selling agency is so that it can maximize returns to primary producers. If people were to sell around that and basically bootleg grain to the United States, they could be undercutting the ability of the Canadian Wheat Board to do its job for producers collectively.

That is the law of the land. I would ask the member opposite to answer. As for why they could not apply under access to information, it is the same reason used if there is a criminal investigation, which this was, a criminal investigation involving the RCMP and other security agencies. One cannot apply access to information to the RCMP because it is a criminal matter.

Will the parliamentary secretary, who took an oath, stand in the House and tell us whether or not the charges were laid because those farmers were alleged to be in violation of the laws of the land?

● (1245)

Mr. David Anderson: Mr. Speaker, the member knows better than this, because he knows full well that when the government went to court, it was defeated in court. The present opposition House leader changed the regulations that day in order to put these farmers in a situation that they could not get out of. The government was found to be the one that was pushing the edges of the law in that situation.

I just want to mention that I think it is passing strange as well that these folks wanted to make sure there is no access to information by the farmers when the farmers are the ones who are paying all the bills of this agency and this organization.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I know the members are interested in the Wheat Board, which is going to come up, but Motion No. 6 was of some concern to members. Just to remind the hon. member, Motion No. 6 deals with the deleting of lines 4 to 8 on page 80, which is actually deleting a clause.

I think I understand what the amendment is seeking to do, but I wonder if the member could simply confirm to the House the reason the government has decided to move Motion No. 6.

Mr. David Anderson: Mr. Speaker, that will have to be dealt with in further debate. My point in getting up was to address the issue that the member for Malpeque raised. He said that it will come up again in Group No. 2. He raised these issues about the Canadian Wheat Board in Group No. 1. My point was that for the sake of farmers in western Canada we need to include the Canadian Wheat Board in the access to information provisions in this bill.

Hon. John Baird: Mr. Speaker, I rise on a point of order. We have had discussions with all parties about grouping Motion No. 5, which was ruled inadmissible with respect to the part on future transition teams. I think you were to seek it you would find unanimous consent to group Motion No. 5.

The Acting Speaker (Mr. Andrew Scheer): Does the hon. minister have the unanimous consent of the House?

Some hon. members: Agreed.

Some hon. members: No.

[*Translation*]

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, it is with pleasure that I take the floor in this chamber. Perhaps I shall succeed, as women often do, in restoring a little moderation to all these discussions.

Let us look first of all at the evolution of this bill. As it is a bill on accountability, one cannot help but be struck by the way that certain powers have been removed from the parliamentary committee by hastening the debate and ending up with certain amendments that will reduce the power of parliamentarians.

As a parliamentarian, I take my responsibilities to heart. The citizens of Trois-Rivières have placed their trust in me. For me, it is important to guarantee democracy in this Parliament. The committees are an important mechanism for achieving that goal.

The Bloc Québécois is in favour of the principle of this bill. For some months now, it has proposed numerous recommendations for improving the current accountability framework.

The Bloc Québécois did its homework and tabled 72 recommendations in the wake of the Gomery commission. Those 72 recommendations were made necessary by all the ethical problems that have been encountered. We wanted to locate the sponsorship money, assign powers and resources to officers of Parliament, amend the Access to Information Act and the Lobbyists Registration Act, and protect whistleblowers. All of these subjects are addressed in this bill—unfortunately, some not so successfully.

For example, consider ethics. Ethics was certainly at the heart of the last election campaign. The sponsorship scandal was revealed by the Bloc Québécois. The Bloc was constantly alerting the public on this subject, and so helped to oust the Liberals from power.

What did the public tell us in electing a minority Conservative government? It told us that this government had to clean up political practices and establish accountability in this Parliament. However, one can wonder why it is necessary to do this so quickly, in such a rush.

The Bloc Québécois has some major criticisms to make about the passage of this bill, which is crucial and much awaited by the population, and which deserved more extensive review. Why the urgency? We have the right to ask the question.

The Gomery commission produced a set of recommendations which have to be implemented: that is certain. However, given all the abuses we have seen, it is clear that the problem is not caused by a lack of rules, but by the fact that those rules are not being followed. Now what does this bill propose to us? It proposes new rules.

In the opinion of the Bloc, the bill has certain weaknesses in this regard, insofar as the process is not clear. This amendment calling for a review every five years, to which the Bloc has just given its support, can certainly provide the beginning of a solution.

In five years, perhaps we will be having the same discussions, to the effect that we have a lot of rules, but no means of preventing the rules from being circumvented and that a review is needed.

Accountability demands a great deal of transparency. One wonders how an abuse can be denounced if it is not known. That is why the Bloc called for a reform of the Access to Information Act. Information is power. For the Bloc, it is important for all information to be accessible. It is also important for all the foundations and crown corporations to be subject to this Access to Information Act.

● (1250)

One cannot be halfway transparent or a quarter or an eighth of the way transparent. When we talk about transparency, we must be sure that everything is on the table so that parliamentarians, and parliamentary committees in particular, can debate it and come up with solutions. Human nature being what it is, we know full well that there will always be individuals who will sneak through the back door. That is how we end up with such significant abuses.

There is another crucial aspect that is very little talked about and that is the real will of the government caucus and all parliamentarians in this House to intervene and change things. I have been a member here in this House for two years now. Judging by a number of bills and committee reports, we find that political will is lacking. Things do not change. Another election is called and we end up dealing with the same problems.

What is more, in this bill, the government refused to increase the penalties for those who contravene the Ethics Act. We feel this lacks transparency and this certainly would have been a way to prevent abuse. It is important for this bill to be debated in this House. It is a shame it is being debated so quickly. Even elected officials from France, on their recent visit to Canada, said they were watching what was going on this House and mentioned that they, too, were having challenges with respect to accountability and that our work could, perhaps, have been used as a model. Nonetheless, it seems we are missing a good opportunity to get to the bottom of things because we are only skimming the surface and moving far too quickly.

● (1255)

[*English*]

The Acting Speaker (Mr. Andrew Scheer): The hon. President of the Treasury Board on a point of order.

Hon. John Baird: Mr. Speaker, I seek unanimous consent for Motion No. 5, which had been ruled as inadmissible, to be included in the first batch.

The Acting Speaker (Mr. Andrew Scheer): Does the hon. minister have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Andrew Scheer): There is no agreement.

The hon. member for Mississauga South on the same point?

Mr. Paul Szabo: Mr. Speaker, I do not know whether I heard the minister clearly, but Motion No. 5 was ruled out of order by the Speaker. The minister wants to reinstate it in Group No. 1. Are there any amendments? I doubt that it is in order to overrule the Speaker's decision. Perhaps the Table could advise.

Hon. John Baird: We did it for the member for Notre-Dame-de-Grâce—Lachine.

Mr. Paul Szabo: No, that is not true. The Chair could advise whether or not we can overrule the Speaker's decision on the admissibility of Motion No. 5 by unanimous consent. I wonder if we could get that advice.

I would also ask that, in conjunction with the response, there be some explanation given as to the reasons why Motion No. 5 in fact was excluded and ruled out of order by the Speaker. There may be a possibility of repairing Motion No. 5, which would take an amendment to Motion No. 5, if the House agreed.

This is something that there is interest in pursuing, provided that there is a full understanding by the House that the Speaker's ruling is being summarily overturned by the member's request.

The Acting Speaker (Mr. Andrew Scheer): Motion No. 5 was not selected by the Speaker because it could have been moved in committee.

However, there are precedents where the House can select a motion that was not selected by the Speaker and include it in a group of amendments. Therefore, it is in order for the President of the Treasury Board to seek the unanimous consent.

● (1300)

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, I move:

That proposed Motion No. 5 be included in Group No. 1.

The Acting Speaker (Mr. Andrew Scheer): Does the President of the Treasury Board have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Andrew Scheer): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

Mr. Paul Szabo: Mr. Speaker, I rise on a point of order. It is somewhat unusual that a matter is added on to a group of motions after all of the principal speakers have already spoken to it. Under the rules they cannot speak again, but I wonder if there would be consent to allow each of the parties to put up one speaker to address any matters with regard to this reinstated Motion No. 5.

The Acting Speaker (Mr. Andrew Scheer): Does the House give its consent?

Some hon. members: Agreed.

Some hon. members: No.

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I am pleased to speak at this stage, to address the first group of amendments, which takes certain powers away from certain committees.

I have had the pleasure of sitting on both the legislative committee on Bill C-2 and the Standing Committee on Access to Information, Privacy and Ethics. I say that I have had the pleasure, but I should rather say that I have had the experience of working on them, because I will admit that it was not always pleasant.

Yesterday, as well, we had the pleasure of meeting with the Minister of Justice and Attorney General of Canada at the Standing Committee on Access to Information, Privacy and Ethics. He came with some reservations about the Information Commissioner's proposed open government act, and he asked us to bring forward a bill. Obviously, that was not our intention, because that is the job of the government. On occasion, some of us have brought forward private member's bills, which is proper, but we may not bring forward bills that involve an expenditure of money. It would seem that a bill on transparency would cost this government a good deal of money.

The minister told us then to continue our studies and our reports, to modernize and strengthen the act that was passed in 1987. When I asked him whether he had a timetable for this bill, he did not answer. We know what that means: he had no timetable.

And why he has not set a timetable? Because he has no political will. What would he have done if he had had the political will to bring forward a real transparency bill, a real bill on access to public information, one that really modernized and strengthened the act? He would have done exactly as was done for Bill C-2; he would have done it himself and he would have submitted it to a legislative committee. In fact, for Bill C-2, he stretched it to its limit, if I may say so. Not only did he have the political will, but it rose to the level of arrogance. We have seen and felt it; each one of us has complained about it among ourselves. The timetable was much too tight. The witnesses were zipping past at a great rate and we had no time to think about what they were saying. We had no time to read the invaluable documents being given to us. We had no time to do research, to compare, and to seek out more information. None at all. The committee sat as many as 45 hours in a single week. And then, we told them what I will say again now: Watch out! We are going so fast that we are putting together a flawed bill full of holes. The proof of this is that once again the minister has just brought forward a last-minute amendment to fix it. So we know that this bill will be flawed.

This bill also includes some amendments, not a lot, to the Access to Information Act. That is why the Minister of Justice and Attorney General of Canada is not going to do anything more.

Indeed the real changes he wanted to make to the Access to Information Act are contained in Bill C-2. We should not expect anything else of this government or of this minister. In my humble opinion, this government will not table another bill on access to information. We also know that Bill C-2 contains a few partisan elements, such as the one that might throw a wrench into the works of the Liberal Party leadership race. Also, as we can see now, it even takes away certain powers from certain committees, as witnessed by this group of amendments.

There should be a little more balance in this government. In fact there is no schedule proposed for the Access to Information Act.

The minister told us to take our time, to make reports and do analyses, to make sure it was perfect. We have done enough studies and reports. I could pile them up here at least a foot or two high.

It must be understood that there is no political will behind the Access to Information Act. This is so true that yesterday, in our committee, when we were discussing our fall action plan and were getting ready to vote on a measure that would have enabled us to ask the Minister of Labour and the Minister of the Economic Development Agency of Canada for the Regions of Quebec Act to come back, when the House resumes in September, with a government bill on access to information this time, what happened? The Conservative members on the committee monopolized the floor.

● (1305)

The member for Dufferin—Caledon, among others, talked for the rest of the meeting. There were 10 or 15 minutes remaining. He talked the whole time. He said things and contradicted them. He said the opposite of what he thinks. The members were contradictory, talking non-stop, stating figures. They said any old thing to use up all the time so that we could not discuss a bill that would come from the department.

It was too bad for democracy and too bad for transparency. Some transparency! If this government does not intend to rewrite the Access to Information Act, let it say so quite simply instead of beating around the bush and avoiding real debates. One of the Conservative members even said yesterday in committee—this is a laugh—that a minister was also a member, and that a member was also a minister. I did not know I was a minister. I learned this from a colleague in the Conservative Party, who said so in committee.

How can we expect this government to offer us a real transparency act? In committee, I asked this government to propose an access to information act. That motion was rejected by the Conservative members. The same request was made last November, and the motion was adopted unanimously. The same motion that was rejected by the Conservatives in committee on May 15 had been adopted unanimously last November. Remember that there was even a Conservative Party opposition day, last November 15, regarding a new access to information act. What has changed between last November and now? Simply that this party got itself elected and is forgetting its election promises one after the other.

The Conservative government promised to reform the Access to Information Act many times during the last election campaign. It was in their last election platform. Yesterday we saw that this was not true. There will be no new access to information act.

The pity of it is that an accountability act is a fine and proper idea, even though this act is very imperfect and even though the Bloc Québécois has many reservations. This government can expect the Bloc to vote in favour of this bill. But an accountability act without a transparency act is not going to work. It would not prevent a new sponsorship scandal, or other scandals. It is in fact the intention of this government to avoid transparency. It does not want to be transparent. The unfortunate result of this is that Bill C-2 is not going to achieve the goals we thought it would.

The Gomery report recommended many things, including new transparency legislation. One can see that few of those recommendations have been adopted in Bill C-2.

From now on, when people talk about an election promise that is forgotten as soon as the party is elected, they will use the term "Conservative promise". That is what this is. We thought that a transparency act and a modernized and strengthened Access to Information Act would be forthcoming from this government. Alas, no, it was a "Conservative promise". There will be no new access to information act.

This government is not seeking to avoid a new scandal. That is not what it wants to avoid. Its initiative is partisan, opportunistic and superficial. All that it wants to tell its electors the next time it goes on the campaign trail is "mission accomplished: we created an accountability act". That is all it did, but it did it. That is all.

When we look at what is in this bill, we see that it is a very timid step in the right direction and does not include transparency. As I was saying earlier, accountability without transparency will not go far.

This Bill C-2 is a small step forward, but a very small step, a feeble, tottering step. However it is better than a step backward, and therefore the Bloc Québécois will be supporting this bill.

● (1310)

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, I listened carefully to my colleague's speech on Bill C-2. As she stated, it is a small step forward.

Following the sponsorship scandal in recent years, the Conservatives attacked the Liberals repeatedly in this House, together with the Bloc Québécois and the NDP. We would have thought that the Conservative party would have included and even given more prominence to the Access to Information Act, but it did not do so.

I would like the member to explain why the Conservative Party is so hesitant about having greater transparency in this House with regard to the work, policies and programs of this government. And why this resistance with regard to the Access to Information Act?

Mrs. Carole Lavallée: Mr. Speaker, I thank my hon. colleague for his excellent question. This is in fact a member whose questions are always excellent because, I should point out, he always cuts to the chase.

I would like to bring up an element of the Conservative election platform which said—and please listen to this and try not to die laughing:

> A Conservative government will... Implement the Information Commissioner's recommendations for reform of the Access to Information Act.

Some of us do find it hard not to laugh when hearing such a statement because that is not really what the government is doing right now. This is absurd. I think that in fact what the people of Quebec and Canada really feel like doing is to cry, especially since that was an election promise. There is nothing worse than a broken promise to cause the public to lose confidence in a person or an organization. The fact is that people lose confidence in any organization, group or political party that breaks commitments. It is written in black and white:

> A Conservative government will... Implement the Information Commissioner's recommendations for reform of the Access to Information Act.

That commitment was made in November. A mere six months later, here is the deal, as we found out at committee yesterday: this government has no intention of reforming the Access to Information Act. The Minister of Justice nonchalantly told the committee about some existential angst, some concern of his about the Information Commissioner's transparency legislation, thus asking that we think it over and submit a few more reports to him.

That does not work. It is clear that this government lacks political will. It is also clear that the Conservatives do not want any transparency in their government. I would just ask that they make perhaps a bit of an effort to "transparently" admit it. Let them come out and say that they do not want the Access to Information Act to be upgraded. They should just say so. It would make life much easier. No one would waste their time and everyone would then be able to start off in a new direction.

● (1315)

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I would first like to congratulate my colleague from Saint-Bruno—Saint-Hubert on her excellent work and her excellent presentation.

I will also take this opportunity to commend the excellent work done in committee by our colleague from Repentigny. He took the time and had the patience to try, for hours and hours, to make the government understand that it had to take all the time needed to do the job right. He had no shortage of either time or patience. He was even prepared to give of his time for the entire summer so that he could talk to the government members about how this accountability act has evolved.

The Bloc Québécois' position has never varied: the ethics of this Parliament have to be changed, and the job has to be done right. That has always been the message delivered by the Bloc Québécois.

Our colleague from Repentigny has consistently delivered the same message and invited his colleagues to take the time that was needed to genuinely change the ethics of this administration, of this Parliament, and the way that the government of Canada operates, a government that, over the years, has set about evading virtually every law there is and making off with taxpayers' assets as if they were its own.

That is rather like what was done in the case of this Bill C-2, which has been presented to this House. But the men and women listening to us, Mr. Speaker, have to try to understand how Parliament works.

Introducing a bill is all very well, but when a government is in a minority position, a bill that it brings forward has to be studied in committee and have the benefit of the improvements suggested by the opposition parties, who, you will have noticed, hold a majority of the seats in committees. In a minority government, it is the opposition parties that are in the majority in committees. The government must therefore take all parties' positions into consideration, and not just enter into misalliances of convenience, as the New Democratic Party did, to try to push the bill through and get a few minor improvements, so the NDPers will be happy and, once again, a bill will be passed that will not solve the entire problem.

When we analyze a bill that is presented in Parliament, we have to know where it comes from. Where does this accountability act come from? It is the direct descendant of the sponsorship scandal. For everyone in this House, including the new members, the sponsorship scandal is the biggest scandal to have hit the federal government in its entire history. Those are the facts.

Today, the bill they are trying to ram through is the very foundation of the entire operation of the government of Canada. The scandal that struck the people of Quebec, and others, deserves the time it takes for us to be able to pass a bill that will guarantee to Quebeckers that no one will ever again try to buy their social conscience with their own money. That is what they tried to do. That is the tragedy of the sponsorship scandal: taking the public's money and giving it to advertising agencies that handed it over to political parties. We want to do the right thing.

I encourage my colleagues in the Conservative Party, especially the new members, to take another look at the Gomery report, to reread what the judge said and even the questions asked before the Gomery commission. The reality, ultimately, is that there was a culture of silence. The bill before us today will do nothing to stop that. The proof lies in what the Information Commissioner said.

During the last Parliament, I sat on the committee responsible for studying access to information and the duties of the other commissioners. The Information Commissioner said that there was, in fact, a culture of secrecy. There was no paper trail, no documents. That is why some of the guilty parties have not been punished: there was no documentation. People talked. Paul's office talked with Pierre's office. Somewhere, everyone talked with each other in Jean's office. So Pierre, Jean and Jacques were all there. The problem is that there was no paper trail.

The Information Commissioner told us in regard to the accountability bill that we should watch out because it did not get to the heart of the problem at the Gomery commission and in the sponsorship scandal. Everything was done without documentation.

● (1320)

The accountability bill does not deal with this problem at all. The Bloc's concerns are therefore very understandable.

In its election campaign, the Conservative Party said that when it arrived it would clean everything up and introduce a bill to prevent what had happened in the past from happening again.

I encourage my Conservative colleagues to read the recommendations in the Gomery report, which also said that this bill did not go far enough. The Conservative Party's cure for the disease of corruption does not remedy anything because it does not prevent the culture of secrecy. The government will not keep any trail and public servants will be able to continue to communicate by telephone without having to put anything in writing. That is what happened in the sponsorship scandal: everything was done on the phone and nothing was in writing.

When the Information Commissioner received requests, whether from Mr. Justice Gomery or all the various departments, he could not find the documents that were requested. That is what Commissioner Reid still says today when he maintains that this bill does not change what is important, namely the fact that everything is based on access to information but only to the extent that the information is available.

So you will understand why our colleague from Repentigny went to such lengths to try to make the other parties, especially the Conservatives and the NDP, understand that they should not go so fast. Some very important things were criticized, and this bill does not change them.

The most important of these things is to require that the administration keep written records and keep all the documents about every issue, every program. This bill does not do that, as the Information Commissioner and others said. Access to information is not amended, so no information is available, and there is no requirement to keep any information.

A full-scale reform of the situation that gave rise to the sponsorship scandal is needed. Yet this is not what the Conservative Party is doing. The Conservative Party is playing politics. It has a minority government, and it had high hopes of quickly winning a majority, but this will not happen. Why? Because too many Conservative members do not realize that by going too fast, they are not fixing anything.

Obviously, no one could be against the principle of the bill, which is a step in the right direction. But this is not what the Conservatives promised during the election campaign. They promised to fix the problem.

Hon. members will no doubt understand why the position of the Bloc Québécois was clear, why our leader explained the Bloc's position. This bill will not fix the real problem that led to the bill: the sponsorship scandal.

As a result, if we pass this bill, there could be another sponsorship scandal or another scandal where public money is misappropriated for strictly partisan purposes, simply because the Access to Information Act has not been amended, because there are no requirements and because the guilty parties will not be penalized, as the Information Commissioner recommended. During the last Parliament, not ten years but just eight months ago, he tabled in our committee, at the committee's request, a bill to amend the Access to Information Act.

At the time, the Conservatives were in agreement; there was unanimity. The Information Commissioner had been asked to put forward legislation precisely to allow him, who has to field requests from all departments whenever a scandal like the sponsorship scandal breaks out, to provide all the information and to ensure that all pertinent documents are available. So, the commissioner put forward a bill himself. This was the first time that a bill prepared with his staff and legal counsel was put forward by a commissioner to tell us what was required.

However, in its accountability bill, this government totally ignores the Information Commissioner's recommendations, which were at the heart of it all.

Obviously, as you can understand, Mr. Speaker, the Bloc Québécois will support this measure. It does not make things right, however, because the Conservatives said they were going to deal with programs like the one involved in the sponsorship scandal. It is obvious that this bill does not do that.

We will support this measure, which is a very small step for a government hoping to become a majority government very soon. Once again, Quebeckers will realize that this attempt at dealing with a problem is nothing but smoke and mirrors and, therefore, will continue to turn to the Bloc Québécois, and the hon. member for Repentigny among others, to defend their interests.

● (1325)

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, Bill C-2 prevents large corporations from donating money to a political party. If we look back to the sponsorship scandal, we know that some were tempted to do that. Indeed, as we saw in the Gomery report, funds were transferred to a political party, namely the Liberal Party.

So is this not at least a step in the right direction? A bill can always be improved. This is why Parliament did not close its doors a hundred years ago. It still exists today and will continue to exist. Does this bill not represent at least the beginning of a process to eliminate corruption?

In the sponsorship scandal, the government did not give money to companies for nothing. That money found its way back into the party's coffers. With Bill C-2, at least we know one thing for sure: the temptation will not longer exist, regardless of which party is in power.

My question is simple. Does the member not think that we are moving in the right direction? If people are given a slap on the wrist, they may not want to take money from taxpayers anymore.

Mr. Mario Laframboise: Mr. Speaker, I am glad that my colleague from Acadie—Bathurst asked me that question because it is a good example of the New Democratic Party's philosophy. The only thing they are interested in is taking money away from the Liberals. It is purely political. The NDP has the same goals as the government. In the short term, it wants to take money away from the Liberals.

We have taken care of this problem in our neck of the woods: in Quebec, Liberals have pretty much disappeared. The NDP could not manage that in the other provinces, but that is its problem. We have no problem waiting three or four months to get a real bill that would stop the entire administration from using the people's money and creating more scandals.

We got rid of the Liberals. I realize the NDP did not. The problem is that for short-term partisan and political reasons, the NDP is shelving what was the seed of a true revolution whose goal was to ensure that we will never again have to resort to a judge like Judge Gomery to resolve disputes between Canadians and bureaucrats.

Mr. Yvon Godin: Mr. Speaker, I do not agree with the hon. member when he says we are politically motivated. We simply want to be reasonable. There is a political party that was not reasonable, like others may not have been either. However, Bill C-2 is a start. It allows us to say it is time for this to stop. The only reason money was given to the companies and the promoters was that it ended up back in the coffers of the political party.

Would someone say we want to put an end to this situation for political reasons? I think we are here to be politically active. We live politics from dawn to dusk. We just want to put an end to the misuse of taxpayers' money.

We had good programs, including the transitional assistance program through which Jean Chrétien gave money to the owner of the Auberge Grand-Mère in Quebec, to whom he had made a loan. Bingo. He recovered his money and said this was normal, "He owed me money and he paid me back".

Yes, but we lost the program. It was a good program through which our small and medium size businesses could get money.

My colleague talks about Bill C-2 as though it were just a case of politics on the backs of the Liberals. And yet I remember not so long ago that the Bloc Québécois voted in a way that made the Liberal government fall and led to a general election.

[*English*]

The Acting Speaker (Mr. Andrew Scheer): I apologize to the hon. member, but we have to allow enough time for the member for Argenteuil—Papineau—Mirabel to respond.

[*Translation*]

Mr. Mario Laframboise: Mr. Speaker, the problem is simple. The Auditor General, even with regard to the sponsorship scandal, stated that all the rules were in place. However, they were not followed.

The problem reported by the Information Commissioner is that there is a culture of secrecy. When people have wrongdoing in mind, there is a culture of secrecy and no one writes, they telephone one another. My problem today is that another scandal could break out, this time caused by the Conservative government. My NDP colleague does not see it because he wants to settle a score with the Liberals. That is fine, but all the Bloc Québécois wants to do is to prevent another party using the same tricks as the Liberals and doing this all over again. It is for this reason that we wish to take three or four months longer and that our colleague for Repentigny was prepared to work harder. We did not want to just rein in the Liberals; we wanted to eliminate any temptations the Conservatives might have. The NDP may realize this one day.

● (1330)

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Speaker, it would have taken hours to make this bill acceptable, and I do say "acceptable", in spite of the concessions made to the members of the Bloc Québécois who sit on this committee. I take this opportunity, moreover, to express to them my admiration. I am talking about the members for Repentigny and Saint-Bruno—Saint-Hubert. Up to now they have been sitting for 42, 43 and even 45 hours a week in order to study this bill.

Many workers will say that is nothing, since they work that many hours every week. But I am talking about 42, 43 and maybe even 45 hours just studying this bill. They still had to do their office work here in Ottawa and in their constituency. I can assure you that they are very present in their ridings. I am talking about the members of the Bloc, of course, because I know them.

This bill, the French title of which the government agreed to improve, further to the repeated demands of the Bloc Québécois, was suggested in large part by the Gomery commission. I say "in large part" because a lot of redundant, irrelevant and unverifiable statements were added, as we shall find out in the future. It will be hard for a layperson to interpret it; it will be one more law to make the lawyers wealthy.

A coincidence maybe, but this morning this is a topical subject, what with the case of Charles Guité. Is his sentence deserved? I think so, of course, but at what level would a psychologist, especially a military one, have evaluated his degree of responsibility? That would have been interesting to know when creating a law like the one we are presenting today.

The credibility of this bill would be tarnished if this government used it as an election springboard. This means that it is now, at the same time as this bill is enacted, that the procedure must begin, if the government is serious, of course.

There are other public servants like Charles Guité who think that their duty forces them into unconditional loyalty. In this case, he had been a soldier who had learned to carry out orders. As a soldier, it was not up to him to ask questions. He had his mission. And this bill was to be the rule that would make it possible to seek out the person of whom someone like Guité could not ask questions. I doubt the capacity of this law to do the job.

However, as I said at the beginning of my address, our Bloc representatives on this committee managed to get enough changes made for them to feel that not all the time they spent working was in vain.

The Auditor General will be somewhat disappointed to note that she still does not have access to all government services and crown corporations, once again due to one party's lack of political courage. Although that party was very brave in opposition and during the election campaign, it loses its nerve when it is time to act. If this is any consolation to the Auditor General, I would like her to know that the Bloc Québécois, myself included, is just as disappointed.

The Auditor General, as I know her role, and who will serve as a reference point for several years to come, will certainly be happy to maintain her political independence and to acquire additional powers, even if they are still insufficient. She must be fed up. Even though I was not terribly pleased with this bill, I think I would support it simply to be able to continue to applaud her work.

Unfortunately, nothing in life is ever perfect. What casts a shadow on this bill is the absence of real sanctions for those who violate the ethics legislation. However, the commissioner is so closely monitored in his duties that, if he announces an offender, it means that he really and truly has no choice. Whatever the members of this government may be guilty of or believe they may be criticized for, that is up to them to judge.

They are so perfect, they do not want to implement Kyoto, but it is not their fault; the Liberals were the ones who polluted. They do not want to pay back the money taken from the EI fund; again, the Liberals are to blame for taking it. They do not want to create an agency to monitor gas prices; that was the Bloc Québécois's idea, and the oil companies might become separatists some day.

● (1335)

Surely they have no need to worry, they are so perfect! And like angels, if they make just one little mistake, like changing parties after leading the voters to believe that the other party is the devil, they lose only one wing, after all.

Does the Ethics Commissioner really have all the powers and the independence—above all, the independence—necessary to perform his duties? Allow me not to think so. The complaints of citizens, among others, will still be filtered by parliamentarians. They will be losing more than wings.

The public will say, probably rightly, that the corrected political party financing legislation is a fine smokescreen cast in the face of the electorate. I do not think they will be far wrong.

One has to be realistic. Quebec has made every effort to try to clean up the political party financing legislation, but something is always happening to distort the data. Take the example of a minister who announces a government grant in a community. Is this not a political message to those who will benefit from that grant? And yet it is taxpayers' money that is paying for the financing and announcement of this project. Is this recorded in the financial books of the party in power?

We have a flagrant example with the Quebec Election Act, which is a very good law. In the Mont-Orford case, it appears that the shareholders, destined to be the biggest winners of this privatization, are very good financial backers of the party in power. Can this reward be considered an encouragement to new financial backers? Will it simply encourage the same backers to continue contributing so generously? That is the impression left with the population.

When that population understands that smoke has been thrown in its eyes, as in the case of Quebec's presence at UNESCO, the sentence is a stiff one. Just ask our neighbours on the benches.

With regard to the Access to Information Act, I would like to remind this government that, no later than last fall, it supported a unanimous motion of the Standing Committee on Access to Information, Privacy and Ethics. That motion rejected a suggestion by the justice minister on setting a deadline for review of the act.

No later than last January, this party was saying on page 13 of its election platform:

> A Conservative government will:
>
> Implement the Information Commissioner's recommendations for reform of the Access to information Act.

Does our view of ethics not change, once we are in power?

[*English*]

The Acting Speaker (Mr. Andrew Scheer): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Andrew Scheer): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Andrew Scheer): The recorded division on Motion No. 1 stands deferred.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Andrew Scheer): In my opinion the yeas have it.

I declare Motion No. 2 carried.

(Motion No. 2 agreed to)

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Andrew Scheer): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. Andrew Scheer): The recorded division on Motion No. 3 stands deferred.

The next question is on Motion No. 5. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion No. 5 agreed to)

● (1340)

The Acting Speaker (Mr. Andrew Scheer): The next question is on Motion No. 6. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Andrew Scheer): In my opinion the nays have it.

And more than five members having risen

The Acting Speaker (Mr. Andrew Scheer): The recorded division on Motion No. 6 stands deferred.

The next question is on Motion No. 7. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion No. 7 agreed to)

● (1345)

The Acting Speaker (Mr. Andrew Scheer): The next question is on Motion No. 9. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion No. 9 agreed to)

The Acting Speaker (Mr. Andrew Scheer): I shall now propose the motions in Group No. 2.

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved:

Motion No. 8

That Bill C-2, in Clause 89, be amended by adding after line 15 on page 85 the following:

"(2) However, the Commissioner shall not refuse under subsection (1) to disclose any record that contains information that was created by the Commissioner or on the Commissioner's behalf in the course of an investigation conducted by, or under the authority of, the Commissioner once the investigation and all related proceedings, if any, are finally concluded."

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.) moved:

Motion No. 13

That Bill C-2, in Clause 143, be amended by replacing line 1 on page 117 with the following:

"(b) any parent Crown corporation, and any wholly-owned"

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved:

Motion No. 14

That Bill C-2, in Clause 146, be amended by replacing lines 3 to 31 on page 118 with the following

"16.1 (1) The following heads of government institutions shall refuse to disclose any record requested under this Act that contains information that was obtained or created by them or on their behalf in the course of an investigation, examination or audit conducted by them or under their authority:

(a) the Auditor General of Canada;

(b) the Commissioner of Official Languages for Canada;

(c) the Information Commissioner; and

(d) the Privacy Commissioner.

(2) However, the head of a government institution referred to in paragraph (1)(c) or (d) shall not refuse under subsection (1) to disclose any record that contains information that was created by or on behalf of the head of the government institution in the course of an investigation or audit conducted by or under the authority of the head of the government institution once the investigation or audit and all related proceedings, if any, are finally concluded."

Motion No. 17

That Bill C-2, in the English version of Clause 165, be amended by adding after line 24 on page 124 the following:

"Atlantic Canada Opportunities

Agency Agence de promotion économique du Canada atlantique"

[*English*]

Hon. John Baird (President of the Treasury Board, CPC) moved:

Motion No. 18

That Bill C-2, in Clause 165, be amended

(a) by deleting, in the French version, lines 38 to 40 on page 124.(b) by adding, in the French version, after line 44 on page 124 the following:

"Centre de recherches pour le développement international

International Development Research Centre"

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved:

Motion No. 19

That Bill C-2, in the French version of Clause 165, be amended by adding after line 44 on page 124 the following:

"Centre de recherches pour le développement international

International Development Research Centre"

[*English*]

Hon. Wayne Easter (Malpeque, Lib.) moved:

Motion No. 20

That Bill C-2 be amended by deleting Clause 165.1.

Hon. John Baird (President of the Treasury Board, CPC) moved:

Motion No. 21

That Bill C-2, in Clause 172.1, be amended by replacing, in the English version, line 5 on page 128 with the following

"Corporation's mandate, the Minister shall review"

Motion No. 22

That Bill C-2, in Clause 190, be amended by

(a) deleting, in the French version, lines 5 to 7 on page 135; (b) adding, in the French version, after line 11 on page 135, the following:

"Centre de recherches pour le développement international

International Development Research Centre"

● (1350)

Mr. Pierre Poilievre (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, I am proud to rise today to address very succinctly the motions that we have before us in the Group No. 2 package of amendments to the accountability act. I will list very quickly the government's position on those amendments.

First is Motion No. 8 by the NDP. We are open to considering this amendment. This would provide a permanent exemption for information obtained during an investigation and an exemption for information created during the investigation until that investigation is complete for the commissioner of lobbying. This allows, for example, the commissioner of lobbying to carry out an investigation without being harassed by access to information requests. It seems to me to be a reasonable amendment. We will consider it and are open to be persuaded on it.

Second is Liberal Motion No. 13. We will support the amendment because it amends the definition of a government institution to include only wholly owned subsidiaries of crowns. The subsidiaries of crown corporations that are majority owned include private sector ownership. Under the ATI we do not want private sector owned organizations to be subject. As a result, we think Liberal Motion No. 13 is very reasonable and we can support it.

Motion No. 14 by the NDP removes the permanent ATIA exemption for records created by the Auditor General. We will oppose this amendment. We do not believe the Auditor General should have to reveal all of the documents and notes that she creates in the course of her investigation. She clearly operates in the spirit of transparency and is willing to release all relevant information when she tables her report to the House of Commons. It is not, therefore, necessary for all her notes to be made public. As well, it might inhibit open discussion within her office, when that office is carrying out audits, if it knows that those discussions may be subject to access to information. As a result, we will oppose NDP Motion No. 14.

Motion No. 17 by the NDP adds ACOA to the English version of clause 165. The government's Motion No. 18 accomplishes the same objective, but does so in a more legislatively eloquent fashion. Therefore, we do not believe that NDP Motion No. 17 is necessary.

Finally, I will address Motions Nos. 18 and 22, amendments to schedule 1 of the Privacy Act and the Access to Information Act, resulting from the adoption of previous motions. These motions are worthy of some discussion. During the legislative committee's review of Bill C-2, motions were made by the NDP with respect to the definition of "government institution" under the Access to Information Act. Those were adopted.

The definition of "government institution" was amended to include parent crown corporations and their subsidiaries, which made listing them in the schedule of these acts duplicative and no longer necessary. To remove them from the schedules of these acts, the NDP put forward motions that contained the list from crown corporations to be removed. At this point, we will be looking for some commentary from the NDP on these matters. I suspect we will want to speak to Motions Nos. 18 and 22.

That is a very quick summary of the government's response to the motions in Group No. 2. By and large, we look forward to a vigorous debate and prompt passage of the accountability act.

Hon. Stephen Owen (Vancouver Quadra, Lib.): Mr. Speaker, could the parliamentary secretary provide a little more elaborate explanation of the amendments to the schedules where ACOA seems to be deleted and IDRC is added? Could he tell us why that is necessary? It was not clear to me in his remarks.

For the most part, the Liberals agree with the government's statements on these amendments, as well as those proposed by the NDP. I think there may still remain some confusion around the amendments to the schedule, both recommended by the NDP and by the government. Perhaps the parliamentary secretary could give me a little more detail on that.

● (1355)

Mr. Pierre Poilievre: Yes, Mr. Speaker, I would be delighted. I see our time is evaporating now, but in the brief time that we have left the NDP Motion No. 17 adds ACOA to the English version of clause 165.

We believe the government's motion, Motion No. 18, accomplishes that objective, but does so in a fashion that is more eloquent and drafted more correctly. As such, it is our hope, respectfully, that the NDP would consider withdrawing Motion No. 17 in favour of government Motion No. 18. However, in the event that the NDP does not withdraw Motion No. 17, we will vote against it.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I just want to be sure that I understood correctly what the parliamentary secretary just said.

Did he say that Motions Nos. 17 and 19 could be withdrawn to give Motion No. 18 precedence over the other two? If such is the case, I humbly suggest to him that he ask the unanimous consent of the House to withdraw Motions Nos. 17 and 19 because we agree with him.

[*English*]

Mr. Pierre Poilievre: Mr. Speaker, the member is not correct. It is not possible for the government to withdraw Motion No. 17 because it is an NDP motion. Theoretically, we can only withdraw our own amendments.

However, we encourage members of the House to oppose Motions Nos. 17 and 19 and then support the government's Motion No. 18. We believe this would lead to the best legislative outcome and the best final product, from a drafting point of view.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I think we are coming to a consensus on what we are trying to achieve with Motions Nos. 17, 18, and 19. The NDP is willing to cooperate with the idea to simplify things. I understand the motion is in the name of my colleague from Acadie—Bathurst. Therefore, I do not believe I am authorized to withdraw Motion Nos. 17 and 19. Perhaps after question period the House can have our assurance that we will do that to expedite the process.

[*Translation*]

Mr. Pierre Poilievre: Mr. Speaker, I thank the member for making this promise. I also thank him for the work he does in committee as well as in the House.

Mr. Benoît Sauvageau: Mr. Speaker, I have a question to ask of the parliamentary secretary. Since this second group of amendments deals mainly with the reform of the Access to Information Act, why did the Conservatives refuse to undertake a quick and efficient review of that act when they had promised to do so on page 12 of their document entitled "Stand up for Canada"?

[*English*]

Mr. Pierre Poilievre: Mr. Speaker, an improved Access to Information Act is precisely what this government has delivered. We have delivered amendments in the accountability act that extend access to information far beyond where they have ever gone before. This is the greatest expansion in the history of Canada of access to information. We are opening up the drapes, letting in the sunshine and opening up government for all Canadians taxpayers to see.

● (1400)

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I agree to withdraw Motions Nos. 17 and 19 and to keep Motion No. 18.

[*English*]

The Acting Speaker (Mr. Andrew Scheer): Perhaps the member could seek unanimous consent for that after question period.

STATEMENTS BY MEMBERS

[*English*]

GOVERNMENT POLICIES

Mr. Paul Zed (Saint John, Lib.): Mr. Speaker, the Prime Minister keeps saying that Canadians voted for change. They got change, but they certainly did not vote for the following:

The Liberal government's commitment for new tactical airlift fleet, at least 16 new aircraft, for the Canadian Forces has been scrapped.

The $3.5 billion promised for labour market partnership agreements with the provinces has been put in fiscal limbo.

Instead of $1.6 billion in funding for affordable housing, which we delivered under the Liberals' Bill C-48, the Conservatives have promised only $1.4 billion.

The Conservatives have cut the $1 billion for housing and infrastructure for aboriginals. They have cut the $1.3 billion for aboriginal health. They have cut the $200 million for aboriginal economic development. They have cut the $170 million for aboriginal accountability infrastructure. They have refused to uphold $400 million in extra funding for water treatment on reserve.

Canada's north has been ignored as the Liberals' northern strategy has not been implemented.

There is no new money for harbour cleanup for Saint John.

* * *

FOOD FOR FRIENDS

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, I rise in the House today to acknowledge a wonderful initiative in my riding. Operation Sharing, an ecumenical ministry with widespread support started the Food for Friends program last fall.

Four major grocery stores in Woodstock encourage customers to donate 25¢ or more when they check out. The money is then put on food cards for those in the community who need assistance. This allows them to make choices that meet their dietary needs and more important, maintains their dignity.

The program is the brainchild of Chaplain Stephen Giuliano who serves as the program coordinator. Stephen is a wonderful advocate who builds confidence and brings hope to those who need a helping hand.

Oxford's residents have responded with great generosity. The program raised over $30,000 in its first three months.

Thanks go to IGA, Food Basics, Zehrs and Sobey's for facilitating the program, along with Stephen Giuliano and Operation Sharing.

I congratulate the residents of Oxford for demonstrating their generous spirit once again.

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[*Translation*]

THE MOVIE *DUO*

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, I would like to congratulate the cast and crew of the movie *Duo*, which was filmed almost entirely in the Charlevoix region. This romantic comedy starring actors who are well known in the artistic community received a standing ovation from the audience at the world premiere in Charlevoix.

It is always nice to see Quebec films that put our own actors in the spotlight and showcase magnificent images. The film reveals the beauty of Charlevoix, where the mountains meet the sea. *Duo*'s production team fell in love with the region's imposing scenery during filming of what is sure to be one of the summer's biggest hits.

I invite Quebeckers and Canadians to come discover the beauty of Charlevoix's enchanting scenery, its tourist attractions, its unique landscapes, and the hospitality of the people who live there. Above all, remember to go see *Duo*, the Quebec film that will certainly be a success.

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[*English*]

REFUGEES

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, today is World Refugee Day, a good day to note concerns about Canada's refugee program.

The refugee appeal division still has to be implemented. Justice demands a merit based appeal. The government should obey the law.

Refugees continue to seek sanctuary in churches. The government must solve these particular situations that drive religious communities to this difficult step.

A time limit must be imposed so that failed refugees from countries to which a moratorium has been placed on deportations do not have their lives put on hold indefinitely.

Application fees charged to in-Canada refugees must be eliminated.

Canada must review the safe third country agreement with the U.S. The number of refugee arrivals at our land borders has been cut in half and many question the fairness of the hearing that some receive in the U.S.

The private sponsorship program, the basis for our international reputation on refugee issues, is backlogged and must be revived. Canadians remain ready to do their part and the government must respond.

Refugee issues demand our attention. World Refugee Day would be a good day for the government to announce action on these issues.

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● (1405)

STANLEY CUP CHAMPIONSHIP

Mr. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, Cinderella is alive and living in Edmonton. Unfortunately, on the way to the Stanley Cup championship last night, the Edmonton Oilers' victory chariot turned into a pumpkin as they lost a heartbreaking game seven to the Carolina Hurricanes.

Despite that loss, the Edmonton Oilers defied all odds and can be extremely proud of the hard work, determination and undauntable warrior spirit that took them to the brink of hockey's holy grail.

As inspirational as the Oilers were on the ice, the fans gave us another real and important lesson. Fans in both cities were an appropriate metaphor for respectful international relations as they showed us how two rival teams, cities and countries can still respect each other despite fierce competition.

In both cities the fans sang and cheered the other team's national anthem with gusto. It brought a tear to my eye and a shiver to my spine.

I am sure that everyone in the House and across Canada will join in congratulating the Stanley Cup runner-up Edmonton Oilers, the champion Carolina Hurricanes and the fans from both cities.

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GOVERNMENT POLICIES

Hon. Stephen Owen (Vancouver Quadra, Lib.): Mr. Speaker, to continue with the list of change for the worse, in the riding of Thornhill alone, funding to Kids Come First, a new day care facility with 56 spaces, has been cut.

In Saskatchewan federal support to farmers has been cut by about $200 million this year compared to last year.

Saskatchewan families have lost about $125 million for early learning and child care.

Money to upgrade and expand the RCMP's training facilities at the Depot Division in Regina has been reduced by more than 60%.

Strategic investments in energy, science and research have disappeared.

The promise for icebreakers in deep water ports has been broken.

The construction of two schools on first nations reserves in Alberta has been postponed, despite the $21 million in funding being committed to the two projects.

The national caregiver agenda, a five year $1 billion commitment to improve the lives of unpaid caregivers has been iced.

There is more, unfortunately.

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SASKATCHEWAN CENTENNIAL MEDAL

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Mr. Speaker, today I had the privilege of presenting a Saskatchewan Centennial Medal to Captain Patrick Shawn Cosgrave Heebner, who was accompanied by his wife Nicole. It is a commemorative medal that marks Saskatchewan's 100th birthday and recognizes individuals who have made significant contributions to society. It recognizes leadership, volunteerism and community involvement and honours outstanding achievement.

Captain Heebner was born in Yorkton, Saskatchewan, raised in Pelican Narrows, and attended school in Kennedy, Saskatchewan. Following a highly successful high school program of academics and provincial level sports, and having graduated from Canada's Royal Military College, Captain Heebner was selected for the leadership team assigned to plan and open the Canadian Forces operation in the combat in Afghanistan. Captain Heebner led the maintenance efforts to adapt Canadian equipment to the rigours of the Afghan environment. His team's effort reduced the risks to Canadians overseas.

Captain Heebner continues to serve in a leadership role in Canadian operations and is to be commended through this citation.

[*Translation*]

CANADIAN DOLLAR

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, the rising Canadian dollar is a major economic obstacle for exporters. This factor is wreaking havoc in the riding of Trois-Rivières and elsewhere.

The rising Canadian dollar cuts into our factories' profit margins, which results in job losses and a local economic slowdown.

For example, Kruger announced job cuts at its main plant in Trois-Rivières. Over the next two years, restructuring will result in the elimination of 80 jobs.

Job losses are having a direct negative effect on consumption, as well as repercussions on small and medium-sized businesses who must also cut jobs.

This situation is very troubling. The Bloc Québécois urges the federal government to implement energy measures to support the manufacturing sector, which is such an important source of jobs in the regions.

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[*English*]

VETERANS WALLS OF REMEMBRANCE

Mr. Art Hanger (Calgary Northeast, CPC): Mr. Speaker, on Sunday, June 11 I was privileged to attend the unveiling of the Veterans Wall of Remembrance in Calgary.

Arbor Memorial Services and Memorial Gardens have erected 11 such memorial walls across the country. The 1,500 names of deceased and living soldiers that are written on each granite wall represent and honour what these brave men and women of this country have done to ensure our freedom. Not only do these walls pay tribute to our military heroes, they also serve as a physical reminder to future generations of what true freedom costs.

We can never repay our veterans for what they have given to us. Through their courage, bravery and ultimate sacrifice, death, they have won our freedom. These 11 walls across our great nation will be a constant reminder that freedom must be fought for and must be protected.

To the veterans who have fought and died and to the soldiers who are still fighting, we honour them and we will remember.

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● (1410)

[*Translation*]

GOVERNMENT POLICIES

Hon. Diane Marleau (Sudbury, Lib.): Mr. Speaker, here are some other changes that Canadians did not vote for.

They did not vote for an end to provincial agreements on child care.

They did not vote to end financial support for innovation in Canada.

They did not vote for an agreement on softwood lumber that will cause at least 20% of the industry to fold.

They did not vote to cancel loan guarantees to forestry companies.

They did not vote to cancel the advisory committee on the disabled. This committee was to report on gaps in services.

To have five priorities is all well and good, but to hear and serve all Canadians would be much better.

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[*English*]

CHILD CARE

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, even out of government, the Liberal culture of entitlement and arrogance continues to fester like a sore spot on Canada.

While attacking the Conservative choice in child care, the member for York West said, and I quote, "The Liberals invest in opportunities for our children while the Conservatives are busy building jails".

Earlier this year the Liberal leadership candidate from St. Paul's launched spurious attacks upon parents who choose to raise their own children. Once again yet another Liberal trumpets the Liberal choice for child care instead of listening to everyday Canadian parents. What parents tell us is that they want the democratic right and support to make their own choices about their own children's child care.

On July 1 Canadian parents from all walks of life can look forward to receiving $100 for every child in their family under the age of six years. Clearly, this is a Canada Day celebration, a time to celebrate the right of parents to choose and to have the financial support to do that.

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CHILDREN'S RESPIRATORY HEALTH

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, last week Health Canada officials released preliminary results of an ongoing study on air pollution and children's respiratory health. The initial results from the Windsor children's respiratory health study seem to indicate what to date no other more detailed study has, that there is no link between traffic emissions and our children's health.

Numerous studies, including those conducted by the Commission for Environmental Cooperation and the United States National Center for Environmental Health, have concluded that there are in fact a variety of health related problems for children exposed to ground level air pollution. These studies have examined border areas in the U.S., Mexico and Canada where there are similar problems of truck traffic.

It has been clearly and scientifically demonstrated that children living in areas with high levels of truck traffic are at an increased risk of developing asthma, bronchitis and other respiratory problems.

Before we rush to conclude that truck traffic in the Windsor-Detroit area has no impact on our children's health, we should look carefully at the process of this study and wait for the full findings due out in the spring of 2007.

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[*Translation*]

GOVERNMENT POLICIES

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Mr. Speaker, here are some more changes that we know Canadians did not vote for.

The funding set aside for the Manitoba Literacy Partners, beginning in March 2007, will be cancelled.

Mail delivery was suddenly interrupted for 53,000 homes in rural areas of Canada.

Credits of $1.8 billion set aside for Aboriginal education programs have been abandoned.

Popular programs such as the one tonne challenge and EnerGuide have been cancelled.

Billions of dollars to help fund post-secondary education have been reduced to an $80 tax credit for textbooks.

Funding for the Canadian Unity Council has been cancelled to help the separatists.

Funding for the National Literacy Secretariat has been cancelled.

Annual appropriations for immigration have been cut by $145 million.

And that is not all.

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OFFICIAL LANGUAGES COMMISSIONER

Mrs. Vivian Barbot (Papineau, BQ): Mr. Speaker, on July 31, the term of office of the fifth Official Languages Commissioner, Ms. Dyane Adam, will come to an end.

A psychologist, teacher, exceptional administrator and woman of conviction, Ms. Adam has worked throughout her career to promote recognition of the rights of the francophone linguistic minority, the status of women, health and education.

From 1999 to 2006, Ms. Adam promoted the French language. She was able to update the minority status of French as a language of service and language of work. With integrity, authority and determination she made equality of the French and English languages a reality.

The Bloc Québécois notes with pleasure that Ms. Adam will be living in Île d'Orléans, Quebec.

Good luck, Ms. Adam. We thank her for her good and faithful service.

● (1415)

[*English*]

GOVERNMENT POLICIES

Hon. Maria Minna (Beaches—East York, Lib.): Mr. Speaker, to continue with the list of changes for the worse, the Kyoto protocol has been rejected. Project green has been dropped. A made in Canada solution that would have resolved 80% of the problem two years ahead of schedule has been eliminated.

A promise to provide the Canada Council with $300 million has been broken.

A promise to speed up the foreign credential recognition process has been broken.

The right of same sex partners to marry is being threatened.

The part time ACOA minister uses blatant political pork-barrelling for his provincial PC friends. This is unaccountable.

Child care spaces destined for Toronto families where mothers are crying out for affordable day care have been cut.

The justice minister will not take unscreened questions at a town hall meeting because he does not like the answers he would have to give. This is unaccountable.

We know that Canadians are not naive as the Prime Minister seems to think. They have noticed all these changes for the worse.

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FIREARMS REGISTRY

Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC): Mr. Speaker, yesterday the Liberal member for Notre-Dame-de-Grâce—Lachine said that an overwhelming majority of her caucus would support the wasteful billion dollar long gun registry.

Let me remind her what members of her own caucus have said. The Liberal member for Outremont said, “The gun registry is a disaster. It is a living, breathing scandal”.

The Liberal member for Desnethé—Missinippi—Churchill River said, “I have advised my Liberal colleagues that I'll be voting with the Conservatives to dismantle the Firearms Act”.

The Liberal leadership hopeful, the member for Kings—Hants said, “Over one billion dollars has been wasted for this misguided, poorly designed long gun registry program that from the beginning was destined for failure”.

Unlike the Liberals, the government is committed to keeping its promises and delivering real results to Canadians. The government is committed to effective gun control. We need to target criminals, not duck hunters and farmers.

ORAL QUESTIONS

[*English*]

GOVERNMENT OF CANADA

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, we are one day shy of the summer solstice. As the poet might say: strange things are done under the midnight sun, but none stranger than the Tories and the NDP as one.

The NDP have put the success of the Conservatives ahead of the values of progressive Canadians. It has cost our country early learning and child care agreements with the provinces, the Kelowna solution to the problems of aboriginal Canadians, and Canada's participation in the fight against global warming, the Kyoto accord.

Why does the Prime Minister continue his alliance with the NDP to compromise the values and priorities of progressive Canadians?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I think that question must have been written under a full moon and probably on a different planet.

The reality is that the previous government was so bad on these issues and had so little to show for 13 years of achievement that even its friends in the NDP abandoned it.

We are now moving forward making real progress on the environment, child care, aboriginal issues, and of course all the things the Liberals forgot about, such as tax reduction and crime control.

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CHILD CARE

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, we know all about this planet because of the government's environmental plans to destroy it.

Ordinary Canadians are beginning to see through this government's child care payment scheme and realize that it will not sustain the program put in place by the Liberal government.

Supporters of the payments without places approach must be alarmed at the newest trend. Cash strapped day care providers are eating up the government's payouts like the one that is presently adding $4 a day as a toy fee. They will soon learn that the Prime Minister's payment plan works out to less than $4 a day after taxes.

Can the Prime Minister or even his numerically nimble finance minister explain to Canadians that the Conservative plan will cost families more money and still give them fewer spaces to choose from?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, our plan will give some money, whereas the Liberal plan gave no money. Our plan will create spaces, whereas the Liberals created no spaces. I guess that is why they supported the budget in the end.

The most important thing about our plan is that we will be sending money to children, not taking money from children as the Liberals are doing in their leadership race.

* * *

● (1420)

[*Translation*]

THE ENVIRONMENT

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, among all the bad news for the government we again find the Minister of the Environment. The Sierra Club gave the government the worst possible marks on its environmental record and that is an F. Today the minister's executive assistant had to abandon ship, no doubt before it sank.

Will the Prime Minister finally listen to Canadians, who understand that the Kyoto protocol is an opportunity not to be missed?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the worst environmental record in the world is that of the former Liberal government. Our minister is working very hard to fix it.

[*English*]

When it comes to Kyoto, I am amazed to hear that kind of comment coming from the Leader of the Opposition because his apparent successor, the member for Etobicoke—Lakeshore, says the following:

> I think our party has got into a mess on the environment. As a practical matter of politics, nobody knows what (Kyoto) is or what it commits us to...We think Kyoto has been an asset for us. It's actually been a huge political liability.

It is a liability for that party. It will be an asset for us.

* * *

[*Translation*]

CHILD CARE

Hon. Jean Lapierre (Outremont, Lib.): Mr. Speaker, I would like to ask the following of the Prime Minister: how can the Conservative government, with the support and complicity of the Bloc Québécois, deprive Quebec of the $807 million allocated to compensate for child care and to help Quebec families?

Is the real change that Quebec will receive less money under the Conservative regime than it did under the Liberal regime?

[*English*]

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, charging that the universal child care benefit is a tax grab, when it will put millions of dollars in the hands of Canadian families, is a very odd and unsupported assertion. The numbers of the member opposite are speculative. I assure the House that our plan works.

[*Translation*]

Hon. Jean Lapierre (Outremont, Lib.): Mr. Speaker, $807 million was cut in Quebec for child care, but there is another amount that the Conservative government cut with the complicity and support of the Bloc Québécois and that is the $328 million that Quebec was supposed to receive for respecting the Kyoto protocol.

Is the real change for the government the fact that the Conservatives are giving less to Quebec than the Liberals did?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I want to point out that this government signed an historic agreement with the Government of Quebec for UNESCO, which the former government refused to do.

We are spending twice as much on child care than the Liberals did. More importantly, this money is for the parents and not money for Liberal ad agencies.

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SOFTWOOD LUMBER

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, on April 27 the Prime Minister announced, with much fanfare, that a preliminary softwood lumber agreement had been reached with the American government. Since then, we have been waiting for the final agreement and the government is refusing to grant loan guarantees, claiming that the final agreement is imminent. While we wait, the industry is having cash flow problems and some sawmills are being forced to close down.

Why is the Prime Minister being so obstinate about not granting loan guarantees to the softwood lumber industry, which has been calling for those guarantees for a long time?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, what we have is better than loan guarantees, it is a permanent agreement with the United States. We are therefore working to ensure that this agreement is signed. It will probably not be this week, but we are doing the work that is needed for signing this agreement, which will give rights to Canadian companies.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister of International Trade tells us that it will not be before next fall. In the meantime, the softwood lumber industry is having cash flow problems, jobs are being lost, sawmills are closing and the government is doing nothing.

If they are this sure that the agreement is good and that we are going to recover billions of dollars, what is stopping them, in the meantime, from helping the softwood lumber industry and saving jobs in all of the regions of Quebec? Why are they not doing something? There is no excuse for doing nothing. How can they explain it? I want just one answer.

● (1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, we are hoping to move forward before the fall on the agreement that is supported by the industry in Canada and Quebec. I hope that the Bloc Québécois is going to start listening to the industry, which wants to finalize this agreement.

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, the Minister of Industry has stated on several occasions that loan guarantees were subsidies, that this was illegal and that they had to be included in the government's budget expenditures. All of these notions are completely false.

Can the Minister of International Trade tell us what the real reasons are for the government to be obstinately refusing to grant loan guarantees to forestry companies? Those companies will have to go without their own money for several more months, and he is perfectly aware of this.

[*English*]

Hon. David Emerson (Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, the real reason is the one given by the Prime Minister. We are very close to finalizing an agreement that will be very good for the softwood lumber industry.

It will accelerate the payment of deposits to the companies under the softwood lumber agreement. It will restrain the United States from launching more attacks on the Canadian softwood lumber industry. It will ensure investment, growth and employment in a healthy softwood lumber industry in Canada for the next nine years at least.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, if the government continues to deny companies loan guarantees, as the minister has just reminded us, it must be because there is a very good reason that we are unfortunately not yet aware of.

Might the Prime Minister, out of naivety or inexperience—or both—have made a personal commitment to President Bush not to grant loan guarantees to Canadian forestry companies? Would that not be the real reason why there are no loan guarantees?

[*English*]

Hon. David Emerson (Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, I can assure the hon. member that the Prime Minister made no such commitment to the President of the United States. We are very close to a very good softwood lumber agreement that will accelerate the return of deposits to Canadian companies. It will ensure the health of the industry far better than any conceivable loan guarantee program would.

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CANADA BORDER SERVICES AGENCY

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, literally a flood of illegal guns is making its way into Canadian cities virtually every single day. The only way to stop that is to put a block on illegal guns coming across the border.

Yesterday the president of the Canada Border Services Agency shocked Canadians when he said that over 300 cars in six months ran right through our borders and the agency has no idea of where they are.

It turns out that for the government new uniforms for the border agents is more important than any kind of plan. Where is the Prime Minister's plan to stop the torrent of killer guns coming across the border?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as the hon. member should know because his party supported the budget, the budget contains significant new funds to improve security at our border. That will go into things such as arming border guards and providing more resources to prevent the very kinds of problems that he refers to.

I will tell the House what we will not be doing. We will not be trying to control guns by thinking that these criminals who are bringing guns across the border are going to run down and register them in Miramichi.

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SOFTWOOD LUMBER

Hon. Jack Layton (Toronto—Danforth, NDP): The fact is, Mr. Speaker, that this Prime Minister has been in power long enough that we should have seen some progress on safety at the border by now. He cannot use that excuse forever.

Speaking of which, two months ago he was announcing another big border item. He was announcing an historic agreement, as he called it, on softwood. It is now falling apart and his own minister had to admit as much yesterday. Now we have home builders in the U.S. saying that even with this sellout deal producers in Canada are going to be competing for a smaller share of the American market.

Will the Prime Minister finally at least admit that his softwood sellout is going down the tubes?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as I have said before, our negotiators, ambassadorial personnel and others are hard at work finalizing the legal text of this agreement.

The opposition in one breath decries the fact the agreement is not done yet and in another breath says it should never happen, so I do not know what its position is. What I do know is that this is a good deal for Canadians. That is why we want to get it done.

I can also correct the error of the hon. member for Toronto—Danforth. The fact of the matter is that no Canadian province is obligated to accept any quota or any quantity restriction under this agreement.

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● (1430)

CHILD CARE

Ms. Bonnie Brown (Oakville, Lib.): Mr. Speaker, during the election, the NDP claimed to put children before politics, but since then the NDP has spent more time cozying up to the Conservatives than they have fighting for child care. If it had not been for the NDP sellout on child care, we would not have a government that is calling a monthly cheque a child care program.

Today there is a new poll out that shows most Canadians favour the Liberal child care plan. Canadians get it. When will the social development minister get it and admit that she needs more than a tax incentive to create the spaces this country needs?

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, far be it from me to understand the NDP and its child care policy. However, we offered Canadians a child care plan. They voted for it. We offered it and we will deliver it.

Ms. Bonnie Brown (Oakville, Lib.): Mr. Speaker, today's new poll demonstrates that Canadians believe government has an important role in child care. In other words, they reject the "fend for yourself" approach that the government calls a plan.

The Environics poll showed that support for a national child care system was high across Canada in both urban and rural areas and even among families with a stay at home parent. Liberals do not object to increasing family allowances, but we do want to know why the government insists it must be at the expense of child care programs that Canadians need.

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, we do not believe in taking from the children. We believe in giving to the children.

* * *

THE ENVIRONMENT

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, the government is turning federal websites into Conservative Party propaganda, thanks to the NDP. The Conservatives are now banning the use of certain words on these sites.

Natural Resources Canada has not only erased all references to Kyoto from its website, it has also entirely eliminated natural resources climate change sites. Environment Canada's only surviving reference to Kyoto links to a site that has not been updated in over a year.

Why did the Minister of the Environment give the order to censor the word "Kyoto" from current Government of Canada websites?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, that is ridiculous. I have done no such thing. The Environment Canada website is a very dynamic website full of all kinds of excellent information provided by our department.

No website has ever been turned off. No links to international sites have been taken down. One can still access the Kyoto accord site through the department website. This is ridiculous.

This government has absolutely nothing to bury and nothing to hide. The only thing we are doing is making sure that we have an environmental record that we can be proud of.

[*Translation*]

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, the question is quite simple: who gave the order to remove the word Kyoto from the Government of Canada's current Internet sites? Which one of these ministers made this decision?

[*English*]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, maybe we will talk about something substantive instead.

For 13 years the Liberals focused on rhetoric instead of substance—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. Minister of the Environment has the floor. The member for Don Valley West in particular will want to hear the answer.

Hon. Rona Ambrose: Mr. Speaker, what I would like to talk about is what is important to Canadians, and that is the health of Canadians in regard to our environment. For 13 years the Liberals focused on voluntary action and were afraid to regulate, afraid to ban and afraid to create new pollution laws.

In just four months we have created two new pollution laws, and just this week, the health minister and I acted and Canada has become the first country in the world to ban a known toxin that causes cancer in Canadians. That is action to protect the health of Canadians.

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[*Translation*]

PROGRAM FOR OLDER WORKER ADJUSTMENT

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, at the request of the Bloc Québécois, the government agreed to include POWA in the throne speech. Again at the request of the Bloc Québécois, the government mentioned it in its budget. We forwarded our cost studies to the Minister of Finance, at his request. We also forwarded our research on this subject to the Minister of Human Resources and Skills Development. In brief, the Bloc Québécois has done everything it can to help the government put a POWA in place.

What is the government waiting for to take action?

● (1435)

[*English*]

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, as the member knows since he is on the committee, we are studying employability. I welcome all of the suggestions he has to help us with the older workers program.

[*Translation*]

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, Magog, Huntingdon, Montmagny, the Gaspé, Saguenay and Quebec City are all cities and regions experiencing the serious problem of layoffs of older workers and calling for the establishment of an assistance program for older workers. There are individuals and families whose last vestige of hope is fading with the government's inaction.

When will the government show that it is sympathetic to the plight of older workers who have lost their jobs? This session of Parliament is coming to a close and so time is of the essence.

[*English*]

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, as I said, we are in fact going to be studying employability this summer. We have a feasibility study right now. It was marked in the budget and I welcome any suggestions the member has for our programs.

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[*Translation*]

FIREARMS REGISTRY

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, the reform proposed yesterday by the Minister of Public Safety with regard to the firearms registry reinstates the requirement that firearms retailers keep a record of the weapons they sell.

Does requiring a retailer to keep a record of the firearms he sells not send the message that it is important to register firearms? Does the minister plan to clearly set out this requirement in the act?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, some things are important. It is important to reduce the number of crimes committed using a firearm. That is exactly what the Conservative Party will do. It is also important for the men, women and companies that sell firearms to keep their records up to date. In my opinion, this is important, and I would like to know whether the hon. member agrees.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, if the minister is not answering the question, it is probably because he does not know what to answer.

Here is another question: does the minister not realize that with the abolition of the firearms registry as we know it and its replacement by a multitude of smaller registries kept by firearms retailers, it will be possible to monitor the purchase of new weapons but nearly impossible for police to monitor subsequent resales of these weapons?

Does the minister realize that he is making life easier for street gang members than hunters?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, the Auditor General said that there is currently no control over the long-gun registry.

I wish to say to the hon. member that it is important to remind people who want to own a firearm that they must have a licence.

If the member has concerns about this issue, why is he opposed to mandatory minimum sentences for people who commit crimes using firearms? Why is he opposed?

* * *

[*English*]

MARRIAGE

Hon. Belinda Stronach (Newmarket—Aurora, Lib.): Mr. Speaker, when did taking away the rights of Canadians become one of this government's five priorities? The Prime Minister is insisting on having another vote on same sex marriage when Parliament voted on this a year ago. The only way we are going to have a different result this time is if the NDP continues to compromise its principles on equality to support the government.

When will the Prime Minister stand up for all Canadians and start to defend the rights of same sex couples?

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, prior to the last election the Prime Minister promised there would be a free vote on this particular issue. That was a promise we made during the campaign and this government will keep its word. The Prime Minister is a man of his word.

● (1440)

Hon. Belinda Stronach (Newmarket—Aurora, Lib.): Mr. Speaker, a recent poll shows that 62% of Canadians believe that this issue has been settled. Even the Minister of Fisheries does not want this issue revisited. Does the Prime Minister want to keep on having votes on this issue until he gets his way, like separatists on a referendum?

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, as a matter of principle the Prime Minister indicated that there would be a free vote on this particular matter, and there will be a free vote on this particular matter. We are not governed by polls.

* * *

EDUCATION

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, the Liberal government provided $1.5 billion for access for students who need it most so that if they have the grades, they get in. They get to go.

Instead, the government wants to build a few wheelchair ramps, but if the students cannot afford tuition, they still cannot get in. We know the NDP betrayed students for 10 more seats, but why is the minister not focused on the needs of all students who need help, not just one group?

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, our government recognizes the importance of improving results and of fostering a well educated and highly skilled workforce. We believe in the 2006 federal budget, in which we announced significant support for education. We offered it for training. We invested in post-secondary education and infrastructure. We improved tax assistance for education. We introduced both a new tax credit and a new grant for apprentices.

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, last week this House adopted the Liberal economic plan that put great emphasis on post-secondary education, the same plan the Conservative-NDP alliance abandoned last fall, a plan that offers substantial support for every student who needs it, not $78 for a textbook.

Will the government respect the will of this House, invest in real measures to reduce financial barriers for students and not tinker with the tax system?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I cannot help but notice a pattern today. The Liberals seem to think that the NDP is the government.

I do not know if we can allow the member for Toronto—Danforth to answer any of these questions, but what I can say is this. The Liberals seem worried that Canadians who want a left-wing party with principles are obviously not opting for the Liberal Party.

* * *

FEDERAL ACCOUNTABILITY ACT

Mr. Blaine Calkins (Wetaskiwin, CPC): Mr. Speaker, after 13 years of Liberal waste and corruption, Canadians want their federal government to do things differently. Canadians voted for change and this Conservative government is delivering with the federal accountability act.

The Liberal member for York South—Weston praised the federal accountability act, saying that it was an "important piece of legislation". Could the President of the Treasury Board possibly explain why some of the Liberals are working against openness, transparency and accountability?

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, the good news for Canadians, who are demanding accountability in law, is the moment of truth will soon be upon us. On April 11, the new government tabled the toughest anti-corruption law in Canadian history. Every member in the House will soon have an opportunity to stand up and be counted on accountability.

Let us replace darkness with light. Let us replace accountability with corruption.

* * *

THE ENVIRONMENT

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, yesterday the Minister of the Environment once again refused to meet with the environment committee. Time and again she has claimed that the opposition is obstructing the review of Canada's most important environmental law when it is actually her who is obstructing its review process.

The minister bails on Canadian mayors, picks fights with environmentalists, refuses to work with her colleagues and continues to duck the national press. The summer is almost upon us and with it what promises to be the worst smog season in our history.

When does the minister intend to roll up her sleeves and get down to some work around here?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, as I have said, for 13 years the Liberals focused on programs of waste with no results. Their solution to the corner they backed themselves into on Kyoto was spending billions of dollars on international credits overseas in places like China and Russia.

We are going to invest money right here at home. We are introducing new pollution laws. We are banning toxins that cause cancer in Canadians. That means cleaner air, cleaner water and clean health for Canadians.

● (1445)

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, never mind convincing Canadians that the Liberals were a disaster when it came to the environment. We all know that already. Never mind even convincing fellow parliamentarians, the minister cannot even convince her own staff that she actually cares about climate change, which is probably why her chief of staff quit yesterday. He was tired of pretending there was a climate change plan when he knew full well there was not.

At the parliamentary, provincial and international levels, the federal environment minister has failed. Does the minister even realize the harm she is doing? When will she realize she needs to do the right thing and resign?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, speaking of harm, what I am most concerned about on the environment file are the health issues in relation to pollution.

What the government has done in the first four months is introduce a new pollution law for base smelters. We have introduced a new pollution law to reduce sulphur and diesel. We have banned 10 tonnes of mercury out of our environment.

This week the Minister of Health and I have taken a huge step to protect the health of Canadians by being the first country in the world to prohibit any new products which contain a node toxin, which causes cancer in Canadians.

Canadians want us to protect their health. That is what we are doing.

* * *

FIREARMS REGISTRY

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, data from Statistics Canada indicates that 85% of spousal homicides occur in private residences and a shocking 71% of the firearms used in spousal homicides are, in fact, long guns.

Why is the Minister of Public Safety removing long guns from the firearm registry? Will the government listen to the Canadian Association of Chiefs of Police and back down from a program that has the support of law enforcement, stakeholders and the Canadian public?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, the tragic incidents to which my colleague refers would not have been not prevented by a firearm registry, which the Auditor General said, when it came to long guns, was a disaster and the information itself was doubtful.

We want to see crimes with firearms reduced. In the year 2003 there were 549 murders in Canada. Only two of those occurred with long guns that were registered. We have ways of reducing crimes with guns and we are going to pursue those.

A licence is still needed to possess a firearm. A police background check still has to be done to get that licence.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, in spite of the misinformation being spread by the minister, the fact is the gun registry works.

Why is the minister continuing to ignore the advice of the Canadian Association of Chiefs of Police, the Canadian Professional Police Association, victims' organizations, faith-based groups, social conservative groups and labour and community organizations? Do they not matter?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, a number of police associations and a number of chiefs of police have also said that we are doing the right thing in terms of getting rid of the long gun registry, which has not only been a distraction to police officers, it has costs hundreds of millions of dollars. This is money that we will direct toward more police officers in our communities, crime prevention programs, including programs that address prevention of violence, and border security against the illegal arms that come across the border.

The hon. member can talk about misinformation, but I quote the Auditor General when the Auditor General talks about the severe problems with the gun registry.

* * *

HEALTH

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, let me just tell the Prime Minister that, unlike the NDP, we, as Liberals, will never compromise our principles for 10 more seats. Thanks to the NDP—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Brampton—Springdale has the floor to put her question. We will have a little order, please.

● (1450)

Ms. Ruby Dhalla: Mr. Speaker, being associated with sellouts is not something to cheer about, but let me get to my question.

Thanks to the NDP selling us out, we have a health minister who has put forward no plans to reduce wait times. Rather, we have ended up with a two tier health minister who has blown $25,000 of taxpayer money to hire a long-time Conservative crony, Gordon Haugh, despite the fact that Treasury Board guidelines say we cannot give government contracts to our friends.

When will the Prime Minister stop turning a blind eye to the minister's repeated conflicts of interest?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I would like to thank the hon. member for adding to the annals of history when it comes to memorable quotes. That goes right with "I'm entitled to my entitlements".

I want to assure members of the House that I hire people in whom I have confidence. I am pleased with the work the individual in question has done. It was all done according to the rules that were put into place by the former Liberal government. I am absolutely in 100% compliance with Treasury Board guidelines, proving once again that Liberal and research is oxymoronic.

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, that is Tory accountability, big fat contracts for their Conservative cronies, breaking Treasury Board rules that they have themselves written.

Even third party groups, like the Canadian Health Coalition, are demanding that the minister of big pharma either sell his shares or resign. There is no action on the national pharmaceutical strategy and no bill on Internet pharmacies.

It is evident that the minister's every move is being coordinated by his personal friend, Gordon Haugh, the general manager of the Canadian International Pharmacists Association.

When will the Prime Minister do the right thing and demand action on health care from this minister?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, the allegations are absolutely untrue. I followed absolutely every Treasury Board guideline.

I would be happy to debate, with the hon. member, the record of this government any day of the week on the five months that we have been in power and on the 13 years of inaction on wait times, doubling wait times in this country, 13 years of inaction on cancer care, 13 years of inaction on proper pandemic planning and 13 years of inaction on protecting us from toxins.

We are acting on behalf of the people of Canada. We are proud of our record to date. The Liberals should be ashamed of their record of 13 years of inaction in health care.

* * *

[*Translation*]

CITIZENSHIP AND IMMIGRATION

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, today is World Refugee Day. I remind the government that there is still no appeal division, which is a key component of the refugee determination system.

How can the government tolerate having a system established since June 2002 that still does not include an appeal division, when this seriously penalizes refugees who want to exercise their right to appeal unfavourable decisions? Is it not fair and reasonable that the government finally put the appeal division in place?

[*English*]

Hon. Monte Solberg (Minister of Citizenship and Immigration, CPC): Mr. Speaker, Canada does have among the most generous rules in the world in accepting refugees.

I appreciate the opportunity to again affirm today that Canada is receiving 805 Karen refugees, people escaping the brutal regime in Burma, who have been in a refugee camp in Thailand for 10 years. They are coming to Canada. Private sponsorship groups will be there to accept them as well. This is great news.

[*Translation*]

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, much remains to be done. Half the time, family reunification can take up to 13 months for the families of those who have already obtained permanent residency.

Could the government not ensure that reunification can take place within a more acceptable timeframe from a humane point of view?

[*English*]

Hon. Monte Solberg (Minister of Citizenship and Immigration, CPC): Mr. Speaker, we start in a very deep hole. After 13 years of Liberal inaction, we start with very long lineups. We have 800,000 people in that backlog. That is unacceptable. It is terrible what the former Liberal government did. We are working on it. I can guarantee we will make serious progress to help reunite people with their families.

* * *

● (1455)

GOVERNMENT OF CANADA

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I do not think a $12 million surplus is anything to sneeze at.

Thousands of Canadians wanted to attend game six of the Stanley Cup in Edmonton on the weekend, but could not afford the tickets being sold outside, nor the airfare. It was interesting to see the Prime Minister, four PMO staffers and a group of Conservative MPs cram aboard a Challenger, jet off to Edmonton like they had won a sports fantasy contest.

What I do not understand is, given what is happening in the House, why did the Prime Minister not invite the NDP member for Winnipeg Centre to go along? He could have been the busboy.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I was pleased to attend the hockey game with many other Oiler fans. We are obviously all disappointed at the outcome of last night's game, but I think all Canadians, and particularly Edmontonians, can be proud that a team that finished in eighth place, that had its backup goalie in net, almost got the Stanley Cup. They deserve the applause of all members.

* * *

ABORIGINAL AFFAIRS

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, for 13 years the Liberals dodged and dithered and ultimately did nothing to address aboriginal housing, education, health and matrimonial real property.

Could the Minister of Indian Affairs and Northern Development please tell the House what he is doing to address the very important issues on matrimonial real property on reserves?

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I thank the hon. member for her work on this important subject. The government believes in action to protect aboriginal women, children and families.

Over the past 15 years there have been repeated calls for the federal government to enact matrimonial real property legislation to protect women on reserve. The Liberals would not act. Today, we did.

This morning I announced the appointment of a respected aboriginal woman, a former chief, Miss Wendy Grant-John, as my ministerial representative. She will head up the consultation process so legislation to project aboriginal women can be introduced in the House next spring.

* * *

HOUSING

Mrs. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, today in Vancouver the United Nations has brought together affordable housing advocates to stress the dire need for affordable housing in Canada and around the world.

The Conservative government has no plan for housing in Canada. The one-time payment will not put a dent in the housing crisis. Families are being evicted. People are forced to live on the streets. The need for decent housing only grows.

Will the minister commit today to funding a national housing strategy that would give all Canadians access to safe, affordable housing?

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, the minister has confirmed that she has reached an agreement with the province of British Columbia to transfer the administration of federal resources for existing social housing from CMHC to the Government of British Columbia.

The new agreement will better integrate social housing clients and make efficient use of tax dollars. Savings will be realized through streamlined administration and efficiencies. Under the terms of the new agreement, federal funding will continue to be used for low income housing.

Mrs. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, that is one province. This is a big country. The Conservative government refuses to commit to continue funding projects for emergency shelters and homeless people. Shelters are the last line of defence for preventing homelessness and many will be left with no choice but to close down this fall.

Will the minister stand up for Canada, invest in a federal homelessness strategy and protect the most vulnerable people in this country?

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, the member must have forgotten that she helped pass the budget in which the Government of Canada allocated up to $1.4 billion for affordable housing. This is a one time investment that indicates $800 million to increase the supply of affordable housing, $300 million to the provinces to address immediate pressures on the off reserve aboriginal housing and $300 million to address the particularly acute housing situation in Canada's north.

* * *

● (1500)

AFGHANISTAN

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, an essential component to the success of our mission in Afghanistan is the ability of the Afghan security forces to provide security within their own country and yet we have heard nothing from the government in terms of how many Afghan security forces are needed and how many will be trained.

My question for the government is simple and it is important for the exit strategy for our troops. Over the next two and a half years how many Afghan security forces will be trained by the government and how many will be needed for the Afghan people to provide their own security?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, I thank the member for his question but I must point out that the member voted against our troops in Afghanistan.

Our forces and a number of countries are involved in training the Afghan military and the Afghan police. We do our portion in Kabul. We have a training team training large numbers of the Afghan army but this is in concert with other countries.

* * *

[*Translation*]

NATIONAL REVENUE

Mr. Luc Harvey (Louis-Hébert, CPC): Mr. Speaker, in Quebec, thousands of investors lost their savings in the Norbourg scandal. We know that the Minister of National Revenue cannot comment on specific cases, but perhaps the minister could tell the House what the federal government's position on this issue is. Does the federal government intend to take any action that might eventually harm these investors?

[*English*]

Hon. Carol Skelton (Minister of National Revenue and Minister of Western Economic Diversification, CPC): Mr. Speaker, I thank the member for Louis-Hébert for his excellent question and my Quebec colleagues have made very passionate representations to me. I cannot go into the specifics of any case but I am pleased to say that this government does not intend to retain funds identified as properly belonging to investors. This will be determined through court proceedings.

[*Translation*]

THE ENVIRONMENT

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Speaker, in August 2004, a ruptured pump at CEZ Inc. in Valleyfield resulted in the release of a toxic cloud that travelled as far as downtown Montreal and affected thousands of people. Today we learn that, at the time, Environment Canada had not double checked some information provided by the company; certain compromising documents had even been disregarded.

Will the Minister of the Environment agree to reopen the investigation to shed light on this incident?

[*English*]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, as reflected in my earlier comments, protecting the health of Canadians is extremely important to this government and Environment Canada. I am not aware of this oversight but I will look into it and I will get back to the member. I can assure her that any exposure I have had to Environment Canada investigative processes is done with the full integrity and adherence to the process of the law.

* * *

POINTS OF ORDER

ORAL QUESTIONS

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, I rise on a point of order to correct the record. I should have said let us move to accountability from corruption.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, last week you intervened twice on matters of decorum in this House. Again today, a disgraceful gesture was made by an hon. member of this House. When the hon. member for Notre-Dame-de-Grâce—Lachine asked a question, the hon. member for Winnipeg Centre made a disgraceful gesture toward her. More specifically, he gave her the finger. Accordingly, I would ask, in the name of decorum and in order to maintain discipline in this House, that you ask the hon. member for Winnipeg Centre to apologize for making this disgraceful gesture.

● (1505)

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I was going to rise on a similar point of order to speak to the comments made by the member for Notre-Dame-de-Grâce—Lachine. I believe that in the context of her question she made a very uncomplimentary and even unparliamentary comment about me. I take it as a class issue. She is an academic and a lawyer and I am a blue collar worker and a carpenter. She was trying to imply that being a busboy is somehow a derogatory remark. I take it as an insult and I think she should apologize to me.

[*Translation*]

The Speaker: Is the hon. member for Montmorency—Charlevoix—Haute-Côte-Nord rising on a different point of order?

Mr. Michel Guimond: I am rising on the same point of order, Mr. Speaker.

As I see it, the member for Winnipeg Centre was asked not to create a diversion and, as a responsible parliamentarian, to apologize for giving the finger.

The Speaker: The hon. member for Winnipeg Centre can no doubt explain what happened.

[*English*]

The Speaker did not see anything happen at that moment. If the hon. member could perhaps indicate what the problem was and maybe the appropriate words could be said. We will hear from the hon. member for Winnipeg Centre.

Mr. Pat Martin: Mr. Speaker, in the interest of trying to get the attention of my colleague from Notre-Dame-de-Grâce—Lachine, I did in fact raise my finger and perhaps that was misinterpreted by my Bloc colleagues as an insult. If they saw it that way, I certainly apologize.

My colleague from Notre Dame knows I have great respect for her and I would never use an obscene gesture in the House.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, if I am not mistaken, the member for Winnipeg Centre rose on a point of order before addressing his apology, which I accept, for the vulgar and distasteful gesture. I would like, however, to address the point of order that the member for Winnipeg Centre raised about my reference to him in the question that I asked of the Prime Minister.

In the question that I asked of the Prime Minister, I did state that the member for Winnipeg Centre had shown himself to be an excellent busboy. I do not believe that to be insulting for the Conservatives.

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Esquimalt—Juan de Fuca has a question of privilege.

Hon. Keith Martin: Mr. Speaker, I rise on a question of privilege that arises out of question period and the comments made by the Minister of National Defence, who said during his response to my question that I did not support our troops. In my riding, which has a Canadian Forces base, this is exceedingly important. The defence minister—

Some hon. members: Oh, oh!

GOVERNMENT ORDERS

[*English*]

BUSINESS OF SUPPLY

OPPOSITION MOTION—SENIORS

The House resumed from June 15 consideration of the motion and of the amendment.

The Speaker: Order, please. It being 3:10 p.m., pursuant to order made Thursday, June 15, the House will now proceed to the taking of the deferred recorded divisions relating to the business of supply. The question is on the amendment.

Call in the members.

● (1520)

[*Translation*]

(The House divided on the amendment, which was agreed to on the following division:)

(Division No. 20)

YEAS

Members

Abbott	Ablonczy
Albrecht	Allen
Allison	Ambrose
Anders	Anderson
Angus	Arthur
Atamanenko	Baird
Barnes	Batters
Beaumier	Bélanger
Bell (Vancouver Island North)	Bell (North Vancouver)
Bennett	Benoit
Bernier	Bevington
Bezan	Black
Blackburn	Blaikie
Blaney	Bonin
Boshcoff	Boucher
Breitkreuz	Brown (Oakville)
Brown (Leeds—Grenville)	Brown (Barrie)
Bruinooge	Byrne
Calkins	Cannan (Kelowna—Lake Country)
Cannon (Pontiac)	Carrie
Casson	Chamberlain
Chan	Charlton
Chong	Chow
Christopherson	Clement
Coderre	Comartin
Comuzzi	Crowder
Cullen (Skeena—Bulkley Valley)	Cullen (Etobicoke North)
Cummins	Cuzner
D'Amours	Davidson
Davies	Day
Del Mastro	Devolin
Dewar	Dhaliwal
Dhalla	Dosanjh
Doyle	Dykstra
Easter	Emerson
Epp	Eyking
Fast	Fitzpatrick
Flaherty	Fletcher
Folco	Galipeau
Gallant	Godfrey
Godin	Goldring
Goodale	Goodyear
Gourde	Graham
Grewal	Guarnieri
Guergis	Hanger
Harper	Harris
Harvey	Hawn
Hearn	Hiebert
Hill	Hinton
Holland	Jaffer
Jean	Jennings
Julian	Kadis
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Keeper	Kenney (Calgary Southeast)
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lapierre
Lauzon	Layton
LeBlanc	Lee
Lemieux	Lukiwski
Lunn	Lunney
MacAulay	MacKenzie
Malhi	Maloney
Manning	Mark
Marleau	Marston
Martin (Esquimalt—Juan de Fuca)	Martin (Winnipeg Centre)
Martin (LaSalle—Émard)	Martin (Sault Ste. Marie)
Masse	Mathyssen
Matthews	Mayes
McCallum	McDonough
McGuinty	McGuire

McKay (Scarborough—Guildwood)
Menzies
Merrifield
Minna
Moore (Fundy Royal)
Murphy (Charlottetown)
Neville
Norlock
Obhrai
Owen
Pallister
Patry
Petit
Prentice
Priddy
Rajotte
Redman
Reid
Rodriguez
Savage
Scarpaleggia
Schellenberger
Sgro
Siksay
Simard
Skelton
Solberg
St. Amand
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Pacetti
Paradis
Peterson
Poilievre
Preston
Proulx
Ratansi
Regan
Ritz
Russell
Savoie
Scheer
Scott
Shipley
Silva
Simms
Smith
Sorenson
St. Denis
Steckle
Storseth
Stronach
Szabo
Thibault (West Nova)
Thompson (Wild Rose)
Toews
Trost
Tweed
Van Kesteren
Vellacott
Wallace
Warawa
Wasylycia-Leis
Wilfert
Wilson
Yelich

NAYS

Members

André
Bachand
Barbot
Bigras
Bonsant
Bourgeois
Cardin
Crête
Demers
Duceppe
Freeman
Gauthier
Guimond
Kotto
Laframboise
Lavallée
Lessard
Loubier
Malo
Ménard (Marc-Aurèle-Fortin)
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Laforest
Lalonde
Lemay
Lévesque
Lussier
Ménard (Hochelaga)
Mourani
Ouellet
Perron
Plamondon
Sauvageau
St-Hilaire

PAIRED

Members

Gagnon
MacKay (Central Nova)– — 2

The Speaker: I declare the amendment carried.

[*English*]

The next question is on the main motion, as amended.

The hon. chief government whip.

Hon. Jay Hill : Mr. Speaker, there has been some consultation between all four parties and I think if you were to seek it, you would find unanimous consent to apply the results of the vote on the previous motion to the motion presently before the House.

The Speaker: Is there unanimous consent to proceed in this way?

Some hon. members: Agreed.

Hon. Karen Redman: Mr. Speaker, while we are in agreement with this, I would point out that the Liberal members from Yukon and Nunavut will be voting in favour of this motion.

The Speaker: The hon. member for Vancouver East is rising on a point of order.

Ms. Libby Davies: Mr. Speaker, in terms of the motion that is before us, I understand that the two members are opposed because it does not include the word "territories".

I would seek unanimous consent to include "provinces and territories" because I think that is implicit in the motion. I would ask if the Conservatives would agree to that? It was their amendment.

The Speaker: Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: Is it agreed that the motion carry with members voting as indicated on the previous motion, except for the two who have now changed. Is it agreed?

Some hon. members: Agreed.

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 21)

YEAS

Members

Abbott
Albrecht
Allison
Anders
Angus
Atamanenko
Baird
Batters
Bélanger
Bell (North Vancouver)
Benoit
Bevington
Black
Blaikie
Bonin
Boucher
Brown (Oakville)
Brown (Barrie)
Byrne
Cannan (Kelowna—Lake Country)
Carrie
Chamberlain
Charlton

Ablonczy
Allen
Ambrose
Anderson
Arthur
Bagnell
Barnes
Beaumier
Bell (Vancouver Island North)
Bennett
Bernier
Bezan
Blackburn
Blaney
Boshcoff
Breitkreuz
Brown (Leeds—Grenville)
Bruinooge
Calkins
Cannon (Pontiac)
Casson
Chan
Chong

Chow
Clement
Comartin
Crowder
Cullen (Etobicoke North)
Cuzner
Davidson
Day
Devolin
Dhaliwal
Dosanjh
Dykstra
Emerson
Eyking
Fitzpatrick
Fletcher
Galipeau
Godfrey
Goldring
Goodyear
Graham
Guarnieri
Hanger
Harris
Hawn
Hiebert
Hinton
Jaffer
Jennings
Kadis
Karetak-Lindell
Keeper
Komarnicki
Lake
Lauzon
LeBlanc
Lemieux
Lunn
MacAulay
Malhi
Manning
Marleau
Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Émard)
Masse
Matthews
McCallum
McGuinty
McKay (Scarborough—Guildwood)
Menzies
Merrifield
Minna
Moore (Fundy Royal)
Murphy (Charlottetown)
Neville
Norlock
Obhrai
Owen
Pallister
Patry
Petit
Prentice
Priddy
Rajotte
Redman
Reid
Rodriguez
Savage
Scarpaleggia
Schellenberger
Sgro
Siksay
Simard
Skelton
Solberg
St. Amand
Stanton
Stoffer
Strahl
Sweet
Temelkovski
Thompson (New Brunswick Southwest)
Tilson
Tonks
Christopherson
Coderre
Comuzzi
Cullen (Skeena—Bulkley Valley)
Cummins
D'Amours
Davies
Del Mastro
Dewar
Dhalla
Doyle
Easter
Epp
Fast
Flaherty
Folco
Gallant
Godin
Goodale
Gourde
Grewal
Guergis
Harper
Harvey
Hearn
Hill
Holland
Jean
Julian
Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)
Kramp (Prince Edward—Hastings)
Lapierre
Layton
Lee
Lukiwski
Lunney
MacKenzie
Maloney
Mark
Marston
Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)
Mathyssen
Mayes
McDonough
McGuire
McTeague
Merasty
Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Murphy (Moncton—Riverview—Dieppe)
Nash
Nicholson
O'Connor
Oda
Pacetti
Paradis
Peterson
Poilievre
Preston
Proulx
Ratansi
Regan
Ritz
Russell
Savoie
Scheer
Scott
Shipley
Silva
Simms
Smith
Sorenson
St. Denis
Steckle
Storseth
Stronach
Szabo
Thibault (West Nova)
Thompson (Wild Rose)
Toews
Trost
Turner
Valley
Van Loan
Verner
Wappel
Warkentin
Watson
Williams
Wrzesnewskyj
Zed– — 233
Tweed
Van Kesteren
Vellacott
Wallace
Warawa
Wasylycia-Leis
Wilfert
Wilson
Yelich

NAYS

Members

André
Bachand
Bellavance
Blais
Bouchard
Brunelle
Carrier
DeBellefeuille
Deschamps
Faille
Gaudet
Guay
Kotto
Laframboise
Lavallée
Lessard
Loubier
Malo
Ménard (Marc-Aurèle-Fortin)
Nadeau
Paquette
Picard
Roy
St-Cyr
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Vincent– — 50
Asselin
Barbot
Bigras
Bonsant
Bourgeois
Cardin
Crête
Demers
Duceppe
Freeman
Gauthier
Guimond
Laforest
Lalonde
Lemay
Lévesque
Lussier
Ménard (Hochelaga)
Mourani
Ouellet
Perron
Plamondon
Sauvageau
St-Hilaire

PAIRED

Members

Gagnon
MacKay (Central Nova)– — 2

The Speaker: I declare the motion carried.

OPPOSITION MOTION—ABORIGINAL AFFAIRS

The House resumed from June 19 consideration of the motion.

The Speaker: Pursuant to order made on Monday, June 19, 2006 the House will now proceed to the taking of the deferred recorded division relating to the business of supply.

● (1530)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 22)

YEAS

Members

André
Asselin
Bachand
Barbot
Beaumier
Bell (Vancouver Island North)
Bellavance
Bevington
Black
Blais
Bonsant
Bouchard
Brown (Oakville)
Angus
Atamanenko
Bagnell
Barnes
Bélanger
Bell (North Vancouver)
Bennett
Bigras
Blaikie
Bonin
Boshcoff
Bourgeois
Brunelle

Byrne
Carrier
Chan
Chow
Coderre
Comuzzi
Crowder
Cullen (Etobicoke North)
D'Amours
DeBellefeuille
Deschamps
Dhaliwal
Dosanjh
Easter
Faille
Freeman
Gauthier
Godin
Graham
Guay
Holland
Julian
Karetak-Lindell
Kotto
Laframboise
Lapierre
Layton
Lee
Lessard
Loubier
MacAulay
Malo
Marleau
Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Émard)
Masse
Matthews
McDonough
McGuire
McTeague
Ménard (Marc-Aurèle-Fortin)
Minna
Murphy (Moncton—Riverview—Dieppe)
Nadeau
Neville
Owen
Paquette
Perron
Picard
Priddy
Ratansi
Regan
Roy
Sauvageau
Savoie
Scott
Siksay
Simard
St-Cyr
St. Amand
Steckle
Stronach
Temelkovski
Thibault (West Nova)
Valley
Wappel
Wilfert
Wrzesnewskyj
Cardin
Chamberlain
Charlton
Christopherson
Comartin
Crête
Cullen (Skeena—Bulkley Valley)
Cuzner
Davies
Demers
Dewar
Dhalla
Duceppe
Eyking
Folco
Gaudet
Godfrey
Goodale
Guarnieri
Guimond
Jennings
Kadis
Keeper
Laforest
Lalonde
Lavallée
LeBlanc
Lemay
Lévesque
Lussier
Malhi
Maloney
Marston
Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)
Mathyssen
McCallum
McGuinty
McKay (Scarborough—Guildwood)
Ménard (Hochelaga)
Merasty
Mourani
Murphy (Charlottetown)
Nash
Ouellet
Pacetti
Patry
Peterson
Plamondon
Proulx
Redman
Rodriguez
Russell
Savage
Scarpaleggia
Sgro
Silva
Simms
St-Hilaire
St. Denis
Stoffer
Szabo
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Tonks
Vincent
Wasylycia-Leis
Wilson
Zed– — 162

NAYS

Members

Abbott
Albrecht
Allison
Anders
Arthur
Batters
Bernier
Blackburn
Boucher
Brown (Leeds—Grenville)
Ablonczy
Allen
Ambrose
Anderson
Baird
Benoit
Bezan
Blaney
Breitkreuz
Brown (Barrie)
Bruinooge
Cannan (Kelowna—Lake Country)
Carrie
Chong
Cummins
Day
Devolin
Dykstra
Epp
Fitzpatrick
Fletcher
Gallant
Goodyear
Grewal
Hanger
Harris
Hawn
Hiebert
Hinton
Jean
Keddy (South Shore—St. Margaret's)
Komarnicki
Lake
Lemieux
Lunn
MacKenzie
Mark
Menzies
Miller
Moore (Fundy Royal)
Norlock
Obhrai
Pallister
Petit
Prentice
Rajotte
Ritz
Schellenberger
Skelton
Solberg
Stanton
Strahl
Thompson (New Brunswick Southwest)
Tilson
Trost
Tweed
Van Loan
Verner
Warawa
Watson
Yelich– — 121
Calkins
Cannon (Pontiac)
Casson
Clement
Davidson
Del Mastro
Doyle
Emerson
Fast
Flaherty
Galipeau
Goldring
Gourde
Guergis
Harper
Harvey
Hearn
Hill
Jaffer
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Kramp (Prince Edward—Hastings)
Lauzon
Lukiwski
Lunney
Manning
Mayes
Merrifield
Moore (Port Moody—Westwood—Port Coquitlam)
Nicholson
O'Connor
Oda
Paradis
Poilievre
Preston
Reid
Scheer
Shipley
Smith
Sorenson
Storseth
Sweet
Thompson (Wild Rose)
Toews
Turner
Van Kesteren
Vellacott
Wallace
Warkentin
Williams

PAIRED

Members

Gagnon
MacKay (Central Nova)– — 2

The Speaker: I declare the motion carried.

* * *

[*Translation*]

INTERNATIONAL BRIDGES AND TUNNELS ACT

The House resumed from June 19 consideration of the motion that Bill C-3, An Act respecting international bridges and tunnels and making a consequential amendment to another Act, as amended, be concurred in at report stage with a further amendment.

The Speaker: Pursuant to order made Monday, June 12, 2006, the House will now proceed to the taking of the deferred recorded division on the motion at report stage of Bill C-3.

[*English*]

Hon. Jay Hill: Mr. Speaker, if you should seek it, I think you would find unanimous consent to apply the results of the previous vote to the motion presently before the House, with Conservative members present voting yes.

The Speaker: Is there unanimous consent to proceed in this fashion?

Some hon. members: Agreed.

Hon. Karen Redman: Mr. Speaker, Liberal members in the House will be voting in favour of the motion.

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, the Bloc Québécois will be voting yes on this motion.

Mr. Yvon Godin: Mr. Speaker, members of the NDP vote no on this motion.

Mr. André Arthur: Mr. Speaker, I vote in favour of this motion.

● (1535)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 23)

YEAS

Members

Abbott
Albrecht
Allison
Anders
André
Asselin
Bagnell
Barbot
Batters
Bélanger
Bellavance
Benoit
Bezan
Blackburn
Blaney
Bonsant
Bouchard
Bourgeois
Brown (Oakville)
Brown (Barrie)
Brunelle
Calkins
Cannon (Pontiac)
Carrie
Casson
Chan
Clement
Comuzzi
Cullen (Etobicoke North)
Cuzner
Davidson
DeBellefeuille
Demers
Devolin
Dhalla
Doyle
Dykstra
Emerson
Eyking
Fast
Flaherty
Folco
Galipeau
Gaudet
Godfrey
Ablonczy
Allen
Ambrose
Anderson
Arthur
Bachand
Baird
Barnes
Beaumier
Bell (North Vancouver)
Bennett
Bernier
Bigras
Blais
Bonin
Boshcoff
Boucher
Breitkreuz
Brown (Leeds—Grenville)
Bruinooge
Byrne
Cannan (Kelowna—Lake Country)
Cardin
Carrier
Chamberlain
Chong
Coderre
Crête
Cummins
D'Amours
Day
Del Mastro
Deschamps
Dhaliwal
Dosanjh
Duceppe
Easter
Epp
Faille
Fitzpatrick
Fletcher
Freeman
Gallant
Gauthier
Goldring
Goodale
Gourde
Grewal
Guay
Guimond
Harper
Harvey
Hearn
Hill
Holland
Jean
Kadis
Karetak-Lindell
Keeper
Komarnicki
Kramp (Prince Edward—Hastings)
Laframboise
Lalonde
Lauzon
LeBlanc
Lemay
Lessard
Loubier
Lunn
Lussier
MacKenzie
Malo
Manning
Marleau
Martin (LaSalle—Émard)
Mayes
McGuinty
McKay (Scarborough—Guildwood)
Ménard (Hochelaga)
Menzies
Merrifield
Minna
Moore (Fundy Royal)
Murphy (Moncton—Riverview—Dieppe)
Nadeau
Nicholson
O'Connor
Oda
Owen
Pallister
Paradis
Perron
Petit
Plamondon
Prentice
Proulx
Ratansi
Regan
Ritz
Roy
Sauvageau
Scarpaleggia
Schellenberger
Sgro
Silva
Simms
Smith
Sorenson
St-Hilaire
St. Denis
Steckle
Strahl
Sweet
Temelkovski
Thibault (West Nova)
Thompson (Wild Rose)
Toews
Trost
Tweed
Van Kesteren
Vellacott
Vincent
Wappel
Warkentin
Wilfert
Wilson
Yelich
Goodyear
Graham
Guarnieri
Guergis
Hanger
Harris
Hawn
Hiebert
Hinton
Jaffer
Jennings
Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)
Kotto
Laforest
Lake
Lapierre
Lavallée
Lee
Lemieux
Lévesque
Lukiwski
Lunney
MacAulay
Malhi
Maloney
Mark
Martin (Esquimalt—Juan de Fuca)
Matthews
McCallum
McGuire
McTeague
Ménard (Marc-Aurèle-Fortin)
Merasty
Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Mourani
Murphy (Charlottetown)
Neville
Norlock
Obhrai
Ouellet
Pacetti
Paquette
Patry
Peterson
Picard
Poilievre
Preston
Rajotte
Redman
Reid
Rodriguez
Russell
Savage
Scheer
Scott
Shipley
Simard
Skelton
Solberg
St-Cyr
St. Amand
Stanton
Storseth
Stronach
Szabo
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Thompson (New Brunswick Southwest)
Tilson
Tonks
Turner
Valley
Van Loan
Verner
Wallace
Warawa
Watson
Williams
Wrzesnewskyj
Zed– — 254

NAYS

Members

Angus	Atamanenko
Bell (Vancouver Island North)	Bevington
Black	Blaikie
Charlton	Chow
Christopherson	Comartin
Crowder	Cullen (Skeena—Bulkley Valley)
Davies	Dewar
Godin	Julian
Layton	Marston
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathyssen
McDonough	Nash
Priddy	Savoie
Siksay	Stoffer
Wasylycia-Leis– — 29	

PAIRED

Members

Gagnon	MacKay (Central Nova)– — 2

The Speaker: I declare the motion carried.

* * *

PUBLIC HEALTH AGENCY OF CANADA ACT

The House resumed from June 19 consideration of the motion that Bill C-5, An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts, be read the third time and passed.

The Speaker: Pursuant to order made Monday, June 19, 2006, the House will now proceed to the taking of the deferred recorded division on the motion at third reading stage of Bill C-5.

[*English*]

Hon. Jay Hill: Mr. Speaker, that worked so well, let us try it once more. I think if you seek it you will find unanimous consent to apply the results of the vote on the motion previously before the House to the motion presently before the House, with the Conservative members present voting yes.

The Speaker: Is there unanimous consent to proceed in this way?

Some hon. members: Agreed.

Hon. Karen Redman: Mr. Speaker, Liberal members in the House will be supporting this great Liberal bill and voting in favour of it.

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, members of the Bloc Québécois will oppose this motion.

[*English*]

Mr. Yvon Godin: Mr. Speaker, the NDP members will be voting yes to this motion.

[*Translation*]

Mr. André Arthur: Mr. Speaker, I vote in favour of this motion.

(The House divided on the motion, which was agreed to on the following division:)

Business of Supply

(Division No. 24)

YEAS

Members

Abbott	Ablonczy
Albrecht	Allen
Allison	Ambrose
Anders	Anderson
Angus	Arthur
Atamanenko	Bagnell
Baird	Barnes
Batters	Beaumier
Bélanger	Bell (Vancouver Island North)
Bell (North Vancouver)	Bennett
Benoit	Bernier
Bevington	Bezan
Black	Blackburn
Blaikie	Blaney
Bonin	Boshcoff
Boucher	Breitkreuz
Brown (Oakville)	Brown (Leeds—Grenville)
Brown (Barrie)	Bruinooge
Byrne	Calkins
Cannan (Kelowna—Lake Country)	Cannon (Pontiac)
Carrie	Casson
Chamberlain	Chan
Charlton	Chong
Chow	Christopherson
Clement	Coderre
Comartin	Comuzzi
Crowder	Cullen (Skeena—Bulkley Valley)
Cullen (Etobicoke North)	Cummins
Cuzner	D'Amours
Davidson	Davies
Day	Del Mastro
Devolin	Dewar
Dhaliwal	Dhalla
Dosanjh	Doyle
Dykstra	Easter
Emerson	Epp
Eyking	Fast
Fitzpatrick	Flaherty
Fletcher	Folco
Galipeau	Gallant
Godfrey	Godin
Goldring	Goodale
Goodyear	Gourde
Graham	Grewal
Guarnieri	Guergis
Hanger	Harper
Harris	Harvey
Hawn	Hearn
Hiebert	Hill
Hinton	Holland
Jaffer	Jean
Jennings	Julian
Kadis	Kamp (Pitt Meadows—Maple Ridge—Mission)
Karetak-Lindell	Keddy (South Shore—St. Margaret's)
Keeper	Kenney (Calgary Southeast)
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lapierre
Lauzon	Layton
LeBlanc	Lee
Lemieux	Lukiwski
Lunn	Lunney
MacAulay	MacKenzie
Malhi	Maloney
Manning	Mark
Marleau	Marston
Martin (Esquimalt—Juan de Fuca)	Martin (Winnipeg Centre)
Martin (LaSalle—Émard)	Martin (Sault Ste. Marie)
Masse	Mathyssen
Matthews	Mayes
McCallum	McDonough
McGuinty	McGuire
McKay (Scarborough—Guildwood)	McTeague
Menzies	Merasty
Merrifield	Miller
Minna	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Nash
Neville	Nicholson

Norlock
Obhrai
Owen
Pallister
Patry
Petit
Prentice
Priddy
Rajotte
Redman
Reid
Rodriguez
Savage
Scarpaleggia
Schellenberger
Sgro
Siksay
Simard
Skelton
Solberg
St. Amand
Stanton
Stoffer
Strahl
Sweet
Temelkovski
Thompson (New Brunswick Southwest)
Tilson
Tonks
Turner
Valley
Van Loan
Verner
Wappel
Warkentin
Watson
Williams
Wrzesnewskyj
Zed– — 233

O'Connor
Oda
Pacetti
Paradis
Peterson
Poilievre
Preston
Proulx
Ratansi
Regan
Ritz
Russell
Savoie
Scheer
Scott
Shipley
Silva
Simms
Smith
Sorenson
St. Denis
Steckle
Storseth
Stronach
Szabo
Thibault (West Nova)
Thompson (Wild Rose)
Toews
Trost
Tweed
Van Kesteren
Vellacott
Wallace
Warawa
Wasylycia-Leis
Wilfert
Wilson
Yelich

NAYS

Members

André
Bachand
Bellavance
Blais
Bouchard
Brunelle
Carrier
DeBellefeuille
Deschamps
Faille
Gaudet
Guay
Kotto
Laframboise
Lavallée
Lessard
Loubier
Malo
Ménard (Marc-Aurèle-Fortin)
Nadeau
Paquette
Picard
Roy
St-Cyr
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Vincent– — 50

Asselin
Barbot
Bigras
Bonsant
Bourgeois
Cardin
Crête
Demers
Duceppe
Freeman
Gauthier
Guimond
Laforest
Lalonde
Lemay
Lévesque
Lussier
Ménard (Hochelaga)
Mourani
Ouellet
Perron
Plamondon
Sauvageau
St-Hilaire

PAIRED

Members

Gagnon

MacKay (Central Nova)– — 2

The Speaker: I declare the motion carried.

(Bill read the third time and passed)

[*English*]

The Speaker: I wish to inform the House that because of the deferred recorded divisions, government orders will be extended by 28 minutes.

* * *

● (1540)

[*Translation*]

FEDERAL ACCOUNTABILITY ACT

The House resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, as reported (with amendments) from the Legislative Committee on Bill C-2; and of the motions in Group No. 2.

The Speaker: Does the member for Acadie—Bathurst want to raise a point of order?

Mr. Yvon Godin (Acadie—Bathurst, NDP): Yes, Mr. Speaker. Just before question period, I asked the unanimous consent of the House to withdraw Motions Nos. 17 and 19 from Group No. 2.

The Speaker: Does the member for Acadie—Bathurst have the unanimous consent of the House to withdraw Motions Nos. 17 and 19 from Group No. 2 that is now before the House?

Some hon. members: Agreed.

The Speaker: Motions Nos. 17 and 19 are withdrawn.

[*English*]

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I am pleased to speak to the amendments in Group No. 2 and in particular to Motion No. 20. Motion No. 20 would delete proposed section 165.1, which includes the Canadian Wheat Board under the Access to Information Act.

On behalf of the official opposition, which has long defended and will continue to defend the Canadian Wheat Board, I would like to state that the Access to Information Act should not apply.

In fact, the original bill did not contain the reference to the Canadian Wheat Board, and for good reason. In drafting the legislation, justice officials recognized that the provisions of the bill did not apply to the Canadian Wheat Board.

The justice department official at the Bill C-2 legislative committee acknowledged that "the Canadian Wheat Board is not a crown corporation" like the agencies the bill was intended to cover. He said that "the Canadian Wheat Board is not a crown corporation within the meaning of section 83 of the Financial Administration Act...". The Parliamentary Secretary to the Minister of Agriculture acknowledged that the government could not craft an amendment to include the Canadian Wheat Board, and that was the reason for its exclusion.

Unfortunately, the New Democratic Party member for Winnipeg Centre brought forward an amendment to include the Canadian Wheat Board, without consulting the Wheat Board and of course with the approval of government members on the committee. Government members knew they could not do this within the definition of agencies that the accountability act was trying to target, but they sat on their hands while the member for Winnipeg Centre did their bidding for them so that they can in fact undermine the Canadian Wheat Board and in the end possibly make it even less competitive.

It is my understanding that members of the New Democratic caucus have recognized their error and will more than likely support this amendment. If they claim to have any connection to western Canadian grain farmers, they will do so and state it publicly today.

The Canadian Wheat Board is not a crown corporation, unlike, for example, the Canadian Dairy Commission. The governance structure of the board has been changed, with two-thirds of the board of directors elected by farmers. The Canadian Wheat Board does not receive an appropriation from Parliament.

The Parliamentary Secretary to the Minister of Agriculture has long been opposed to the Canadian Wheat Board and apparently is not enthusiastic about allowing farmers to determine, through the democratic process, the future of the board. In an interview with the *Western Producer* on April 20, 2006, the parliamentary secretary acknowledged the fact that the government could not find a way of including the Canadian Wheat Board in Bill C-2 and that its intention was to obtain that inclusion in order to try to find out internal administrative matters of the board.

That has been a point of contention of mine for years. I maintain, as I did in the discussion earlier today, that the Canadian Wheat Board has an audited annual report. Elections are held for the Wheat Board. The elected members hold district meetings at which farmers can question those directors. In that way, information certainly is made accessible to the farm community. The fact of the matter is that the Wheat Board is a democratic institution and that information is available.

● (1545)

For instance, if the motion of the member for Winnipeg Centre is left in without being amended, the Canadian Wheat Board could in fact find access to information being applied on its commercial interests. That would put it at a major disadvantage compared to the other companies it has to compete against, such Cargill Grain, Archer Daniels Midland, et cetera. It is interesting that the agency that works on behalf of farmers, even when it is the most open of organizations dealing in the international grain trade, would still have to provide more information than its competitors.

That would be prejudicial to farm interests. For that reason, I encourage all members to rethink this strategy of the member for Winnipeg Centre that wants to put the Wheat Board under access to information. I request all members to rethink that strategy and support this motion to delete that section so that the Canadian Wheat Board and the producers it represents are not put at a disadvantage under this accountability act.

I trust that the majority of members will support this amendment on behalf of those who should really determine the future of the Canadian Wheat Board, namely, the farmers of western Canada themselves.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I believe there is also Motion No. 22, which is related to the motion on the Wheat Board but is about development and research. In view of the fact that the member is one of the more knowledgeable people in the House with regard to the operation of the Canadian Wheat Board and the importance of protecting the best interests of the farmers, he may want to provide his thoughts on that motion as well, as it relates to the same matter.

Hon. Wayne Easter: Mr. Speaker, the main resolution I was speaking to was certainly on the Canadian Wheat Board, because as justice officials have determined, it is not an agency. It is in fact more like a farm organization. Therefore, the whole intent of the accountability act is to go after agencies and government-related agencies in terms of requiring information under access to information.

In terms of the points raised on Motion No. 22, I would just say that unless the named agency, the International Development Research Centre, is a wholly and 100% owned subsidiary of some other government body, the Access to Information Act should not apply to it either, because the intent of the legislation, as I understand it, is just to apply to wholly owned agencies of the Government of Canada and government departments thereof.

● (1550)

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, it is my pleasure to speak to the second group of amendments moved by our colleagues in this House. This main thrust of this second group is to amend pages 85 to 135 of Bill C-2. They refer primarily to the Access to Information Act.

There are a number of peculiarities in the amendments in the second group of amendments, moved variously by the NDP, the Conservatives and the Liberals. Those amendments cause some problems for the Bloc Québécois.

My colleague from Saint-Bruno—Saint-Hubert has very eloquently said that the Conservatives were going to make amendments to the Access to Information Act. After all, they had promised this during the election campaign. It appears on page 13 of their document entitled "Stand up for Canada".

We are still a bit naïve, or maybe even simple; we believe promises and we think that sometimes they may be kept. We were carried away on a gust of goodwill, and we believed them and told ourselves that it would happen.

When they introduced Bill C-2, there was not the slightest interest or indication that they were intending to amend the Access to Information Act.

Then we told ourselves that it would very likely be up to the appropriate committee, the Standing Committee on Access to Information, Privacy and Ethics, to ensure that the statutory amendments promised by the Conservatives—and it is important to remember that—were brought forward.

To our great surprise, and especially to the great surprise of my colleague from Saint-Bruno—Saint-Hubert, the Conservatives did everything they could not to discuss a bill to improve the Access to Information Act, claiming that they did not have the time then and that they would work on Bill C-2, as if only one committee of the House could do any work.

That was when the NDP decided to get into bed with the Conservatives and agree to leave out the points that would have ensured that the Access to Information Act provided for genuine transparency.

I can imagine the annoyance I may cause my colleague from Acadie—Bathurst, but I do not think it was because he wanted a plane ticket to go and see the Oilers' sixth game in the Stanley Cup finals.

Let us look at the arguments the Conservatives are handing us for pushing Bill C-2 through with such excessive speed. They have told us that we have been talking about this bill for so long that we have no further need to hear witnesses, or experts, or anyone else.

We know that a perfect bill has fallen from the heavens into our laps. So we have heard about it for long enough that they can bulldoze their way through the process and the bill can be brought into force immediately.

These arguments could also apply to the Access to Information Act. It has been in effect for 23 years, since 1983. A number of committees have studied it. Recently, the Conservative members as well as all the other members on the Standing Committee on Access to Information, Privacy and Ethics even rejected the suggestion of the previous Liberal justice minister to study it again.

On November 3, 2005, the committee unanimously approved the legislation proposed by the commissioner. They told the Liberals then that they had talked long enough and often enough about the Access to Information Act—as is the case with Bill C-2—and did not need any more studies. They said they were ready to pass it right away.

The Conservatives were so ready to act that they said on page 13 of their platform, and I quote:

> A Conservative government will:
>
> Implement the Information Commissioner's recommendations on reform of the Access to Information Act.

One of the reasons why the public has little confidence in politicians is that they thumb their noses at the promises they make in their election platforms and programs.

The Conservatives can argue that it was not specific. They said that they would implement the Information Commissioner's recommendations on reform of the Access to Information Act, but they did not say when.

● (1555)

People thought that they would do so quickly because they voted against a motion postponing the deadline. But now we are back at square one.

The NDP was in bed with the Conservatives, especially on that, but realized that things were going a bit too far. So they made a few amendments at the Legislative Committee on Bill C-2 to correct a few small parts of the Access to Information Act. We voted against.

In the eyes of the public, we, the bad guys from the Bloc Québécois, were against greater transparency. We were against reform of the Access to Information Act, almost against social progress itself, as the Minister of the Environment would say. So the evil sovereignists voted against the NDP's amendments to the Access to Information Act.

Our rule was relatively simple. We adopted a point of view at the beginning of the consideration of Bill C-2 during the hearings and we still have the same point of view. If it is important, as the Conservatives wrote on page 13 of their platform, and as the NDP already voted in committee, we want the Standing Committee on Access to Information, Privacy and Ethics to study quickly, appropriately and correctly a reform of the Access to Information Act.

When the vehicle is not running properly, we are not in favour of changing a few small parts. We are not in favour of correcting a few small imperfections when what is involved is correcting the bill, as the Conservatives promised they would do in the last election campaign.

Tinkering is not for us. We leave that up to the others. What we want is an amendment like the one passed by the committee in November 2005, as promised by the Conservatives in the last election, as proposed by my colleague from Saint-Bruno—Saint-Hubert and as rejected by the members of his committee, where we wanted to amend and correct this part of the act.

People will hear someone crying wolf and will be told the Bloc was opposed to that part. I think I have shown as clearly as possible the reasons why we were opposed to the little patches made here and there. What we want is to amend the Access to Information Act.

Still, since nothing is all good or all bad, I have to point out the contribution of Motion No. 14 by my friend and colleague from Acadie—Bathurst. He would have liked me to say Motion No. 15. So Motion No. 14 reads as follows:

> That Bill C-2, in Clause 146, be amended by replacing lines 3 to 31 on page 118 with the following:

In this clause, it is acknowledged that the Auditor General of Canada must keep secret any records required for an investigation. That was provided for ahead of time. However, something was forgotten. I do not know how this occurred. It was very fast, but no one remembered to also include the Commissioner of Official Languages among these exceptions. Thanks to good cooperation with my colleague from Acadie—Bathurst, we agreed together that the NDP would table this amendment, which includes the Commissioner of Official Languages among the officers of the House exempted from making public any documentation linked to an investigation.

In conclusion, I will say that I have filed two complaints with the Commissioner of Official Languages, which were deemed admissible. When the Commissioner does her investigation and hears public servants or other people, these people confide under cover of anonymity. If these people knew that everything they say was then going to become accessible to the public under the Access to Information Act, all the powers of the Commissioner of Official Languages would be undermined.

We acknowledge that this is really a good idea, a good thing, that this legislative amendment should be included in the second group of amendments. We are going to support this motion.

We are very concerned about the reform of the Access to Information Act. We hope that the Conservatives will change their position on this.

● (1600)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, Motion No. 14 is of particular interest. At first blush I thought it simply deleted paragraph 16.1(1) and folded the Auditor General into the second clause as subparagraph (d) and then renumbered these matters. However, I am not sure if it is exactly that clear. The new paragraph in the bill, as reported back from the committee, says that the head of one of the government institutions listed shall not refuse under certain circumstances. There are exceptions.

I see that the Information Commissioner and the Privacy Commissioner shall not refuse but I am not exactly sure where the Auditor General comes in here. Are there exceptions for the Auditor General? If it is the member's view that the Auditor General does not have some exceptions, I would question that.

[*Translation*]

Mr. Benoît Sauvageau: Mr. Speaker, in the bill as it is currently worded, on page 118, we read as follows:

> 16.1 (1) The Auditor General of Canada shall refuse to disclose any record requested under this Act that contains information that was obtained or created by or on behalf of the Auditor General of Canada in the course of an investigation, examination or audit conducted by...the Auditor General of Canada.

This clause enabled the Auditor General to keep evidence confidential in order to conclude an investigation. The Information Commissioner and the Privacy Commissioner both said they agreed that the evidence could be disclosed after the investigation had been concluded and the report released. This was not a problem for them.

After a few communications, officials with the office of the Official Languages Commissioner told us that they were afraid—I am sure, legitimately so—of what would happen after the report was released.

For example, I filed a complaint against the Treasury Board and a complaint against National Defence. These complaints were allowed. During the three-year investigation, the Official Languages Commissioner and her professional staff must have asked questions of officials, soldiers or public servants.

Today, three years later, after the report became official, a reporter or an ordinary citizen could use the Access to Information Act to gain access to the information that went into the report. A number of officials would likely be uncomfortable in that case, and if they had known, they would not have said everything they told the Official Languages Commissioner in confidence.

I therefore applaud and commend the NDP amendment, which would give the Official Languages Commissioner the same powers as the Auditor General.

I hope I have answered the question from my friend from Mississauga South.

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I have a comment as well as a question for my colleague from Repentigny. First, I would like to congratulate him on his excellent presentation. It is clear that he is very familiar with the issue.

Why does he think this Conservative government wants to move so quickly to adopt this bill? We know what happened in committee. Witnesses were paraded through in quick succession and the clause by clause study was completed in record time. In fact, I think that the whole process of enacting this bill will take place in record time.

Can my colleague from Repentigny tell me why the government wants to push Bill C-2 through so quickly?

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Repentigny with a short answer.

Mr. Benoît Sauvageau: Mr. Speaker, unfortunately, I think that they ignored the people who would be governed by Bill C-2. Furthermore, they focused on partisan rationale in order to punish the Liberals as quickly as possible.

● (1605)

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I am pleased to speak to Bill C-2. In my view, the only reason why Bill C-2 is being considered so speedily is that corruption had to be stopped once and for all and a little honour brought to this House.

The Bloc Québécois members may say that they worked very hard, after the 2004 election, and even before, to bring to light all the corruption that led to the sponsorship scandal.

When the motions on Bill C-2 were considered in committee—I understand that there were a lot of motions that they did not agree with but that was not the case for all the motions—they lined up with the Liberal Party whom they had so often denounced in the House of Commons.

There were at least four or five motions that they should have agreed with. But they did not agree with any of them. The member says that he voted for several of them. Well there were certainly some good motions brought forward by the NDP, particularly given that the member for Repentigny said that they were NDP motions.

I think this is a beginning. The Liberals are complaining about the fact that Bill C-2 has been given speedy consideration.

I recall that during the time of the Liberal government—I am sure that the Bloc member will agree with me—there was no more debate in the House of Commons. That was our colleague Mr. Boudria. It was all the rage: between 2000 and 2004, there was closure on every bill. It was a majority government, and it gagged the House of Commons more than 80 times to close off democratic debate in this House.

In the case of Bill C-2, some people have said that it was because of the Liberals. That is not it. The reason is that in the last few years this was all we ever heard about; we even had an election on this issue. What was happening became so obvious that even the Bloc was asking the Liberals questions. The Liberals wanted to be in power and they wanted to have an election. My colleague from Repentigny says that this is true. It is true that it had got to that point.

Ultimately, what we want is to put things in place to prevent this happening again, not just for the Liberal Party, but for any political party.

For example, we know that on the road from Montreal to Quebec or Rivière-du-Loup, the speed limit is 100 kph. But there still have to be laws to prevent people from speeding. The same thing applies to Bill C-2. They are drifting back into it. They do not seem to have learned their lesson. After everything that has happened, there has been an election, all of it has been swept clean, and now we are still hearing about problems.

Take the member who is standing for the leadership of the Liberal Party, for example. He accepted money from an 11-year-old child for his leadership campaign. Unbelievable. It is as if they had not learned their lesson.

Bill C-2 is not perfect. No bill is ever perfect. I have never seen a bill in the House of Commons that was perfect. If we could create perfect bills, we could close the House of Commons down for a few years.

This is the one constant variable here.

● (1610)

I am pleased to have been able to move the amendment to give the Commissioner of Official Languages the same rights as the Auditor General of Canada has.

I have indeed had good discussions with my Bloc colleague, the member for Repentigny, on that subject. We agreed that I would move the amendment. It is important for the Official Languages Commissioner to be treated in the same way as the Auditor General. The people who file complaints must not become the issue. The commissioner is capable of doing her job. She is an officer of the House of Commons and she does a very good job. I would like to congratulate her on all the years she has held this office.

The Conservatives have not made arrangements to replace her, something I criticize them for. It is already June 20, and the House of Commons will be adjourning for the summer shortly. The fact that she has not been replaced shows once again what little respect the Conservatives have for the official languages.

It will have taken two months for us to get a parliamentary secretary for official languages. Now it seems we will not even have an official languages commissioner before the fall. I can only say that the government's position is most regrettable. We criticize the government for some of the things it does, and we will continue to do so.

Bill C-2 represented an opportunity to try, finally, to stop the corruption and prevent things like this from happening.

The member for the riding of Malpeque in Prince Edward Island —I think—said that to ban corporate donations was an affront to democracy.

I do not think there is one Canadian in this country who believes that this undermines our democracy. Ordinary people remember very well how many times votes have been bought. Some put pressure on members of Parliament and political parties. It was as if the money arrived through a pipeline connected right to the Alberta oil wells, and was given to certain political parties. That was an injustice. Now the injustice will be rectified. All people will be equal. You will have to work to receive money.

Furthermore, I will propose the following. We should perhaps ensure that the government invests more money in elections so that democracy is even more readily accessible. That would give people the opportunity to run for a seat in this Parliament without being obliged to ask big corporations for money. Parliament and the government could permit this sort of openness. In this way, Canadians could participate in democracy and elections without being compelled to make friends with big corporations or attend dinners at $5,000 a table.

In my riding, where lobster is fished, we serve lobster, and I assure you it makes a fine dish, but none of those dishes sells for $5,000. For example, to participate in the Liberal convention—I will correct myself if I am wrong—the cost is $950. That is expensive. The brochures that will be handed out at the convention will also be expensive, no? There you have another way of outsmarting the system to obtain money destined for the coffers of a political party. Instead, a certain amount should be obtained to cover the costs of the convention.

Here is another example. A man with a lot of money decided to give a political party a chance through his 11-year-old son, who took money from his piggybank to give it to someone who wanted to run for the party leadership. This has become really ridiculous. It is as if the parties had never learned their lesson. And the only way of resolving this problem is to pass a bill to stop them. I am not just talking about the Liberals. Whether it is the Conservative Party, the NDP or the Bloc Québécois, it makes no difference. Now I would like to see this sort of bill passed, because then these abuses would stop. Sometimes we need laws to stop abusers.

Because of all these abuses, we have lost some good programs here in Canada. The sponsorship program was a good program. I recall that during the Canada Day celebrations in Bathurst and Campbellton, we got $500,000 to tell the whole country the Canada Games would be held in Bathurst. Today we have lost that program. It was the same thing with the transitional funds. As I said this morning, we lost those programs because of the abuses of the former government.

I want Bill C-2 to finally put an end to these abuses.

● (1615)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I always enjoy listening to the hon. member. He is very enthusiastic and has taken the opportunity to make a broader statement about Bill C-2, not with regard specifically to any particular point of concern on the group other than for the official languages, with which I tend to agree.

It is interesting that he also mentioned the bill would end the corruption of the government. When a party is in government, all the bureaucracy, every department and everybody who works for the Government of Canada, is part of the government. Without the context, when people talk about party, they mean government. When they talk about government, it is not just some MPs and the cabinet, it is also all of the bureaucracy.

As the member will know, charges have been laid and the RCMP is still considering other charges. However, there has been no charges of corruption against anybody in a political party. That is still ongoing.

It appears that Motion No. 14, with regard to the exemptions under the Access to Information Act, still allows the Official Languages Commissioner to refuse to give information, but it also allows the Privacy Commissioner and the Access to Information Commissioner to have an exception. Is that his understanding of that motion?

Mr. Yvon Godin: Mr. Speaker, the hon. member said that nobody from the Liberal Party was charged. Maybe some should be charged. We have to remember that the Liberal Party had to return $1.4 million that went into its party coffers. How did it get there? How can that be legal? If somebody wants to do their job, maybe there are a few in the Liberal Party who will go to jail. I hope it happens. It will be justice for the people.

I come to back to the Auditor General, the Privacy Commissioner and the Access to Information Commissioner. They have said they feel good about giving information. When we read paragraph (2) of proposed section 16.1, it says:

> However, the head of a government institution referred to in paragraph (1)(c) or (d) shall not refuse under subsection (1)...under the authority of the head of the government institution once the investigation or audit and all related proceedings, if any, are finally concluded.

They have agreed to give the information. The other individual did not feel comfortable about giving the information for the protection of the citizen and the protection of people who gave the information to the commissioner. We really believe they are supported by that.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, first of all, of the $500,000 that the riding of Acadie—Bathurst was happy to get, it did not know that Chuck Guité was keeping $50,000, Lafleur Communications was keeping $50,000, and an advertising firm was keeping some too.

If it was so important to protect and clean up, why did the New Democratic Party oppose the immediate implementation of Bill C-11, the Public Servants Disclosure Protection Act?

[*English*]

Mr. Yvon Godin: Mr. Speaker, I was not on the committee on that. It is probably the one we will have to do when we come back in the fall. One thing we will see to for sure is we can now stop corruption in our country and in our Parliament.

The whistleblower protection act is coming forward and it will be interesting to have it. People would then be able to report wrongdoings, and that would come before the public.

● (1620)

Hon. Stephen Owen (Vancouver Quadra, Lib.): Mr. Speaker, I am very pleased to speak with respect to this group of amendments and the bill generally. The member for the NDP, who preceded me, makes a very good point when he reminds the House of the progression toward the crafting of and the approval of the open government act. It was the draft act produced by Commissioner John Reid, at the request of the House over a year ago, and submitted in the early fall of last year. It came before the Standing Committee on Access to Information, Privacy and Ethics, which endorsed it, and that is extremely important, with support from, I think, all parties in the House.

That was moving us toward an expert based, record based experiential amendment of the act, which we have had the experience of working on now for over 23 years in the House and through the Commissioner of Information.

There has been a great deal of discussion over all of this time with respect to how the act is working or is not working, how the public service is reacting to the requirements of the act and whether it seems to be an aggravation to people to disclose information easier kept secret. That is not what we want and that is not what it is intended to do. The intent of the act is that information held publicly, with some exceptions, is public information and should be available.

One of the interesting things about access to information is it not only enriches our democracy by allowing Canadians to know what is being done with their money, and I think all members of the House understand that, subject to some reasonable exemptions. It causes the public bureaucracy to work more efficiently as well. If bureaucrats are required to make available this information on an ongoing basis, then they have to clean up their record keeping. One would hope it would lead to a regular process of simply posting information as a matter of course without citizens having to ask for it.

We learn about the unintended consequences sometimes of these acts and they need to be amended from time to time. Commissioner Reid performed a very worthy service in providing the open government act for consideration by the House. As I mentioned, it was endorsed by the committee.

Then in line with that endorsement, the Conservative Party in the last election made it part of its election campaign to include the open government act, as presented by Mr. Reid and endorsed by the committee, in the accountability act. It would be its first piece of legislation should it be elected. I think that conformed to the will of the House and the expectations of the public.

We are disappointed, as well as the other opposition parties, that the whole act did not appear and we are taking another course. We will be very interested and directly engaged in that discussion in the fall when the opportunity, through another committee, comes to bring up to date the legislation.

Not only have we had this process through the information commissioner and the House committee, but, in a very interesting way, this case come before the courts. The Supreme Court of Canada has endorsed the general concepts of access to information, that there should not be permanent exclusions that do not have exemptions. They would be time limited and there would be some discretionary exemption. In applying this discretion, one should look to exemptions such as personal information, third party information and commercial information. There should be an opportunity for the commissioner to apply some discretion to ensure that there is no injury being caused by that exemption. I suppose the flip side of that, is if there is some injury caused, is there an overriding public interest that should be exercised in favour of disclosure.

● (1625)

The injury test, the discretion of the commissioner, public interest override and to avoid permanent exclusions which allow no discretions to be applied are important principles. Those are interesting aspects which we will have to come to in the fall. We were disappointed they were not in here.

Another interesting issue came about as a result of finding out that one of the leadership candidates for the Liberal Party had received donations from children who were under the age of majority. I think they were 11 or 12 years old. I have very little knowledge of any of the money that is donated to my campaigns. As a matter of practice I usually do not look. I do not want to be directly associated with knowledge of that. It may well be that all members of this House have unknowingly received contributions at some time from persons who are underage.

My colleague from Notre-Dame-de-Grâce—Lachine put forward an amendment at committee that would have made it improper for anyone who had not reached the age of 18, the voting age, to make political donations. It is unfortunate that it did not pass at committee but it is something we should think about in the future. I do not think any of us would want to be given money in the name of minors, which does not actually come from their own funds.

Looking at the motions in Group No. 2, the official opposition will be supporting most of them. We know that two have been withdrawn but we are having a little difficulty with Motion No. 14 which was put forward by the NDP member.

We need to consider in this House whether there is a substantive difference between the Auditor General and an audit, and any other official of Parliament, such as the parliamentary commissioner. They all provide somewhat similar roles. They receive concerns from the public. They can initiate their own investigations. They perform audits, whether it is compliance with the Official Languages Act, the Access to Information Act, the Privacy Act, the Treasury Board directives or other auditing and accounting rules of government.

I am not quite sure of the distinction that is being made by separating out the Auditor General from the others. I gather that the mover of the motion is concerned about the absolute exclusion given to the papers produced in the process of an audit that would apply to the Auditor General for disclosure, that it simply not be permanent and that it be made discretionary but after the audit is complete, as with the other officers of Parliament. I think we may want to hear a little more debate on that one.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I concur with most of the remarks my colleague from Quadra made about his experience on the committee. It did transpire in the way he remembers it.

However, to complete some of the comments he made, I think it would be fair to say that more than one attempt was made to correct this idea that some people would seek to circumvent the donation limits of the Canada Elections Act by laundering money through, not just a child's bank account, but anybody's bank account, which would be against the law.

It would be fair to expand on that issue to include the fact that the NDP also had an idea, which was voted down by the Liberals. We were not totally against having minors take part in politics by making a modest donation, but that the donation should be deducted from the donation limit of the parent or guardian. We felt that that was a better approach simply because the approach the Liberals put forward did not really speak to the fact that it would be wrong to use anyone's bank account to circumvent the Canada Elections Act and there are already controls in the act to preclude that. People are breaking the law if they do, whether they are minors or of legal age.

What we are trying to avoid is children being exploited but not preclude children from participating. If they were 14 or 15 years old and wanted to join the Liberal Party of Canada, and chose to donate $50 to the campaign fund of my friend from Quadra, I see no harm in that as long as it is not used as a way to exceed the donation limits. Would that be fair to say?

● (1630)

Hon. Stephen Owen: Mr. Speaker, I agree with the comments made by the member for Winnipeg Centre. The NDP did put forward an interesting amendment that would have required donations from someone underage to be included in the parent's donation. We had difficulty with the amendment because with the limits being $1,000 several children or two parents could be giving donations and the underage children could potentially exhaust their parents' ability to donate. We would not want to get into one of these kinds of tussles.

While young people should be encouraged to take part in political parties, which is what our parliamentary system is based on, the complications around the donation seem sufficient enough for us to say that cutting donations off at the voting age would be the simplest way to plug the hole.

I do agree with my friend from Winnipeg Centre that it is against the law to launder money through anybody, whether they are a friend, a spouse, a child or anyone else. Donations are to be made in the name of the person they actually come from and any act otherwise would be improper. We should be looking for ways to ensure that loophole is closed down and we make it a clean cut off at 18, the voting age, which would be logical. We could avoid mistakenly receiving donations in someone's name who we do not know personally or someone who was given money by someone else to donate.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, it seems to me that anyone, whether they be an information officer, an officer of the House or any Canadian for that matter, who becomes aware of an offence under the laws of Canada has an obligation to report that offence notwithstanding anything that might be in this bill.

I wonder if the member is aware of this Criminal Code provision with regard to offences under the act.

Hon. Stephen Owen: Mr. Speaker, certainly any knowledge of criminal activity would have to be disclosed, and members of Parliament, above all, should ensure that any knowledge of illegal or otherwise improper donations should be made available and disclosed to the proper authorities.

● (1635)

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, it is a pleasure for me to rise and speak about the Group No. 2 amendments on access to information.

I will give an example of what new access to information rules could be.

What I am going to say might not seem entirely appropriate at first, but the pieces of the puzzle will fall into place as we go along. It is entirely the kind of problem related to the passage of Bill C-2 and the fact that there is a lack of a broad approach to create a modernized and strengthened Access to Information Act.

As I said earlier and have also said outside the House, the Conservative government is not really interested in modernizing and strengthening the Access to Information Act.

For several years and on a number of occasions, the Bloc Québécois has complained about this act which did not enable us to get enough information about several scandals that occurred over the last few years.

The one that is most talked about, of course, is the sponsorship scandal, just as the ensuing Gomery commission is much discussed.

People have pretty much forgotten the scandal surrounding a major audiovisual production company in Montreal called Cinar Films. Some people remember a bit. Cinar Films was using front men to hide the origins of its scriptwriters.

A government program provided tax credits when scriptwriters were Quebeckers or Canadians. Cinar Films hid the real names of its scriptwriters, most of whom were Americans, used the names of other scriptwriters instead, and pocketed the money from the tax credits.

As I said, they were not Quebeckers or Canadians but always foreigners. In this way, Cinar Films obtained major tax credits worth tens of millions of dollars. On a number of occasions, the Bloc Québécois denounced and deplored the fact that the previous government refused to disclose relevant information. The Access to Information Act, as currently constituted, would not make it possible to get at this information and would not shed light on these matters.

More recently, we were unable to learn the reasons why the Minister of Justice had decided not to prosecute Cinar Films and its founders for copyright violation, when there was an RCMP report recommending the opposite. It will be clear why the Bloc is questioning the Access to Information Act, and why it wants to see amendments or new provisions that might have been included in Bill C-2 and were not.

We would have liked Bill C-2 to include provision for getting information about Cinar Films, for example. We would have liked to get information from the justice department to learn why it had not initiated proceedings when the RCMP recommended that it do so. We are also wondering, even today, whether this government intends to make these amendments in a different bill, and quickly, so that the public can have access to this information. This is not in Bill C-2.

Because this is an issue, does the new government, the new justice minister, intend to bring a criminal prosecution against Cinar Films, as the RCMP recommended? Now that we have changed justice ministers and governments, this is something that might be considered.

This makes it clear that this has everything to do with an access to information act, it has everything to do with amendments that could have been made to Bill C-2. Unfortunately, this government is doing things too fast, too quickly; it is bulldozing this through. As I said earlier, it is setting a record. I think that this is the bill that will have been passed the fastest after going through each of the stages.

● (1640)

We are not talking about bills that are fast tracked through on the same day. This is the first time we have seen a bill get passed this fast, and heard so many witnesses in so little time, and sat for so many hours in a day and so many hours in a single week.

The Standing Committee on Access to Information, Privacy and Ethics has hardly met at all, itself. I think that it sat for a total of five hours during this session, meaning since the last election.

We therefore really do not see how this government thinks it will enact any real access to information regulations, a real access to information act. We are just making cosmetic changes to an act that is called the Accountability Act, but that is ultimately missing one big piece: a revised Access to Information Act and a transparency act. Accountability is all well and good, but if there is no transparency along with it, it cannot get very far, it cannot really serve its purpose. There is nothing to give an act like that its full force and momentum.

I will say again that the time spent getting this bill passed will truly be a record. I do not believe that this is in the best interests of the people of Quebec and of Canada. Rather, I am of the opinion that if a job is worth doing it is worth doing well.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member has raised some interesting points about allegations or information related to criminal activity. Of course it is not the Minister of Justice who lays charges. They are matters that would be referred to the RCMP. However, I get her point.

The member seems somewhat concerned about the Access to Information Act and maybe with regard to the Information Officer, Mr. Reid, who has been very vocal about the abandonment of the recommendations that he made, notwithstanding that his term had been extended. The Conservative Party itself made the motion to have this person in the position because the Conservatives trusted him. I am curious as to whether the committee has a good explanation as to why the concerns of Mr. Reid were ultimately rejected by the government.

[*Translation*]

Mrs. Carole Lavallée: Mr. Speaker, I am very grateful to my colleague for this question, but I must tell him that what is now going on in the Standing Committee on Access to Information, Privacy and Ethics is distressing. It is distressing for the public, because what they are seeing there is not committee members who genuinely want to work, to bring forward a genuine access to information act.

Yesterday, for example, we had one of the rare meetings that have been held since the last election, and all the stops were pulled out, particularly by the Conservative Party members, to ensure that we did not adopt a work plan that would have allowed us to ask the Minister of Justice and Attorney General of Canada to come before us with an access to information bill.

Could anyone imagine the Conservative members throwing up roadblocks to prevent their Minister of Justice and Attorney General of Canada from bringing us, the Standing Committee on Access to Information, Privacy and Ethics, an access to information bill? Is this not the biggest and best evidence that the Conservative government has made only cosmetic changes in Bill C-2, but does not want a genuine, modernized, strengthened access to information act?

This makes the partisan motives behind C-2 even plainer. Certainly it has a few small good points, and so it is a step in the right direction, and so, will we vote for it? Bill C-2 is still also a partisan bill, and what it does is throw up roadblocks for the Liberal leadership race. It also coincides with an opportunistic, partisan reason, so that they can go into the next election campaign, which may happen sooner than later, this being a minority government, with an accountability bill, and can tell their voters to look at this lovely little Accountability Act. Except that this bill does not contain the important part: the transparency component, the access to information component. And so this bill will not have all the teeth it should, in order for the people of Quebec and of Canada to feel comfortable in a democratic country.

● (1645)

Mrs. Vivian Barbot (Papineau, BQ): Mr. Speaker, I thank my hon. colleague for her excellent presentation on access to information.

Personally, I find that this aspect is seriously lacking in the bill before us. You and I are often present in this House—perhaps you are obliged to be here more than me. The typical response of the governing party, particularly the cabinet, always begins with "As everyone knows, the Liberal Party did nothing for the past 13 years". Their answers often end there. They have one line that they repeat endlessly.

The fact that the Access to Information Act is not at issue will serve as a shield for this government later on. I believe it is extremely important to continue to exert pressure in order to ensure that the government understands the importance of this component.

Does my colleague consider the Access to Information Act as an essential tool in the exercise of democracy? I do not really understand how the government has failed to grasp the importance of this and of including it in the legislation.

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Saint-Bruno—Saint-Hubert may give a brief reply.

Mrs. Carole Lavallée: Mr. Speaker, my reply will indeed be very brief. My hon. colleague from Papineau is entirely correct. It is tiresome to hear, every minute of every day, that the Liberal Party did nothing for 13 years, but that they, the Conservatives, are taking action. It is equally tiresome and deplorable that in the case of a real Access to Information Act, this is not true. They are not taking any action.

The Acting Speaker (Mr. Royal Galipeau): It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Gatineau, the Museum of Science and Technology.

[*English*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I appreciate the opportunity to speak at report stage of Bill C-2 and to discuss the second group of motions.

There are several amendments which have been withdrawn, but there are a number of amendments of which we are in favour, including my motion, Motion No. 13, and Motion No. 20 which was tabled by a member of the Liberal caucus, the member for Malpeque. I am not going to speak to the motion that the member for Malpeque tabled. He will do that himself.

I will briefly state that my amendment, for which I believe I have the consent of the four parties which are represented in this House, would ensure that clarity is brought to the issue of which subsidiaries are to come under access to information with the amendments that have been brought forth. It was clearly the will of members of the committee, and I believe it will prove to be the will of the House, that it should only be wholly owned subsidiaries of an institution or an agency that are deemed to be government institutions that should come under the various access to information provisions.

Athough it may seem to some members to be a little off topic, but I do not believe it is, I would like to talk about the actual objectives of Bill C-2 as claimed by the government, as compared to the legislation that we actually see before us.

There are a whole series of clauses in Bill C-2 that the government brought forth. In some cases the committee members in their wisdom successfully amended them or removed them entirely to ensure that the objective of true accountability, transparency and independent oversight was in fact achieved through the bill .

Unfortunately, we did not always succeed, neither the four Liberal members, nor the two Bloc members, and in some cases, surprise, surprise, the one NDP member.

We were successful in one area which is terribly important to our parliamentary and constitutional democracy. That is the principle that has existed for some 400 or 500 years, if not a little longer, on constitutional autonomy of the House or of Parliament and of its members.

Unfortunately, Bill C-2 in its original form would have subjugated the constitutional autonomy of the House and of its members to the judiciary. We have a clear parliamentary democracy and a Constitution that states there is such a thing as constitutional autonomy of the House and that the courts are not the proper place to determine the conduct of the House. It is up to the House and its internal mechanisms and internal rules to deal with how the House proceeds to deal with matters of importance and how it will regulate the conduct and behaviour of members of Parliament.

We, the Liberal members, brought forth a whole series of amendments in order to ensure that the constitutional autonomy of the House and its members was not impeded or diminished. Happily, we were able to see those amendments go through. I am quite pleased about that. I hope that 307 other members in this House are also pleased. If they are not pleased, I would suggest they might want to do a bit of reading on the history of constitutional autonomy, what it actually means and the implications if legislation actually diminishes that.

● (1650)

Mr. Speaker, how much time do I have?

The Acting Speaker (Mr. Royal Galipeau): You have five minutes.

Hon. Marlene Jennings: I have five minutes. It will be quite difficult for me to cram all of my—

Hon. John Baird: I bet you can do it in two minutes.

Hon. Marlene Jennings: The President of the Treasury Board is too kind and too flattering, but I am sure that as he gets to know me better he will understand that I always have thoughts and they are usually quite well founded on a variety of issues.

In this case, I simply wish to share as many of my thoughts as I can as they pertain to Bill C-2 at report stage because, after all, that is what we are here to discuss this evening.

I would like to come back to the issue of the parliamentary constitutional autonomy of the House and its members. For those members, both on the committee who actually voted on the amendments that the Liberals had brought forth, and those members who did not have the privilege of sitting on the special legislative committee that dealt with Bill C-2 and who do not understand what is so important about that, I would strongly encourage them to call our parliamentary counsel and law clerk, Rob Walsh, and his able staff. They could probably quite easily, off the tops of their heads, give an entire course on the issue and why it was so important to protect. If there is one thing that we have done right with Bill C-2, that is definitely one.

We also did a couple of other things right, contrary to the Prime Minister's pique when his nomination of Mr. Gwyn Morgan to what was going to become the public appointments commission was not approved by the committee. In his childish pique, which is unfortunate to mention, but it really was, the Prime Minister said that in that case he would not be nominating anyone else.

Luckily, the committee, in its wisdom, thought that it was important to actually ensure that the public appointments commission existed, that there was a process for appointment, and that the actual mandate and authority of that public appointments commission was clarified through the statutes. Therefore, amendments, some of which came from the Liberals and others from the other parties in opposition, the NDP, actually went forth.

I hope that we will be successful in having those amendments remain in Bill C-2. When Bill C-2 ultimately goes to the Senate, is carried at third reading, receives royal assent and comes into force, the Prime Minister at that time, whomsoever he or she may be, as I do not take that as a foregone conclusion, in his or her wisdom, will make appointments to the public appointments commission and will ensure that there is that kind of independent oversight when it comes to political appointments.

It was not always pleasant working on the committee. Contrary to what some in the House have said, there were many witnesses who stated that they were not pleased with the limited time they were provided to prepare for their appearance and the amount of time they were provided for their actual appearance. They indeed expressed to the committee verbally and in some cases in writing a desire to come back to appear a second time. Unfortunately, that was not the will of the majority of the committee, although it was the will of the Liberal members.

● (1655)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I was going to ask my hon. colleague if I could bring her a cup of tea or coffee or if there was any cleaning or light housekeeping that I might be able to do for her? Seeing as she thinks I am a busboy, perhaps I could be of some service to her in the context as a member of the House, but I do not see her taking me up on that offer.

I will however speak about some of the comments she made. Most of what she said is in fact accurate about her recollection of how the committee developed amendments. We are particularly proud that the public appointments commission has not only been reinserted into the bill and survived the government's intentions, but in fact was expanded, broadened, and strengthened to where it is a true comprehensive regime that should result in an end to patronage as we know it today.

One of the biggest irritants to Canadians, other than out and out corruption I suppose, was this feeling that political patronage appointments were used to reward cronies in Ottawa. Let us face it, that has been the past practice for the better part of a hundred years. But just because it is a tradition does not mean it should be maintained. Perhaps we can announce an end to an era with the passage of this clause in this bill.

I would say that even if it were the only clause in Bill C-2, it would be worthy of our support because it is a fundamental sea change. It is a cultural shift because not only did previous governments, and I will not say only the past Liberal government, used to reward their cronies and their political friends through patronage appointments but they also used the appointments process to impregnate agencies and institutions in the public service with like-minded people, with people of their political stripe. It gave them eternal life because even after they were unelected as a government, they would live on and their ideology would live on in those agencies and institutions.

If nothing else, I think my colleague would agree. I enjoyed working with her on this committee. I will be the first to say I admire her and have a great deal of respect for the contributions she made to the committee, but she will have to admit that this is worthy of celebration. This should not be just a sort of backhanded recognition that we did something at the committee of worth. We did something great at that committee with the public appointments commission and I was proud to be the one who moved the amendment.

● (1700)

Hon. Marlene Jennings: Mr. Speaker, I hope that the member for Winnipeg Centre did not think that when I referred to his service to the Conservatives as that of a busboy that I meant it as an insult. We had a conversation outside of the House and I made it very clear that I have a high regard for busboys. Second, he made an attempt to create a difference in stating that he was just a carpenter and I was a high powered lawyer.

First, I am not a high powered lawyer. Second, I come from a working class background. My father was a porter on the train. Third, I myself was working class in my professional life. When I did my law degree, I worked full time as a coder. I was unionized with CUPW at Canada Post and worked full time as I studied full time. I would not in any way wish to cast aspersions on his socio-economic background prior to coming into politics because I shared a lot of it and I am quite proud of that.

To come to the achievements of the committee regarding the question of the public appointments commission, as the member for Winnipeg Centre stated, one area where the three opposition parties came together, were like-minded, were in agreement, and as a result were able to amend Bill C-2 to bring it back and put it in a form that, if it gets all the way through Parliament, will create an independent system that is merit-based.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, there has been some interesting discussion about the motions in Group No. 2.

At the start of the debate on Group No. 1 there were suggestions that perhaps the bill was hurried in committee. Some of the witnesses had indicated that there was not enough time. I think we can see that some of the items in Group Nos. 1 and 2 are showing evidence of sloppiness and a little bit of a lack of due diligence and care.

The one motion that was put in by the member who just spoke has to do with adding the words "wholly owned" because the bill was referring to crown corporations. Purolator is not a crown corporation. It is a wholly owned operation. It is a small item.

There is another item there. I think it is in Motion No. 21. If there is a change in the mandate of the Canadian Wheat Board, the bill presently says "the minister will do a review as to the propriety of the change". We have a motion before the House for an extensive debate to change the word "will" to "shall". We have to ask the question, why?

A number of members have taken the offer, as it were, of the Chair that notwithstanding, we may be talking on a particular group of motions but that it is appropriate to talk generally about the bill as a whole. I wanted to make a couple of comments about the bill as a whole because I may not get another chance to speak at report stage of the bill.

One of the things I wanted to raise was Bill C-11, known as the whistleblower bill. That bill goes back two Parliaments. It has had a couple of iterations. In the last Parliament, the Standing Committee on Government Operations and Estimates virtually spent the entire Parliament working on that bill. In fact, through the good work of all the members of the committee from all parties, there was a very good start to the bill.

I think it has already been acknowledged that no bill will be perfect. However, it is a good starting point. We feel comfortable that we have responded to the witnesses, as well as to the wishes of the various parties.

Bill C-11 received a third reading vote with the support of all parties in the House. It also received royal assent. That did not occur until about the second last day of the last Parliament. That meant that the bill was not proclaimed. It was law, but it was not in force is basically what that means.

We have Bill C-2 come forward and it has been described as dealing with the whole blanket of ethical issues. For example, it is dealing with whistleblowers, but not in the sense that it is doing anything in the first instance. In fact, the changes or the items in Bill C-2 that are seen are actually amendments to Bill C-11.

That means that we will see Bill C-11 from the Liberal government in the last Parliament. With the support of all other parties, it is going to come into force and law in Canada. It will then be amended for a number of the points that were raised by committee members and by this legislation. I do not see substantive changes. It seems that the committee has done its job to again ensure that legislation continues to get the scrutiny that it needs so that it continues to be up-to-date and takes into account all of the values and principles that should be incorporated in the blanket of Bill C-2.

I am very pleased that we are going to have Bill C-11 finally proclaimed. The bill will then be a law of Canada, and that it will be amended by some of the items in Bill C-2.

One of the other items I wanted to raise is the Access to Information Act. I am very much a big fan of the Information Commissioner. He is someone that I have worked with for many years. He has been in this role even more than his prescribed term. His term was extended by the House.

● (1705)

However, yesterday in the editorial pages there was further commentary on the concerns that have been raised about how the commissioner does not feel that the changes being contemplated, as well as Bill C-2 generally, are going to promote the kind of openness and transparency that we sought to achieve. That gives me some concern. I think it is a signal to all hon. members to look again at the changes to the Access to Information Act that the Information Commissioner was proposing.

Finally, with regard to political donations, I am going to get into that, but I wanted to put a couple of thoughts on the record. Having looked at Bill C-2 and also at the legislative summary provided by the Library of Parliament, I note that there are certain provisions within the act that are in force on receiving royal assent and being proclaimed. There are some that would be delayed for some six months. There are others that are going to be in force on the day on which royal assent is given and the bill is proclaimed.

The donations item is one of those items. This is going to finally eliminate the $1,000 donations that can be made by corporations and unions. As an individual candidate, I am sorry that is going to be taken away, because it will take away the ability to accept donations from small businesses within the community that want to support people who are doing good things for the community. It will take that opportunity away from those small businesses, but if that is what it takes, I am prepared to live with it.

Then there is the fact of reducing the amount that an individual can give from the current $5,000 limit to $1,000. For an ordinary individual, $1,000 is a lot of money. I certainly understand that, but as a member of Parliament, for instance, I attend at least two conventions a year, if not three, which cost anywhere from $150 up. I believe the leadership convention is going to be some $900. Not all of the fees for those conventions are tax receiptable; the costs have to be deducted. Of that $950, if that is what it turns out to be, a substantial amount will be real costs that are not going to be receiptable. I think we can make it.

The problem is that there are no transitional provisions in the bill with regard to whether the rules of the bill specify that those changes are going to be in force on the day that this bill receives royal assent. It is not likely to be on January 1 of a new calendar year. It is going to be in the middle of a year, and it could be the middle of this year, but a lot of Canadians who have made donations under the laws of Canada have exceeded what this bill proposes.

We have heard reports now from the Chief Electoral Officer that with the way in which the bill is presently crafted, in his view as the officer of Parliament who has to enforce the Canada Elections Act, there in fact will be a limit imposed for 2006 of $1,000. Many people contributed to the last election campaign in January 2006, plus there are people who will be going to conventions or who want to support a candidate in a nomination or give to their local riding associations, because it is important for riding associations to have the resources to do their work.

This is going to be very problematic. It is going to mean that an awful lot of businesses and individuals, if the Chief Electoral Officer is correct, are going to have to return moneys. It is going to be a bit of a mess. It is going to make us look bad. I know the committee has had some discussions on this. I hope that more hon. members will raise some of these issues. The most appropriate approach to this would be to amend the report stage motion so as to prescribe that the enforced date of the changes to political donations will be made for January 1 of the next calendar year, which allows for proper transition.

● (1710)

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I listened intently to the speech that the member for Mississauga South made. He seems quite interested in this bill since he spoke on several occasions today. I commend him for doing so, even though —and this is not an accusation—he was not present regularly at the committee. He followed, studied and analyzed BIll C-2, and he has a very good understanding of it.

We heard throughout the day that it was urgent to work on and to pass Bill C-2, because we wanted to eliminate corruption. It is important to remind the House that the vast majority of public servants are very honest men and women and that we are ensuring, through this bill, that they are provided with a safety net.

Why does the member for Mississauga South think that the government refused to immediately implement Bill C-11 that had received royal assent and that provided this safety net for public servants, which would have allowed us to have a more serious study of Bill C-2?

[*English*]

Mr. Paul Szabo: Mr. Speaker, the government will have to answer that question directly. I cannot speculate.

I would suggest, in the spirit of transparency and openness and getting on with this process, that to proclaim Bill C-11 now would at least allow the process of the recruitment of the public service integrity officer to commence. The member is well aware of the lengthy time it is going to take to do publication nationally, to probably get a national search firm to do pre-screening and to start the process that is necessary when a bunch of officers are recruited. At the government operations and estimates committee, we went through this process extensively.

I have one final comment on the point about the spirit of corruption. I said earlier in debate that the party in power is the government, but government as defined is not just the members of Parliament who sit on that side of the House. Government also includes everyone who works for it. The buck stops there. The government is responsible for the wrongdoing of everybody who happens to work in the public service. A government could legitimately be accused of being corrupt if someone did something wrong.

There is a process going on. It is up to the courts to determine who is guilty of an offence. There have been three cases now. Two involved two ad agency executives who have been found guilty and have been prescribed jail sentences. The third case involves Mr. Guité, a public servant who was hired at the time of Prime Minister Brian Mulroney. He was found guilty and has been sentenced to three and a half years. Mr. Guité has an appeal process going forward.

We are also aware that other matters have been referred to the RCMP. Further charges may be laid. We do not know that yet. The Auditor General told Canadians that Mr. Guité, in her opinion, broke every rule in the book. It appears that the courts have agreed, as did Justice Gomery. Mr. Guité has been found guilty. It appears he will be punished, as should anyone who broke any law of Canada in regard to the sponsorship program. Individuals who break our laws should face the full force of the law.

● (1715)

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I thank the hon. member for his contribution to this discussion today. There are some who think this report will move Canada toward further Americanization of our system of government. We keep hearing concerns about the current government getting that much closer to Mr. Bush and the whole American style of politics.

I would like to hear your comments on what you think of that report. Do you think it is one more step down the line of Americanization of our current government system?

The Deputy Speaker: Order, please. Pursuant to my persistence in this matter, the hon. member would be better advised to wonder what he thinks and address the member in the third person.

Could we all try to remember that parliamentary rule? It seems to be disappearing into the Bermuda Triangle in the last few days.

[*Translation*]

Mr. Paul Szabo: Mr. Speaker, I agree.

[*English*]

I have given a speech in this place in which I did use the terminology "the Americanization of Canada". I think it was in the context of Kyoto, Afghanistan, justice and some other issues.

I respect the government's authority and right to take positions that it feels are right in its view, based on its best information. With regard to this bill, I am supportive of Bill C-2. I am supportive of the principles of openness and transparency. When we have whistle-blower legislation totally in force, I want to make sure that we are going to have an environment in which our public servants, including those at crown corporations who are not public servants as defined but who are dealt with as public servants for purposes of the bill, will feel comfortable that they can come forward and provide information which I would consider allegations so that others who have the tools to be able to do the work will be able to determine it.

That is in the best interests of Canadians. If that is the ultimate achievement of the bill, in that part alone, Bill C-2 will have been a success in terms of triggering Bill C-11 so that it is in force and amending it as necessary to make it a better piece of legislation.

● (1720)

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, first I would like to warmly and sincerely congratulate my two Bloc colleagues, the hon. member for Repentigny and the hon. member for Rivière-du-Nord. Both did a tremendous job in committee. They spent many hours on it.

Unfortunately, as a result of the complicity of the New Democratic member for Winnipeg Centre, who literally voted almost automatically with the Conservative members, among other things, all the witnesses that we wanted on this bill could not be heard at the preparation and scrutiny stage.

It was clearly established from the outset that we did not intend to systematically obstruct or filibuster. In view of the scope of this legislation, which modified an incredible number of laws currently in effect, the Bloc Québécois felt that more witnesses should have been heard.

At this stage, we can only deplore the attitude of the hon. member for Winnipeg Centre. I am sure that he must be reconsidering his political future and thinking of joining the Conservative ranks. The people of Winnipeg Centre will have to judge the hon. member on the basis of his conduct.

As was said previously, the Bloc Québécois is in favour of this bill. However, we must look again at some aspects that may not be directly related to the bill but touch upon its philosophy and approach.

Ethics were at the heart of the last election campaign. On January 23, a clear judgment was passed on a corrupt party, the Liberal Party, by the people of Quebec and the people of Canada. The Liberal Party no longer had the moral authority to govern—something we had been saying for a long time—and last January 23, the Liberals got their political punishment for the sponsorship scandal.

The current Conservative government made ethics its battle cry during the last election campaign. Now there is a desire to ask them some tough questions. Just yesterday, in the wake of the sentencing of Charles Guité, who got three and a half years in prison, we saw certain recommendations that followed from the Gomery report going unanswered. During the election campaign, the Conservatives said that, if elected, they would not hesitate to take civil action against the people responsible for the sponsorship scandal.

When the hon. member for Outremont was transport minister in the last Parliament, he said that if any dirty money had been paid, it would be paid back. So I ask again: what is happening now with this dirty money? How is the much anticipated civil action proceeding against the Liberal Party, which allegedly received illegal funds?

What is happening to certain participants in the sponsorship scandal, who have gone unpunished and still stroll freely along the sidewalks of Sparks or Wellington streets here in Ottawa or continue to live in their castles in north Montreal or elsewhere? Take Jacques Corriveau for example. He was portrayed by Gomery as the man who instituted the bribery system, the bid system and all the tricks with exaggerated quotations.

How are the criminal or civil cases going against Jacques Corriveau? Yes, Charles Guité got a prison sentence. Yes, Jean Breault got a prison sentence. But the symphony is still unfinished.

● (1725)

There are still people at large who remain unpunished and that is not acceptable. When we speak of the Gomery commission, Quebeckers and Canadians tell us that they hope the guilty parties will be prosecuted and punished. This money was not taken from the pockets of the Liberal Party or of any one of us here, it was taken from the pockets of taxpayers who believe that they pay too much tax. Therefore we are still waiting. What happened to the agency owners who profited from overbilling, the new millionaires who never bought a lottery ticket? They won the lottery.

I remember as though it were yesterday. When I was on the Standing Committee on Public Accounts, Gilles-André Gosselin told us, and he candidly repeated it to Judge Gomery, that he had invoiced 10 to 12 hours of work per day, 365 days per year, including Christmas and New Years. Gilles-André Gosselin remains unpunished. We are waiting for concrete action from the Conservative government.

The Bloc Québécois is pleased to note that the Conservative government has adopted one of the longstanding demands of the Bloc Québécois—dating back to 1993—to the effect that henceforth appointments of returning officers are no longer to be patronage appointments. Roughly the same principle applies to senators. When the government leader appoints a good Liberal organizer as a returning officer—not necessarily on the basis of ability but rather because of past contributions— it is known as returning the favour. I am not implying that all 308 returning officers are incompetent. Far from it. However, when the basic criterion is past participation in Liberal election organizations, this can result in the appointment of some incompetent people. We are pleased to see that the Conservatives have agreed to copy the system that has been in place in Quebec for several years.

Now, with Bill C-2, returning officers will be appointed following an open and transparent competition. In Quebec, the electoral officer, Mr. Blanchet, has put an ad in the papers to find a returning officer for the provincial electoral district of Montmorency. Any person who feels qualified may apply. We do not rely on party memberships or on a party election organization. It is not patronage in disguise. The process is open and transparent.

If we wanted to be mean and unwilling to recognize the merits of Bill C-2, we would probably say that things could have been done differently in the bill. I do not do this with laxness or flattery, but we, in the Bloc Québécois, are pleased to see that in Bill C-2 the Conservative Party has agreed with one of the recommendations that had become traditional for the Bloc, that is, that returning officers will now be appointed following an open and transparent competition. The best qualified person will then be able to fill the position. If the person is not able to do so, there will be removal procedures. If there is a power of appointment, there is a power of removal. Any staffing principle has its corollary.

I almost felt like asking for the unanimous consent of the House to speak until midnight, since Parliament is allowed to sit until that time. However, as I want to give other colleagues the opportunity to speak, I will stop here.

● (1730)

[*English*]

Hon. John Baird (President of the Treasury Board, CPC): Mr. Speaker, I rise on a point of order. I believe if you were to check you would find unanimous consent from our friends in the Liberal Party, the New Democratic Party and the member for Repentigny, who I spoke with earlier, to allow Motions Nos. 25 and 26, which the Speaker disallowed, to be included in Group No. 2.

[*Translation*]

I hope that my colleague from Quebec will have some positive comments, because I spoke with him for a little while. I am sure he will.

I am therefore requesting the unanimous consent of the House to include Motions Nos. 25 and 26 in Group No. 2.

[*English*]

The Deputy Speaker: Is it agreed?

Some hon. members: Agreed.

The Deputy Speaker: I will now propose Motion No. 25 to the House.

Hon. John Baird (President of the Treasury Board, CPC) moved:

Motion No. 25

That Bill C-2, in Clause 222, be amended by

a) replacing line 9 on page 171 with the following:

"16.4 (1) The Public Sector Integrity Commis-" (b) adding after line 22 on page 171 the following:

"(2) Subsection (1) does not apply in respect of a record that contains information referred to in paragraph (1)(b) if the person who gave the information to the conciliator consents to the record being disclosed."

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

Some hon. members: Agreed.

(Motion No. 25 agreed to)

The Deputy Speaker: I will now propose Motion No. 26 to the House.

Hon. John Baird (President of the Treasury Board, CPC) moved:

Motion No. 26

That Bill C-2, in Clause 225, be amended by replacing line 36 on page 173 to line 7 on page 174 with the following:

"that was obtained or created by him or her or on his or her behalf in the course of an investigation into a disclosure made under the Public Servants Disclosure Protection Act or an investigation commenced under section 33 of that Act."

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

Some hon. members: Agreed.

(Motion No. 26 agreed to)

[*Translation*]

The Deputy Speaker: It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

PHTHALATE CONTROL ACT

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP) moved that Bill C-307, An Act to prohibit the use of benzyl butyl phthalate (BBP), dibutyl phthalate (DBP) and di(2-ethylhexyl)phthalate (DEHP) in certain products and to amend the Canadian Environmental Protection Act, 1999, be read the second time and referred to a committee.

He said: Mr. Speaker, for all interested members and Canadians watching, the pronunciation of the bill is not a requirement to support it. It is sound government policy and I know there is support from various sides of the House for such sound legislation.

I would first like to thank my colleague from Winnipeg Centre for seconding this.

We have seen some small steps from the government to conduct itself in such a way, when it comes to the health and protection of Canadians, to operate under some fundamental principles. One of those principles is called the precautionary principle. It is a principle that has been outlined for a number of years and is used in jurisdictions across the world to prevent undue harm and unnecessary harm falling upon their citizens.

I will take the tobacco companies, for example, and then I will get to the specifics of the bill.

For many years, there were claims that there was no ill health effects due to tobacco. Companies would rely upon some sort of naive and false version of true and pure science needing to connect completely the smoking of tobacco to the many forms of cancer that were supposedly caused by that. For decades, these companies hid behind pseudo-science and the need to prove it beyond any reasonable doubt, meanwhile making record profits and costing taxpayers not only the physical cost of cancers and the pain to those people and their families, but hundreds of millions of dollars in health care costs.

It was only when public support grew to a level sufficient to push governments, both at the federal and provincial levels, to do something about this, that the companies finally had to come forward and admit there was enough health science to prove that smoking was harmful for our health.

No politician in our country will get up and suggest that we should reverse the direction that has been made when it comes to smoking, the prohibition of where people can smoke and the ability to sell to minors. Therefore, we have moved beyond that debate.

However, when it comes to chemicals and the toxic soup that Canadians are asked to swim through each and every day of their lives, the question for government and the responsible leaders of our country is, what are we doing to protect the health of Canadians? Are we doing all that we can?

Clearly, when we look at the group of chemicals to be banned under my bill, we have not done enough. This would ban three specific chemicals, and I am not as courageous as the Speaker in terms of attempting the pronunciation of all these. I will leave that to the organic chemists, but I do definitely take my hat off for the Speaker's efforts. There are three: BBP, DBP and DEHP.

These are specifically placed in products used by some of the most vulnerable people in our society and placed in such a way that allows toxins to then leach out of the products and into the humans who use them. In particular, many of these chemicals are placed in products which children frequently use. Knowing that these chemicals have been associated with a whole list of extremely serious health risks and knowing that they can be brought into a young person's body is the same as knowing the way those products are designed.

I will give an example. Many soothers are put on the market that contain two of these chemicals. Chewing the product will allow the chemical to be released from the product. There is this sad and twisted irony in the way these products have entered into our distribution chain and marketplace, completely unintentionally. They are causing extremely worrisome effects felt by the most vulnerable in our population, who are children.

The bill promotes the banning of these chemicals within 12 months, once the House has passed this bill. Many jurisdictions have already taken these first courageous steps, and I will speak to that.

Also a commercial element is involved for Canadian manufacturers looking to make some of these products. We are talking about children's toys, cosmetics and some medical devices as well. The European market and a number of American markets and others have banned these products over a series of time. If Canadian manufacturers hope to sell any of the listed products, they will be unable to export to any of those markets. Therefore, on the health of Canadian economy and on the health of individuals, this makes clear sense.

● (1735)

These chemicals allow plastics, in particular, to become softer. The original forms of plastic in commercial use were extremely hard and durable, but were not malleable at all.

It is an important consideration, whenever we look at banning a chemical through the manufacturing process, that reliable alternatives can be used and are safe. In this case there are a number of them. What is most attractive about phthalates, this family of chemicals, is that they have an extremely wide use. Manufacturers in other jurisdictions have been called upon to get a little more specific about the replacement chemical to be applied.

A number of these chemicals are also used in cosmetics. When we put these chemicals into things like children's toys, which children then chew on, or in cosmetics that are applied to the face, they leach out or off-gas. A number of studies have been done on carpets and paints. There is that new car smell with which people are familiar. Those are primarily the same group of chemicals and they are not necessary.

In not being necessary and not being implicit to the manufacture of any of those products, it causes one to wonder why government has not taken this step before. Given that we have a new government, we are willing to push this and see what kind of support we can get from around this House to doing something progressive.

The problem with the ability of these chemicals to enter into our into our bodies, is they do not have a chemical bond. That allows them to off-gas quite easily. The other secondary problem is that they accumulate in the fatty tissues of organisms. This is a process of bioaccumulation. Any trace amount that passes through one's system stays there because it gets trapped in the fatty tissues.

A recent study was done by Pollution Probe, I believe. It is one of the environmental groups that was studying the actual chemical makeup of Canadians and the levels of toxicity. It was by no means a conclusive study because the sample was too small. However, one of the things that was most interesting was that children in some cases had higher levels of these toxins than their parents did, even though they had obviously been on the Earth for a much shorter time. Part of the reason is the child might be consuming toxins at a much greater rate as a ratio to their body mass and also that the bioaccumulation, the ability of certain chemicals to stick in our bodies, then gets passed on to children.

A great list of unbelievable diseases and effects is associated with these chemicals. It strikes one as incredible that they even exist at all in commercial use, but let us blame the times and ignorance when they were first brought in. However, knowledge being power, clearly it is incumbent upon us to do something about it.

In particular, a number of studies have shown the abnormal reproductive development in small male children. I have an incredible list of the effects of these chemicals and I will table these documents. I hesitate doing that however because what these chemicals can cause is absolutely unbelievable. They primarily target the reproductive systems of small children and in particular small young males.

Again, when one steps back to the precautionary principle, if there is evidence linking this, in the absence of absolute 100% confirmed science, it is incumbent upon us to remove any chance at all of inflicting this upon any younger members of our society, who through no fault of their own, through their simple existence in their day to day lives, start to incur some of these health effects.

The list of general disorders and malformations is long and disturbing. Some of the less graphic in nature are strong links to allergies in children, premature deaths, testicular cancer. In animals that were tested with these chemicals, there was reduced fertility, spontaneous abortions, birth defects, damage to liver, kidneys and lungs. These things are absolutely incredible in terms of the number of disorders to which they are linked. There is no need or cause to be alarmist. It is simply to point out where the studies have led us

● (1740)

Just last month the United States national toxicology program published a draft brief on one of these chemicals, DEHP, examining its risks. The study found that they were probably affecting humans in their development and/or reproduction and that current exposures were high enough to cause concern.

When reading the list of possible ailments that would fall on those in our society, that in itself is enough to cause members to take a serious and hard look at what has been proposed in the bill, to determine that the measures are reasonable and responsible and that the bill should be supported. I will take a small quote from the study, which is extensive. I can table that document as well. It says:

> Although there is no direct evidence that exposure of people to DEHP adversely affects reproduction or development, studies with laboratory rodents clearly show that exposure...can cause adverse effects...Based on recent data on the extent to which humans absorb, metabolize and excrete DEHP, the NTP believes it is reasonable and prudent to conclude that the results reported in laboratory animals indicate a potential for similar or other adverse effects in human populations.

This is not an alarmist group at a federal level in the United States.

When we look at other jurisdictions in the world and see what they have done with this family of chemicals, we find a long list of legislators are raising the alarms and seeking to pull these chemicals from our system.

The European Union has a more comprehensive ban than the one suggested in Bill C-307. I am always encouraged by that. If we can get the European nations to agree on anything at any given point in time, we have truly pulled off a miracle. In respect to something such as this, with the strong chemical manufacturing element of the European economy and this having gone through all of the hoops and levels required in that quasi-federal governance, it shows that its ban in specifically targeting those products aimed at children, especially, shows the strength and intention of the will of European parliamentarians. We would be well to heed their call.

Argentina, Fiji, Finland, Japan and Mexico have all banned this group of chemicals in children's toys. It is a wide and diverse group of countries. There are many more under consideration. The U.S. Food and Drug Administration has recommended considering alternatives containing products when performing high risk procedures on male newborns, pregnant women with male fetuses and male preteens eight to twelve years old.

Even without the full “proven link” that has been sought by companies from tobacco on down, the U.S. FDA has said that on those vulnerable groups, particularly pregnant women who are due to bear male children and young male boys, we must find alternatives because other options are available.

For the life of me I cannot understand why members in the House would not support such an initiative, with options being available and given the list of dastardly diseases and effects related to these chemicals.

Health Canada has an even stronger policy when it comes to phthalates. Though it is still in draft, it recommends that DEHP not be used for certain procedures and that DEHP containing products be labelled.

I want to quickly go to alternatives. It is important for people to realize that if companies have sought alternative and responsible products, they be allowed to use them so they remain profitable. A number of European based companies and some American ones have been able to find alternative and responsible products to replace these. Some cosmetic companies have already started a phase in.

My last point, for members in this place and for those watching, is the principle of precaution, the principle of using sound judgment, even in the absence of full and complete knowledge on an issue in cases such as this, is paramount to the type of decisions we make. The onus we use must be reversed. It must not be left to consumers to somehow prove that the products they buy their children are safe. They simply do not have the time, wherewithal or capacity.

● (1745)

The onus must be put on those making the products and those attempting to introduce those products into the marketplace. It is simply responsible government to do this. It is responsible for all of us to strongly consider the bill. I look forward to the debate that ensues.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I would like my colleague from Skeena to expand on the comment on which he began his speech and ended his speech. It had to do with the precautionary principle that must guide us especially when we are dealing with the well-being of children. It has always driven me crazy that the onus is on us to prove that a chemical is dangerous. The onus is not on the chemical company to prove that it is safe. I cannot for the life of me understand how chemicals are innocent until proven guilty, especially when we are faced with the near impossible task of making the direct link to a specific cause when we are exposed to such a chemical soup. That task is nearly impossible.

● (1750)

Mr. Nathan Cullen: Mr. Speaker, the precautionary principle is already in Canadian law. Our central piece of environmental legislation is currently under review at committee. We spent an entire day and more in conversation around the precautionary principle. When first introduced to the Canadian Environmental Protection Act it was much heralded. It was a central way of thinking, particularly about pollutants that have the potential to cause harmful effects on Canadians and Canadian society.

That principle clearly states that we must not wait for absolute truth to make a decision. If we waited for such absolute truth, for example, it has never been proven that there is 100% causation between the smoking of cigarettes and cancer. It is virtually impossible to prove 100% because there are so many elements and variables.

Scientists, health officials and environment officials have said to us that when they examine groups of chemicals such as phthalates, the risks are so high and so great that even if they are 10% right on some of their reports, even at that small margin with most of it being wrong, the responsibility is ours to do something. Even with 10% of it being right, it is incredible that we would even consider allowing their use. If we had known what we know now about the toxicity of these chemicals, would we have allowed their production? It is unlikely. As we go forward with hundreds being introduced every year and combining in certain ways, we must consistently ask ourselves if we are doing justice by Canadians who place their trust in us that we are looking out for their ultimate well-being.

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, when the member says in his bill that phthalates will be banned from certain products, what products are we talking about here? Could he give us a brief outline of the three phthalates?

Mr. Nathan Cullen: Mr. Speaker, I can keep this brief. The great importance of the debate we are having now is the need for a committee review to actually open up the discussion.

Of the three, BBP is the first. It is specifically banned from children's toys and anything meant to be used in children's mouths. DBP would be banned from children's toys and similarly anything meant to be used in children's mouths. It is also used in cosmetics. DEHP would be banned from children's toys, anything for children's mouths and any cosmetic. We also have to look at medical devices and blood bags because it is also used to keep blood bags soft. There has been great concern coming from the health practitioners. Someone who is using a blood bag most likely is ill. The potential leaching of these chemicals into a person who is not well seems contrary to the whole idea of entering a hospital in the first place.

Those are the specific bans that we are seeking. To be perfectly frank, there is a debate about where, when and how much needs to be banned, but the principle of the ban is strong and is supported by legislatures around the world.

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I rise today to speak to Bill C-307 by the member for Skeena—Bulkley Valley, which is an act to prohibit the use of three types of phthalates, BBP, DBP and DEHP. I thank him for his work on this.

The Government of Canada is very concerned about the potential risks to human health, especially to children, from chemical substances used in manufacturing and which may be found in products that we use every day. For that reason we committed in the Speech from the Throne to achieve tangible improvements in our environment, including reductions in pollution. In the speech the Governor General of Canada stated:

> Recognizing the important role of parliamentarians, members of Parliament will be asked to conduct comprehensive reviews of key federal legislation, including the Canadian Environmental Protection Act.

As the Parliamentary Secretary to the Minister of the Environment, I am on the committee that is reviewing the Canadian Environmental Protection Act, known as CEPA 1999. We are committed to working within that process. We are also committed to ensuring that CEPA 1999 is improved in order to increase its effectiveness in reducing the use and release of harmful substances.

This government has concerns about Bill C-307 because the departments of environment and health have already been actively engaged in scientifically assessing the environmental and human health risks of specific substances named in Bill C-307. The government has also taken action to address the risks that were identified through the scientific assessments.

Phthalates used in plastics also have important economic and operational benefits in Canada. I would first like to briefly explain the uses of phthalates in everyday life.

BBP is a plasticizer used in a variety of plastic products, including vinyl products such as floor tiles. It is also used to manufacture traffic cones, food conveyor belts, artificial leathers and plastic foams. The plasticizer makes the products flexible and easy to fabricate.

DBP is used in cosmetics and is a particularly common nail polish ingredient which makes polish resistant to chipping.

DEHP is a plasticizer used in medical devices such as intravenous tubing and medical bags which renders medical tubing resistant and resilient to kinks. Kinks can dangerously restrict the flow of medicine and life-saving fluids to patients, putting the safety of Canadians at risk. DEHP is also used in fragrances, hydraulic fluid and as a solvent in light sticks.

Health Canada and Environment Canada carried out assessments of these three substances between 1994 and 2000.

The assessments carried out under the authority of CEPA were peer reviewed to ensure accuracy and adequacy of coverage and were published for public comment prior to being finalized. The assessments concluded that all three substances are not harmful to the environment.

The human health assessment concluded that two of the three substances, namely BBP and DBP, did not pose any undue health risks. Therefore, Bill C-307 prohibitions on BBP and DBP are inconsistent with the peer reviewed scientific assessment conclusions.

However, the human health assessment of the third substance, DEHP, concluded that there are health risks associated with the exposure of this substance. In response to the assessment conclusion of DEHP, Health Canada requested the Canadian industry to discontinue the use of all phthalates in the manufacture of soft vinyl teethers and baby products that could be put in the mouth.

Today DEHP is already no longer used in the Canadian manufacture of soft vinyl teethers or baby products that could be put in the mouth and DEHP is not found in any cosmetics notified with Health Canada.

DEHP continues to be used in scientific medical devices. Based on extensive reviews conducted by Health Canada, it has been concluded that the use of DEHP has important benefits that are lacking in alternative substances.

● (1755)

One particular use of DEHP that potentially causes exposure to humans is its use in scientific medical devices. Based on extensive reviews conducted by Health Canada, it has been concluded that the use of DEHP has important benefits that are lacking with the alternatives. The use of DEHP in medical devices was reviewed by the Medical Devices Bureau of Health Canada. In addition, clinical practice guidelines have been developed with input from stakeholders and posted for comments on the Health Canada website.

Bill C-307 would have economic and practical repercussions in Canada since some alternatives to DEHP do not offer the same benefits that this substance possesses. Others are much more expensive, while others have inadequate safety data. Therefore, in these limited cases, the benefits of continued use outweigh the risks. The member's bill acknowledges these benefits by stating that the prohibition on use for medical devices should exclude blood bags, but these exclusions would have to be extended to other medical uses.

It is worth noting that on November 16, 1998, Health Canada issued as a precautionary measure a public health advisory informing parents and health care providers of very young children about the potential health risks posed by soft vinyl children's products containing another plasticizer, di-isononyl phthalate, DINP. This substance was not part of the assessment under CEPA but was found to be a replacement for DEHP.

At that time, parents and caregivers of children under the age of one were advised to dispose of soft vinyl teethers and rattles. In the interest of the health and safety of children, Health Canada also requested the industry to immediately stop production and sale of those products. As a result of this action, soft vinyl teethers and rattles containing DINP have been voluntarily withdrawn from the Canadian market.

Beyond these specific substances, the Government of Canada is very concerned about the risks to human health and especially to children from these chemicals. To prevent exposure to new harmful chemicals, Health Canada and Environment Canada assess potential risks of chemicals before they come into use in the Canadian marketplace and take steps to manage the risks or to prohibit the use of new chemicals where the risks cannot be adequately managed. This program has been in place for nearly 15 years and over 800 chemicals are assessed annually.

Through this program we collaborate with other countries to harmonize our assessments of new chemicals before they are introduced into commerce. This prevents the creation of new problems. This is an example of pollution prevention in action, which is a cornerstone of CEPA.

This government remains concerned about the human health impacts of existing sources of pollution and in particular, air pollution. This government is in the midst of comprehensive and integrated action to protect the health of Canadians and the environment. Canadians will see in the coming months, as we develop our made in Canada approach for reducing air pollution and greenhouse gases, additional initiatives to protect our health and our environment.

We also recognize that instead of focusing our attention on one or a few substances at a time, this government needs to take a more comprehensive and integrated approach that will put Canada at the forefront of substance management.

The House of Commons assigned the review of CEPA 1999 to the Standing committee on Environment and Sustainable Development on April 26 of this year. The committee began hearings on May 10. The environment committee's review of CEPA will provide the Government of Canada with an opportunity to review the contribution of CEPA to the goals of pollution prevention, sustainable development and federal-provincial-territorial cooperation.

As I have said, this government is committed to ensuring that the health of our citizens and our environment is safeguarded. While we appreciate the intent of the member for Skeena—Bulkley Valley to eliminate phthalates, the government has already taken steps through the appropriate procedures and authorities in regard to BBP, DBP and DEHP.

Bill C-307 attempts to circumvent the comprehensive scientific assessment of phthalates and instead make an assessment based on politics. This legislation would unfortunately confuse and create redundancy within the process. I would encourage the member to respect the scientific assessment process. He indicated that he disagrees with the scientific assessment of phthalates. He called it pseudo-science.

● (1800)

I encourage him to instead use the appropriate process, which is the CEPA review. I would recommend that he bring his concerns and recommendations regarding phthalates to the department, which is carrying out the assessment. I look forward to discussing it in that context.

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, I will be using the parliamentary secretary's speech as a structure for my remarks.

The first thing to be noted is that the addition of toxic substances such as the three phthalates proposed by the bill is not something that requires us to wait for the CEPA review. If the member would look at the Canadian Environmental Protection Act itself and at schedule 1, he would see that since CEPA 1999, on a fairly regular basis, we have added various substances, until these that would be added would be numbered 80, 81 and 82. Therefore, there is a process that does not require us to wait for that.

Second, the crucial part of his argument, and he appealed to scientific research to guide our efforts, according to him, is that the last scientific studies were concluded in the period from 1994 to the year 2000. What has happened since then is that we have learned a great deal more about phthalates.

In fact, there have been several reviews by the national toxicological program referred to by the member for Skeena—Bulkley Valley. The first one to examine phthalates was in October 2000. In other words, it was outside the period that Health Canada was reviewing. There we are talking about DBP. This is the one that finds itself in children's toys and that sort of thing.

What they concluded after that first panel was that DBP can cause reproductive toxicity in adult rats and developmental toxicity in rats and mice, and it does so by oral routes, through the mouth. It induces structural malformation. These data are assumed to be relevant to humans. That is from a study which was concluded outside the scientific period.

Since then, and the hon. member for Skeena—Bulkley Valley also referred to this, there was another panel on phthalates in October 2005. There was quite a controversy about phthalates in August 2005. That panel has even more scientific evidence to point out the dangers of phthalates in general and some of those mentioned in the bill very specifically.

The idea is not to circumvent the CEPA review or science, but to incorporate science at a faster rate than we have been doing. The hon. member will know from sitting on the CEPA review that one of the most painful parts of this process is how long it takes us to recognize dangers and to act on them.

The other thing he will know from this review is that if we do not put these substances on now as dangerous, they tend to get ignored by the officials, who turn to things that are mandated. If we mandate the Department of Health and the Department of the Environment to do something, they are more likely to do it. That is what the bill would have the effect of doing.

This is not in the least inconsistent with peer review. This is simply a way of incorporating what we have been learning all through this process and, like the proposer of the bill, I think this is exactly what we ought to be doing. We ought to be finding ways of expediting our inclusion on toxic lists of things for which new evidence is emerging.

I would also point out that in his remarks one of the things he seems to have ignored is the specific limitations that the bill would place on the use of these three phthalates. It does not say they cannot be used for vinyl flooring or linoleum, which is one of the things that phthalates are used for. It excludes the blood bags that he refers to. Presumably when it gets to committee we can refine further some of these exclusions.

It is very specific. It is not going to be a disruptor of the economy to say that this should be done in very specific instances where there is stronger evidence since the last time Health Canada looked at it and where the international response has been far more vigorous than it has been in Canada.

● (1805)

I think the reference to the ban in the European Union for all toys and child care articles tells us that we are too slow. Why should we wait on these prohibitions when the evidence from larger markets on the precautionary principle shows that we would not want to take a chance on this stuff? Why would we not want to act now?

Why is it that we must wait until the CEPA review is finished? The CEPA review may not be finished for another year, and yet the accumulating evidence, including last month's toxicological study from the National Institutes of Health in the United States, tells us that we know enough under the precautionary principle to say that these three substances ought not to be used in this very particular way, not the generalized way described by the hon. member.

In conclusion, I am going to urge my colleagues to support this bill. I do so because there is the scientific weight of evidence in terms of risk to human health. I do not think we need to know more than that. We can refine this if we send the bill to committee. I think this is exactly what parliamentarians should do. It is not something that is inconsistent with the spirit of CEPA, which allows itself to have these toxic substances added from time to time as the scientific evidence becomes stronger.

● (1810)

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, I am very pleased to participate in today's debate on Bill C-307, An Act to prohibit the use of benzyl butyl phthalate (BBP), dibutyl phthalate (DBP) and di(2-ethylhexyl)phthalate (DEHP) in certain products and to amend the Canadian Environmental Protection Act, 1999.

At the outset, I would like to inform the House that we intend to support the principle of the bill introduced by the NDP member. The precautionary principle must guide our deliberations throughout the study of this bill. We must ensure that if Canadians are to come into contact with a certain number of substances—even if we are not aware of all of the health risks they may pose—we are guided by the precautionary principle.

Phthalate is used along with other chemicals in many products. It is in BBP, DBP and DEHP, which are used to coat a number of products, making them more supple and flexible. The most commonly used compounds are the DEHPs, which are present in 40% of soft PVC plastics.

PVC is also used in the manufacture of various products, such as toys, flooring, tiles, blood bags, medical devices and food packaging. PVC is also found in the additives of cosmetics such as nail polish, hygiene products such as shampoo, and pharmaceutical products.

How can we be exposed to these substances, which can most certainly be considered toxic, depending on the dose and the percentage used in each product?

First through the mouth. I am thinking in particular of our children who use soothers or pacifiers which may be composed of these substances, substances which can have an impact on their health.

Second, in toys.

An hon. member: Oh, oh!

Mr. Bernard Bigras: Not any more, the parliamentary secretary will tell us. That is true. However, he must admit that certain toys could contain PVC. Of course, in 1998 the government decided to change its directive to state that even imported products intended for infants must not contain these PVC ingredients.

Third, by inhaling certain dusts found on construction materials. That too can be dangerous.

Fourth, by absorption through the skin. We know that certain medical devices and accessories contain PVC, which makes the material more flexible. So inevitably, being absorbed through the skin, these products directly enter the body, and people are exposed to these substances.

Finally, by ingestion, since certain food product containers may contain the PVC in question.

What are the effects of exposure to PVC?

First, there is an impact on the endocrine system. I will leave it at that. Problems related to the endocrine system have been detected in certain adolescents, certain young people.

Next, there is also an impact in terms of testicular problems. We have come to realize that overexposure to these products could even have some degree of impact on human fertility.

Finally, it is most probably with regard to children that we have to be concerned about the effects of this certain exposure.

To summarize, here is where PVC is to be found.

● (1815)

It is found in three major types of products: toys, cosmetics and medical devices.

With regard to toys, in 1998, following an assessment of risks associated with objects containing DINP that are intended for children, Health Canada concluded that the amount of DINP released by flexible PVC products could pose a risk to the health and safety of children aged three months to one year. Manufacturers, importers, distributors and retailers have since been obliged to ensure that flexible plastic soothers and rattles are free of DINP, DEHP and all other phthalate products.

In Canada and the United States, phthalates are no longer found in toys or objects that may be put in children's mouths. However it is still possible to find this type of product in toys designed for older children, thus posing a potential risk of exposure for them. So phthalates can be found in certain toys, and children over the age of three could very easily leave their toys lying around, with the result that infants might put this type of product containing PVC in their mouths. So it seems clear to me that there must be a total ban so far as toys are concerned.

Next, regarding cosmetics, hon. members will recall that a few years ago, the government and Health Canada announced their intention to amend the cosmetics regulations so as to require that cosmetics manufacturers and distributors disclose the ingredients on the labels. The government opted for an approach that would provide transparency for consumers so that consumers could know more about the products they use and see whether they contain PVCs. On this, I agree completely with the hon. member. We have to make sure that PVCs in cosmetics are banned, even if this is not necessarily what Health Canada recommended.

Lastly, the only reservation I have about the member's bill concerns medical devices. We know that some medical procedures present a higher risk of DEHP exposure, such as multiple transfusions of blood products and extracorporeal oxygenation in newborns, pregnant women or nursing mothers, multiple transfusions of blood products in general and also heart transplants or cardiopulmonary bypass procedures. We have to protect these groups at risk, but we have to make sure that people can continue receiving quality care. Before we issue a complete ban, particularly in connection with medical devices, we have to make sure that there are replacement products on the market. Otherwise, people's quality of life could be threatened.

The Institut national de santé publique du Québec even feels that until medical devices without phthalates are on the market, it is not recommended or even warranted to deprive the public of some types of treatments or procedures that can be beneficial to health and whose outcome outweighs the dangers of exposure.

In general, we will support the bill on two of the three categories of products mentioned. With regard to medical devices, we want assurances, before they are banned completely, that replacement products are available so that people will receive quality care.

● (1820)

[*English*]

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, it is an honour to participate in the debate and to join with others who are supporting the good work done by my colleague, the member for Skeena—Bulkley Valley. I congratulate my colleague for bringing forward an issue that pertains to the health and well-being of our children. There is probably nothing more important that we could do as legislators than to protect the very youngest in our society from toxic and dangerous substances.

Mr. Speaker, you will know, since you were here long before I was, that this issue has been debated many times in the House. The last time I recall the debate was back in 1998 when my colleague, the member for Acadie—Bathurst, brought a motion to the House recommending that labelling be placed on all products that contained phthalates so that parents would know how to choose products that were safe for their kids.

In 1999, I brought forward Bill C-482 which was intended to amend the Hazardous Products Act to prohibit the sale and advertising of products that contained phthalates in certain quantities that were dangerous to young children.

We have been at this a long time and it is time for action.

What I find so interesting in today's debate is that back in 1999 when the Liberals were in government they used the same arguments against moving in this direction, acting on the precautionary principle, that the Conservatives are now enunciating. It is because they are in government and they are getting the same material from the same bureaucrats and the same political advice from industry heads and so on without thinking about the real issues here and what this place can do.

It is interesting to hear the Conservative member say that Health Canada took measures back in 1998. What did it do? It put out a warning. It put out an advisory. It encouraged industry to stop producing products that might be dangerous. However, no definitive action was taken to ensure that these products, which children chew on and which can be dangerous to their health and well-being, were removed.

Mr. Mark Warawa: That's nonsense. It has already been banned.

Ms. Judy Wasylycia-Leis: My colleague from the Conservative side says that it has been done but I beg to differ. It has not been done in terms of the scientific evidence that is available on all the toxins mentioned by my colleague from Skeena—Bulkley Valley on a widespread basis so that all children are not exposed to these very dangerous toxins.

As my colleague on the Liberal side said, the science is in. We have had numerous studies suggesting that we know enough about these phthalates to take more serious action to protect our children. We no longer need to second guess these studies. We do not need to suggest that all of the evidence is not in. We have the science and all we need is the political will of the government of the day to act on this advice and take much more decisive action than the feeble steps that were taken by the Liberals back in 1998 or 1999.

Where does all this lead us? After all these years of debate I hope we have a consensus to move forward with something much more definitive and clear in terms of legislative action. My colleague from Skeena—Bulkley Valley has suggested a clear route in terms of the Canadian Environmental Protection Act. I think he can address the Liberals' concerns about the use of CEPA and suggest that we will not slow down the process at all. We will take shortcuts or end runs but we can use CEPA for what it was intended and that is to protect human beings from products that are dangerous to our health and well-being.

● (1825)

We have a growing consensus. We have the most up to date science. We have many advocates who know the impact on children's health in terms of their abilities. We know the connection between the exposure to phthalates and the serious neurological problems and learning disabilities. Now is the time for action. We can do it now by voting in favour of the bill, sending it to committee, looking at some of the concerns that have been raised, fine tuning the process and taking a step forward.

It is critical that we act decisively to protect our children and to build a strong marketable economy. Other countries have taken serious actions on this issue and they have not lost economic growth or business opportunities. The numerous countries that have chosen to act in a more decisive way than Canada have benefited in the long run because they have acted in terms of prevention of health problems and not waited for serious issues to develop which are costly to our health care system.

The precautionary principle is one that we have tried to get the government of the day, whether Liberal or Conservative, to address over the years. The concept is simple: do no harm. It means do not allow products on the market, even though we are not sure about them, because we can always act afterwards but of course it is too late. It is instead to put the onus on industry, toy producers, manufacturers of soothers, plastic blood bags and whatever other plastic products are out there to ensure those products will not leach phthalates into the blood systems of young children who will then suffer serious consequences.

If we would just apply that one fundamental principle, which is so intrinsic to who we are as Canadians in terms of our Food and Drugs Act, we would be so much further ahead in terms of this nation and our future.

I urge everyone to support the bill so we can finally do what Canadians are counting on us to do.

[*Translation*]

The Deputy Speaker: The time provided for the consideration of private members' business has now expired and the motion is dropped to the bottom of the order of precedence on the order paper.

[*For continuation of proceedings see Part B*]

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CANADA

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OFFICIAL REPORT
(HANSARD)

Tuesday, June 20, 2006
(Part B)

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, June 20, 2006

[*Continuation of proceedings from part A*]

GOVERNMENT ORDERS

[*English*]

FEDERAL ACCOUNTABILITY ACT

The House resumed consideration of Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, as reported (with amendment) from the committee, and of the motions in Group No. 2.

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I am pleased that this matter is now at the report stage and that we have been given the opportunity to examine these clauses individually. All of the ones that have been accepted and the ones that we are about to deal with now in this group do nothing except strengthen the bill. This is the most important legislation that Parliament has seen in some time in terms of bringing back accountability and transparency to government. I, quite frankly, am very pleased with all the cooperation the bill has received up to this point.

I am sure Canadians all across the country applaud when legislation of this nature is brought in. I am pleased to have the opportunity to add those words to this debate.

● (1830)

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

Some hon. members: Question.

The Deputy Speaker: I will be putting the questions one at a time.

The question is on Motion No. 8. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion No. 8 agreed to)

The Deputy Speaker: The next question is on Motion No. 13. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

(Motion No. 13 agreed to)

The Deputy Speaker: The next question is on Motion No. 14. 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 division on Motion No. 14 is deferred.

The next question is on Motion No. 18. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

(Motion No. 18 agreed to)

The Deputy Speaker: The next question is on Motion No. 20. 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 Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Deputy Speaker: The division on Motion No. 20 is deferred.

The next question is on Motion No. 21. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

(Motion No. 21 agreed to)

The Deputy Speaker: The next question is on Motion No. 22. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion No. 22 agreed to)

● (1835)

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I rise on a point of order. I am pleased to say that there have been consultations between the parties and I would like to move the following motion. I move:

That, notwithstanding any standing order or usual practices of the House, at the conclusion of debate today on the report stage of Bill C-2, an act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, and for the remainder of time provided for government business, the Speaker shall not receive any quorum calls or dilatory motions; when no member rises to speak today on the report stage of Bill C-2 or at the conclusion of government orders, whichever is earlier, all questions necessary to dispose of the report stage of Bill C-2 shall be put and the votes on any recorded division that is requested shall stand deferred to Wednesday, June 21, 2006, immediately following question period; on Wednesday, June 21, 2006, Bill C-2 may be read a third time; during debate on C-2 on Wednesday, June 21, 2006, the Speaker shall not receive any quorum calls or dilatory motions; and when no member rises to speak to the third reading debate of Bill C-2 or at the end of government orders on Wednesday, June 21, 2006, whichever is earlier, Bill C-2 shall be deemed read a third time and passed on division.

The Deputy Speaker: Does the hon. government House leader have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

The Deputy Speaker: We will now proceed to debate on the motions in Group No. 3.

● (1840)

Hon. John Baird (President of the Treasury Board, CPC) moved:

Motion No. 10

That Bill C-2, in Clause 119, be amended by replacing, in the French version, line 37 on page 97 with the following:

"ce qui touche les prévisions budgétaires et les"

Motion No. 12

That Bill C-2, in Clause 123, be amended by

(a) replacing line 43 on page 105 to line 6 on page 106 with the following:

"selected candidate is referred for consideration to a committee of the House of Commons designated or established for that purpose.

(5) After the committee considers the question, the Attorney General may recommend to the Governor in Council that the selected candidate be appointed as Director, or may refer to the committee the appoint-"

(b) replacing lines 12 and 13 on page 106 with the following:

"for cause. The Director"

Motion No. 16

That Bill C-2, in Clause 150, be amended by replacing, in the French version, line 18 on page 120 with the following:

"les a traités de façon"

Motion No. 23

That Bill C-2, in Clause 210, be amended by

(a) replacing line 9 on page 163 with the following:

"210. (1) Subsection 38(1) of the Act is replaced by the following:

38. (1) Within three months after the end of each financial year, the Commissioner must prepare an annual report in respect of the activities of the Commissioner during that financial year.

(2) Paragraph 38(2)(b) of the Act is" (b) replacing line 15 on page 163 with the following:

"(3) Subsection 38(2) of the Act is amended" (c) replacing lines 21 and 22 on page 163 with the following:

"(4) Subsections 38(3) to (5) of the Act are replaced by the following:

(3) The Commissioner may, at any time, prepare a special report referring to and commenting on any matter within the scope of his or her powers and duties under this Act if, in his or her opinion, the matter is of such urgency or importance that a report on it should not be deferred until the time provided for the submission of the annual report."

(d) replacing lines 5 to 7 on page 164 with the following:

"(3.3) Within the period referred to in subsection (1) for the annual report and the period referred to in subsection (3.1) for a case report, and at any time for a special report, the Commissioner shall submit the report to the Speaker of the Senate and the"

(e) adding after line 13 on page 164 the following:

"(4) After it is tabled, every report the Commissioner stands referred to the committee of the Senate, the House of Commons or both Houses of Parliament that may be designated or established for the purpose of reviewing the Commissioner's reports."

Motion No. 24

That Bill C-2, in Clause 218, be amended by replacing line 29 on page 168 with the following:

"51. Subject to subsections 19.1(4) and 21.8(4), nothing in"

Hon. John Baird (President of the Treasury Board, CPC) He said: Mr. Speaker, I would be remiss if I did not say to all members of the House that there has been a lot of due diligence from the members of the official opposition, the Bloc and the New Democrats on this. Members have certainly tried to do their very best to fulfill their responsibilities. I would be negligent if I did not point that out to the House and, through you, Mr. Speaker, to Canadians who are watching.

I rise to speak to two motions to amend clause 123 of Bill C-2, the federal accountability act, which proposes the enactment of a director of public prosecutions act. This is something that is tremendously important. Clause 123 was amended by the committee examining the bill to confer authority on a parliamentary committee to approve the appointment of a selected candidate to the position of the director of public prosecutions and to require a resolution from the House of Commons to remove the incumbent from office.

It is the government's view that these amendments which were proposed, I believe in good faith by my colleagues in the Bloc Québécois in committee, are beyond the scope and the principle of Bill C-2 as they run counter to the accountability regime that was carefully designed for the position of the director of public prosecutions.

Pursuant to clause 123, the DPP has the rank and status of a deputy head of department, a deputy minister. The DPP is responsible for initiating and conducting prosecutions under and on behalf of the Attorney General of Canada. The DPP is also required to provide an annual report to the Attorney General in respect of the activities of his or her office.

Accountability is inextricably linked to the authority to appoint and remove an office holder. Bill C-2 has introduced and contemplated an accountability framework whereby the DPP would be responsible and accountable to the Attorney General for the exercise of these executive functions. I would underline the executive as apart from the parliamentary or legislative function in this place. A central feature of this accountability framework is the authority to appoint and remove the DPP, which is conferred solely on the governor in council.

In addition, the DPP would be designated an accounting officer under Bill C-2, which prescribes the nature of the accountability of the DPP before the appropriate committees of the House of Commons and the Senate, as well as setting out how this accountability is discharged in appearing before the committee and answering questions. This is a made in Canada regime and this person would have the status of a deputy minister, while the accountability regimes would be blurred through the amendment that was made in committee.

Clause 123 as amended requires parliamentary approval of the appointment and removal of the DPP. It asks that the House of Commons now have a key role to play in the appointment and removal of a public office holder whose functions do form part of the executive branch of government. The Bloc amendment fundamentally changes the nature of the position and confuses the line of accountability of the DPP. This falls outside the principle and scope of the bill as approved by the House of Commons at second reading.

For this reason, I would like to encourage all members, particularly my good friend, the member for Vancouver Quadra, to give serious consideration to reviewing this decision. Is it really an appropriate line of accountability to have someone exercising executive power with the blurred lines of being designated an accounting officer in part of the bill and then being essentially a quasi-agent of Parliament, exercising executive authority? I commend this advice to members of the House.

● (1845)

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, we are moving quickly ahead and I have a clarification to ask of my friend and colleague, the President of the Treasury Board.

In Group No. 3, Motion No. 11 on the grandfather clause, it seems to me to have obtained unanimous consent a little earlier, but my memory fails me and I do not recall whether this was decided in the House.

Therefore I would like to ask the President of the Treasury Board: when we refer to Group No. 3, is this outside Amendment No. 11? If so, I thank you. If not, does the President of the Treasury Board wish to seek unanimous consent?

[*English*]

Hon. John Baird: Mr. Speaker, my colleague from Repentigny is correct. I had neglected to speak to the official opposition on this issue.

Various members of Parliament have talked about Motion No. 11, as to whether it was intended to remove the Chief Electoral Officer from that list, not to grandfather that incumbent in office. The only part that opened that act with respect to that officer was with respect to the secret ballot. When the secret ballot motion was defeated, we believed we should move it from here.

Having said that, while it would be proper for the legislative framework in our judgment, which is a judgment not a fact, we would be happy to withdraw this amendment if it would provide greater comfort to the opposition.

Would he like some time to think about it? No, so I guess I look to our friend from the New Democratic Party. I have heard representations from her whip on this issue and I would ask for unanimous consent to withdraw Motion No. 11 in my name.

The Deputy Speaker: Does the President of the Treasury Board have the unanimous consent to withdraw Motion No. 11?

Some hon. members: Agreed.

(Motion No. 11 withdrawn)

Hon. John Baird: Mr. Speaker, I say to my friend from Repentigny, another promise made, another promise kept by the President of the Treasury Board.

Hon. Stephen Owen (Vancouver Quadra, Lib.): Mr. Speaker, I wish to thank colleagues all around who have worked hard on this important bill over the last while. We have had some differences of opinion with respect to the effectiveness or perhaps unintended consequences of some of it, and that has led to a number of amendments which have been generally well thought out and well received.

With respect to this group of amendments, we are in agreement now with the withdrawal of Motion No. 11. We are in agreement with the rest of the amendments except for Motion No. 12, and let me just respond to the President of the Treasury Board briefly on that.

The prosecutorial decision-making of an attorney general, and therefore a deputy attorney general for the purposes of prosecution or a director of public prosecutions, is not exactly an executive power. It is a quasi-judicial power which must be administered in a fair and impartial way. There is some cloudiness around that.

Regarding the amendment that was made in committee and was agreed upon, the legislative committee should have direct involvement in the choosing of this individual. Given the impartial nature of that person's work and given that this person fulfills the independent role of the attorney general in our system as a quasi-judicial decision-making prosecutor, we believe it is most appropriate that we maintain the ability for the parliamentary committee to recommend and have that recommendation followed.

● (1850)

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I first want to note the collaboration of the President of the Treasury Board. After a bad start, this has proceeded well and appears to be reaching a positive conclusion. When the time comes, it must be said, and I am saying it.

Indeed, a few amendments have required unanimous consent. With both the NDP and the Liberals, we have managed to agree relatively well in this regard.

As for the changes in the third group of amendments, we are coming to amendments that are a little more technical, which, although technical, are important for the implementation of Bill C-2.

I hope that those who have followed today's deliberations have noted the seriousness with which we have once again attempted to amend the bill to make it even more efficient, more effective for the people protected by this bill.

The most important thing, I believe, is the five-year review clause proposed by Mr. Shapiro, which has been accepted and adopted by all the parties. This is laudable. I would nonetheless like to recall the comments of the auditor general regarding the sponsorship scandal, which were that it is fine to have strict rules, but one must also be willing to follow them. That is what she said about the sponsorship scandal.

With regard to Bill C-2, if a problem should eventually arise, it may be that we have been too restrictive toward certain categories of persons. At that time those aspects will have to be corrected. I am sure that the committee will then have a little more time to correct the aspects that need correcting.

With regard to Motions No. 10, 12 and 16 which have been reviewed today, they do not cause us too many problems. We still question certain aspects, but we are certain that as the bill is applied it will be possible to have more accurate interpretations of these parts of the bill.

I am now eager to read the fourth part, that is, the fourth group of amendments.

[*English*]

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

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 10. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion No. 10 agreed to)

The Deputy Speaker: The next question is on Motion No. 12. 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 Motion No. 12 stands deferred.

The Deputy Speaker: The next question is on Motion No. 16. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion No. 16 agreed to)

● (1855)

[*Translation*]

The Deputy Speaker: The next question is on Motion No. 23. 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 will please say yea.

Some hon. members: Yea.

Some hon. members: On division.

The Deputy Speaker: I declare Motion No. 23 carried on division.

(Motion No. 23 agreed to)

The Deputy Speaker: The next question is on Motion No. 24. 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 will please say yea.

Some hon. members: Yea.

(Motion No. 24 agreed to)

[*English*]

The Deputy Speaker: I shall now proceed to put the motions in Group No. 4

Hon. John Baird (President of the Treasury Board, CPC) moved:

Motion No. 28

That Bill C-2, in Clause 315, be amended by replacing, in the French version, lines 16 and 17 on page 206 with the following:

"b) concernant la corruption ou la collusion au"

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved:

Motion No. 29

That Bill C-2, in Clause 315, be amended by adding after line 27 on page 206 the following:

"(e) requiring the public disclosure of basic information on contracts entered into with Her Majesty for the performance of work, the supply of goods or the rendering of services and having a value in excess of $10,000."

Hon. John Baird (President of the Treasury Board, CPC) moved:

Motion No. 30

That Bill C-2, in Clause 315, be amended by replacing lines 19 to 25 on page 207 with the following:

"provincial government or a municipality, or any of their agencies;

(c.1) a band, as defined in subsection 2(1) of the Indian Act, or an aboriginal body that is party to a self-government agreement given effect by an Act of Parliament, or any of their agencies;"

He said: I want to speak very briefly to the amendment put forward by the New Democratic Party. The member for Ottawa Centre does have a strong commitment, and we should acknowledge that, to reforming the National Capital Commission.

As a member representing one of the ridings in the national capital I think I can speak for all of us. The member for Pontiac is here as well as the member for Nepean—Carleton. I know the member for Ottawa—Vanier and the member for Gatineau would also agree that the NCC is in need of reform. One of the essential elements there though is consultation, that the public be involved in that process.

The good news is that all the members and all parties support reform. The minister responsible for the National Capital Commission, one of the most capable representatives in the federal cabinet, is seized with the issue and I think he will be speaking to that in short order.

Given that this is an amendment, we have received no public consultation on it. I am not saying I disagree with components of it. I do think there is a lot of value to what the member for Ottawa Centre spoke about in committee. It would be certainly the government's view that, while there is great merit in some of the suggestions, it would be better dealt with when there would be an opportunity for the public to be consulted on this amendment before it goes forward.

We did open up the National Capital Commission Act for one purpose, to separate the chair and the CEO which is going to be done. The position is up for renewal in short order and before that happened we felt we wanted to fast track that one small change. However, I would underline the appreciation that I have, and I know all members in the capital would have, for the member for Ottawa Centre's desire to see reform on this issue.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I would like the President of the Treasury Board to explain the background of his Motion No. 30.

[*English*]

Hon. John Baird: Mr. Speaker, I am very happy to speak to Motion No. 30. This motion addresses the issue with respect to following the money, the authority of the Auditor General and the exclusion of aboriginal organizations.

In committee, a motion was approved that excludes the council of a band as defined in the Indian Act as well as other aboriginal bodies. The motion before us today replaces the words "the council of a band" by "a band" to properly reflect the institution that receives the grant or contribution. In other words, funding agreements are made between the Crown and a band as opposed to the council of a band.

We very much see these amendments as technical. Of course the strong view of the government caucus and members on this side of this House would be that the follow the money provisions should extend to these organizations and I will put that on the record. The purpose of the amendment is to clarify an amendment that was brought in by the opposition.

I want to assure the member for Repentigny, and through him to anyone outside the House, that there is certainly no attempt whatsoever in any way, shape or form to get around the decision taken at committee. I am very happy to put that on the record for his benefit.

● (1900)

Hon. Stephen Owen (Vancouver Quadra, Lib.): Mr. Speaker, I am grateful to have the opportunity to speak to this group of amendments. Motion No. 28 is very much in order as far as we are concerned, but I would like to say a few words about Motions Nos. 29 and 30.

Motion No. 29 talks about a requirement to post and disclose all contracts entered into by the government over the amount of $10,000. This would codify something that is the practice. It was brought in by the previous Liberal government as a policy, but was not in legislation. For the past year and a half, and I know because I was public works minister at that time, the government has posted contracts over $10,000. This amendment would codify that, and we agree it is a good thing to do. This has been done invariably in any event over the last time by policy of the previous government.

It is immensely important that this public information be seen by the public and appreciated. If any unfairness on procurement or questions come to light, there is full knowledge of where that concern lies and people can bring up their concerns at an appropriate time. We have no difficulty with that being codified in the legislation. We think it is an appropriate step forward, even though it was invariably done by the last government.

With respect to the exclusion of aboriginal people, first nations, we agree the technical amendment to the committee's amendment is appropriate. We have had a chance to discuss this with government lawyers as well as parties opposite. This is appropriate in terms of cleaning up the language to ensure that aboriginal groups, first nations, that have first nations self- government agreements with the government, which are recorded in legislation, as well as bands under the Indian Act be at this time excluded from the legislation.

It is important to understand our constitutional order. Section 35 of the Constitution, as it has been increasingly interpreted and explained by the courts as well as in its wording itself, continues the rights of aboriginal people.

The jurisprudence on this has made very clear that there is a duty to consult and, indeed, to accommodate first nations when we take actions of government. In this case, a parallel series of discussions went on with first nations organizations, with the Auditor General, so an aboriginal auditor general could be created. This would give us the opportunity to also house that aboriginal auditor general. The current Auditor General has offered to house the new office in her office for a period of a year or two to add to capacity-building to get it up to speed.

The important thing is we are not asking municipal or provincial governments to be subject to direct audits by the Auditor General. Therefore, it is not appropriate that we would ask self-governing first nations be subject to this.

This is an important exclusion at this time. The President of the Treasury Board has expressed the overall concern that money emanating from the federal government be followed by the Auditor General. We have heard evidence from the Auditor General that the appropriate way to go forward is to help first nations work toward a first nations auditor general and she will be in full partnership with that auditor during the capacity-building transitional period.

● (1905)

Hon. John Baird: Mr. Speaker, I rise on a point of order. The capable and hard-working whip of the New Democratic Party, with whom I spoke about the National Capital Commission, pointed out that it should be Motion No. 27 and not Motion No. 29 that should be debated.

I apologize and appreciate the wise counsel of the member from Bathurst.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I noticed that the President of the Treasury Board spoke mostly about the amendment on the National Capital Commission, but I thought—this did not surprise me—he was saying kind words about the hon. member for Ottawa Centre and that was why he talked about it.

That being said, I will now speak to amendments 28, 29 and 30, the last three amendments of the fourth group. I want to tell my hon. colleagues that for amendment 29, the amendment introduced by the hon. member for Acadie—Bathurst, it will be our pleasure to support it. Once again we have a meeting of the minds. I will be pleased to see how they intend to specify, with dollar amounts, which communications will be required in order to enhance transparency. We believe that, in the context of a bill on transparency, it would be a very good idea to enhance this transparency. I hope that the government will be in favour of this amendment.

We do, however, have a bit of a problem with Motion No. 30. I think that the member of the Liberal Party who spoke before me has explained very well the reality and the problem. At present, negotiations are underway between the office of the Auditor General and aboriginal communities to establish a position of aboriginal Auditor General. The intention is to ensure accountability from those aboriginal communities who receive grants. Members will recall that, two or three years ago, the Auditor General told us that these are the communities that have to produce the largest number of reports. This means that there is already accountability. It should be improved, not increased. In addition, the office of the Auditor General is currently discussing with these groups to ensure that efficient accountability is in place.

It is also very pertinent and important to remind the House that aboriginal communities must ensure effective accountability. However, the Department of Indian and Northern Affairs must also be entirely transparent in terms of truly effective accountability. Year after year, the Auditor General reminds us that the most problematic department with respect to accountability is the Department of Indian and Northern Affairs. We then meet the various deputy ministers on the Standing Committee on Public Accounts. Curiously, this reminds me of a bank manager. Every time we hear from a deputy minister about their problems, he or she replies that they have only been in the position for a month or two, and that their predecessor did not do a good job, but the next time they come before us, they will have corrected the situation. Two years later, there is another deputy minister responsible for Indian and Northern Affairs, who will in turn say that his or predecessor did not do a good job, but when we meet them again in two years, the situation will be corrected. The same thing is repeated over and over.

Thus, following the money trail is a good thing in this case, but greater accountability is needed from the Department of Indian and Northern Affairs.

● (1910)

[*English*]

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, there have been some conversations with all parties. I believe if you seek it, you would find unanimous consent for the following motion. I move:

> That Bill C-2, in Clause 181(2) be amended by replacing line 26 on page 132 with the following:
>
> "(b) any parent Crown corporation, and any wholly-owned"

This is to bring in line changes that were made under Motion No. 13 to the Access to Information Act, bringing the Privacy Act in line.

The Acting Speaker (Mr. Andrew Scheer): Does the hon. parliamentary secretary have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Andrew Scheer): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

[*Translation*]

The Acting Speaker (Mr. Andrew Scheer): Resuming debate.

The hon. member for Acadie—Bathurst.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I only want to quote a short part of clause 315 that requires an amendment:

> (e) requiring the public disclosure of basic information on contracts entered into with Her Majesty for the performance of work, the supply of goods or the rendering of services and having a value in excess of $10,000.

I am pleased to know that the Bloc will support this good motion. I think that I do not have anything more to say. The bill goes in the right direction. It will cover governments and anyone who is held accountable.

[*English*]

Hon. John Baird: Mr. Speaker, I rise on a point of order. I wonder if we might have the indulgence of the House. We are working with the Clerk on the amendment to Motion No. 13, which was agreed to by unanimous consent, to ensure it is in the right place. I wonder if we might have a short pause while the Table is consulted by my colleague, the able opposition critic, who is not only the opposition critic on ethics. He is also a former ombudsman and a former deputy attorney general of British Columbia. He is someone who has great skill and knowledge. One may disagree with the member, but I have grown to respect his judgment on these issues.

Mr. Alan Tonks: Mr. Speaker, I rise on a point of order. In view of the interjection, could we continue debate until we have had that resolved.

The Acting Speaker (Mr. Andrew Scheer): Is there unanimous consent of the House to allow the member for York South—Weston to speak?

Some hon. members: Agreed.

Some hon. members: No.

● (1915)

Hon. John Baird: Mr. Speaker, I rise on a point of order. I think the House would benefit greatly from hearing the wit and wisdom of the member for York South—Weston.

I was able to tell the House a moment ago about the career background of the member for Vancouver Quadra. However, many in the House will not know that the member for York South—Weston was the head of government of one of the largest governments in Canada, larger than most provinces in fact, when he was chairman of the government in metropolitan Toronto. Many people in the House probably did not know that when he asked whether he could have unanimous consent to say a few words.

I would ask, again, for the unanimous consent of the House to allow the member for York South—Weston to speak.

The Acting Speaker (Mr. Andrew Scheer): Is there unanimous consent to allow the member for York South—Weston to speak until the clerks and the member for Vancouver Quadra have finished working out the details of the amendment?

Mr. Yvon Godin: Mr. Speaker, we are ready to give him three minutes.

The Acting Speaker (Mr. Andrew Scheer): Is that agreed?

Some hon. members: Agreed.

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, in the several years that I have been in the House I have never experienced anything like that. I was concerned that the hon. member across the floor was making a gesture but I am glad it was just three minutes.

I would like to focus on one aspect of the accountability bill that comes from the motivation of the government and the reinstitution of the Office of the Comptroller General as a result of the hearings that went on during the sponsorship debacle.

The part of the bill that is most effective and which bridges with the hearings that were conducted by the public accounts committee concerns the issue of the budget officer. It seems to me that it is the entrenchment, through the office of the budget officer, of the responsibility of oversight on the committee structure of the House.

Although Justice Gomery made a wide variety of recommendations, the one recommendation that hearkens back to his investigation through many days of hearings was related to how the accountability loop, which gives more strength to the committee structure and parliamentarians to ensure there is accountability, is closed. I think, through the budget officer, there is the opportunity to do that.

Mr. Peter Stoffer: Mr. Speaker, I rise on a point of order. Since we have given the member three minutes, could I ask for the permission of the House to ask him one small question?

The Acting Speaker (Mr. Andrew Scheer): Does the member for Sackville—Eastern Shore have the consent of the House to ask one small question of the member for York South—Weston?

Some hon. members: Agreed.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I quickly glanced through this and I have followed the debates of Bill C-2 within the committee.

Because that gentleman is very experienced in terms of accountability when it comes to legislation and all of that, I must say to him that the bill is missing one very serious aspect. The bill can be passed tonight and through the Senate tomorrow, for example, but it would still not stop myself or someone else from becoming a member of another political party tomorrow without going back to our constituents.

We talk about accountability but the entire House has ignored or forgotten the aspect of stopping floor crossing.

I would like to ask the hon. member why such an important aspect of accountability to our constituents would not have been included in Bill C-2?

● (1920)

Mr. Alan Tonks: Mr. Speaker, I believe it was Lord Acton who said that we cannot legislate ethics and that we cannot legislate integrity. I believe those are the components that come into a decision with respect to accountability to our constituencies.

The bill may not legislate that but it behooves us all to take wise counsel in terms of the things we do. We are judged by our constituents on that basis.

The Acting Speaker (Mr. Andrew Scheer): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Andrew Scheer): The question is on Motion No. 28. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

(Motion No. 28 agreed to)

The Acting Speaker (Mr. Andrew Scheer): The next question is on Motion No. 29. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Andrew Scheer): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Andrew Scheer): The recorded division on Motion No. 29 stands deferred.

The next question is on Motion No. 30. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Andrew Scheer): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Andrew Scheer): The recorded division on Motion No. 30 stands deferred.

Pursuant to order made earlier today, the taking of the deferred recorded divisions on the report stage of Bill C-2 stand deferred until Wednesday, June 21, at the expiry of the time provided for oral questions.

* * *

JUDGES ACT

(Bill C-17. On the Order: Government Orders:)

May 31, 2006—Second reading and reference to the Standing Committee on Justice and Human Rights of Bill C-17, An Act to amend the Judges Act and certain other Acts in relation to courts.

Hon. John Baird (for the Minister of Justice) moved:

That Bill C-17, An Act to amend the Judges Act and certain other Acts in relation to courts, be referred forthwith to the Standing Committee on Justice and Human Rights.

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I rise today to introduce debate on referral of Bill C-17, an act to amend the Judges Act and certain other acts in relation to courts, to the Standing Committee on Justice and Human Rights before second reading.

The bill was tabled by our government on May 31. It would fully implement all but two of the recommendations contained in the May 2004 report of the Judicial Compensation and Benefits Commission. The remaining two recommendations would be implemented in modified form.

There are a number of constitutional principles which guide governments in establishing judicial compensation, both from Supreme Court case law and the Constitution itself. Section 100 of the Constitution specifically provides that it is the role of Parliament to set judicial salaries and benefits, a responsibility accomplished through amendments to the Judges Act.

As well, the Supreme Court of Canada has held that independent, objective and effective commissions must be established to examine and make recommendations on judicial compensation. These commissions support the constitutional imperative of judicial independence by replacing the need for face to face negotiations between judges and governments.

All members should be aware that the integrity of this constitutionally mandated commission process depends on governments and legislators to act with due diligence and reasonable dispatch in relation to the recommendations of the commission.

At the federal level, the Judicial Compensation and Benefits Commission is part of the constitutionally mandated process for the establishment of judicial compensation and benefits. The most recent commission reported in May 2004 following a nine month inquiry in which the commission considered extensive written submissions, expert reports from compensation professionals and verbal representations delivered over the course of two days of public hearings.

If the constitutional purpose of the commission's process is to be realized, then both governments and legislators must take the process seriously. In particular, it is incumbent upon those responsible for responding to and implementing commission recommendations to proceed as expeditiously as reasonably possible.

The issue of judicial compensation is an outstanding matter that our government inherited from the previous administration. Some members will recall that the previous government responded to the 2003 commission report on November 30, 2004. However, Bill C-51, which would have implemented all but one of the commission recommendations, was not introduced until six months later on May 20, 2005, and then the previous government did nothing to move that bill forward. Bill C-51 sat in the House from its date of introduction to the date the bill died on the order paper on November 29, 2005, when the federal election was called.

The actions of this government, on the other hand, demonstrate firm commitment to the integrity of the judicial compensation process. Within a period of approximately four months after assuming office, this government reviewed the commission report, issued a public response to the recommendations and tabled legislation.

Moreover, this government has moved expeditiously in light of a highly charged legislative agenda, including ensuring the timely appointment of Mr. Justice Marshall Rothstein to the Supreme Court of Canada within three weeks of our assuming office.

More than two years have passed since the commission report was delivered. Now is the time to act when the integrity of the process and public confidence in the independence of our judiciary could be undermined.

This government has taken all the steps within its control to support and advance the constitutional process for the establishment of judicial compensation. Now it is Parliament's turn. The introduction of Bill C-17 is that step.

Today the government calls upon all members to initiate the final step by voting to immediately refer this bill to committee prior to second reading. As I said earlier, Parliament has a critical role to play in the establishment of judicial salaries and benefits. The Constitution requires Parliament to fix the salary, pension and other benefits of the federally appointed judiciary.

I am sure I do not need to remind the hon. members of this House that consideration by committee is a key element in the parliamentary process.

● (1925)

Members of the committee play a critical role in informing and guiding all parliamentarians in fulfilling their constitutional responsibility under the Constitution. They do so by conducting a principled in-depth review of the bill and the considerations which inform it.

The committee's work will be aided in a number of ways. First, the committee will have the benefit of the commission's comprehensive and detailed report which sets out each of its 16 recommendations.

Second, the committee can call witnesses, including the commissioners themselves, all highly respected professionals in their respective fields. These witnesses will be able to elaborate on any of the evidence, methodologies and other considerations that informed their recommendations.

Third, the committee will have available to it the detailed analysis provided in the government's public response which was released on May 29.

The Supreme Court of Canada has clearly acknowledged, indeed underscored, that decisions about the allocation of public resources ultimately belong to legislatures and governments. The court has clarified in the 2005 decision known as Bodner that governments can reject or modify recommendations of the independent commissions, provided that they provide a legitimate reason for doing so, supported by a proper, factual foundation.

The government response to the commission's report addresses the substance of the commission's recommendations fully, fairly and objectively. It is consistent with promoting the effectiveness of the commission process, depoliticizing the establishment of judicial salaries and preserving judicial independence.

Bill C-17 reflects the government response. The bottom line is that this government is prepared to accept all the commission's recommendations, with two modifications. First is the recommended salary increase. Second is the proposal on legal costs for the judicial organizations. On that issue the government's bill takes the same approach as former Bill C-51.

The government has decided to depart from the commission's recommendation of a 10.8% salary increase. Instead, the government is prepared to support a salary increase of 7.25%, or $15,700 per year, retroactive to April 1, 2004, plus an annual cost of living increment. The reasons why we believe 7.25% is an appropriate increase are fully explained in the government's response, which as I mentioned was presented on May 29.

Statements by members of at least two of the opposition parties following the tabling of this bill indicate that they take issue with the government's modified salary proposal. Although they did not expressly say so, they call for the implementation of the commission's salary recommendation for a 10.8% increase. They say that to do otherwise would undermine the important constitutional principles involved in the process.

Those who make this assertion have clearly failed to read or at least to fully understand the decisions of the Supreme Court of Canada in the Bodner case, as I already referred to, or in the P.E.I. judges case. As I have indicated, the Supreme Court has made it clear that governments are not bound by commission recommendations, provided that any modification is rational and the integrity of the process is respected.

As or more importantly in these circumstances, when more than two years have passed since the commission report, the process requires us to move as quickly as possible. Yet the opposition parties, while exhorting the importance of the principles, are obstructing the expeditious consideration and resolution of the bill by Parliament. They are doing it right now by insisting on a debate on referral rather than agreeing to have the committee take this up immediately.

The former Liberal government allowed Bill C-51 to languish in the House. Now in opposition the Liberals are continuing to obstruct speedy consideration of the merits of the commission report and recommendations. While the New Democratic Party has called on the government to fully and immediately implement the commission recommendations, it has insisted on this five hour debate rather than see the bill immediately referred to committee.

It is difficult to tell whether members are arguing for no salary increase for judges or for us to simply hand over all of our parliamentary duties to the commission. If opposition parties wish to propose amendments whether to increase the salary proposal to 10.8% or to restrict it to the cost of living, referral before second reading provides the greatest scope. We have clearly stated in our response that it will be for parliamentarians to decide whether the increase should be 7.25%, 10.8%, or some other number, once they have fully considered the matter.

● (1930)

If the opposition parties truly recognize the importance of the constitutional framework governing judicial compensation, they, like the government, will want to fully discharge their parliamentary responsibilities under section 100 of the Constitution.

Under our Constitution it is the government which establishes judicial compensation. That is our job. Therefore, we call on parliamentarians to carefully discharge their important constitutional responsibilities in an informed and respectful fashion in light of the constitutional and statutory principles that are engaged.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, the hon. member represents the great county of Albert from which Viscount Bennett, a great jurist and pretty good Conservative prime minister came.

Of course judicial independence is as important to this side as any of the five priorities of that side. For the parliamentary secretary to say that we do not understand the jurisprudence is false. We say to the parliamentary secretary that in fact we do, and we understand that Parliament can override the commission in this case, but it has to do it in the framework of fiscal prudence. Left with an $80 billion surplus and not respecting the independence of the commission are two good reasons that the government is in error in this respect.

On the aspect of delay, the parliamentary secretary who has a hand in this through government will know that Bill C-9 and Bill C-10 precede this bill. They are both fairly weighty justice bills that will be considered by the justice committee. Does he think that there will be speedy passage as this bill will fall in behind them, or does he see another way around the issue of the delay since 2003 of the salaries that should be awarded, other than the gracious opening he made toward amendments at second reading? Does he see a speedier way given that the justice committee is going to be bogged down, in essence, by his other priorities?

● (1935)

Mr. Rob Moore: Mr. Speaker, I know that the member for Moncton—Riverview—Dieppe understands this issue and is interested in it. I welcome his question especially since we share a town in New Brunswick. The town of Riverview is privileged to have two members of Parliament; he is one and I am the other.

Ultimately the committee is going to do its work. The fastest way we can let the committee do its work is to get this bill to committee. As I already mentioned, former Bill C-51 was the previous government's attempt at legislation on this issue and it languished on the order paper. It did not move forward at all. Now within four months of forming government we have this bill in the House. We have tabled a bill that adopts all of the commission's recommendations, save two, and we are prepared to move that forward.

This government is acting in an expeditious manner. We understand this is important. A lot of due consideration went into the government's response to the commission's report. I think it will be seen that when it is studied, in keeping with the raises that our constituents are getting year to year, the government's proposal is much more in line with the reality that Canadians are faced with today.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, the Bloc Québécois agrees with the idea of referring the bill to committee as soon as possible, although we are close to adding amendments.

However, we do not agree with the bill. I was in this House in 1999. Despite my youth, I have been here since 1993. There was a mechanism that linked judges' salaries to MP's salaries. According to what was suggested in 1999, the Prime Minister had to earn the same salary as the chief justice of the Supreme Court, ministers had to earn three quarters of the salary of the chief justice of the Supreme Court, and members of Parliament, half.

If we passed the Conservative's bill, the Prime Minister would earn less than the chief justice of the Supreme Court. Does he think this is a message to send, in terms of democratic legitimacy?

[*English*]

Mr. Rob Moore: Mr. Speaker, the member is right. At one time the salaries of judges and members of Parliament were linked. For various reasons, in a Parliament before my time as an elected member of Parliament, the decision was made to delink them.

We have seen the commission's recommendations for a 10.8% raise, which would amount to a $52,600 raise retroactive to 2004. I want to remind hon. members and make a point in mentioning that raise that according to Statistics Canada the median family income in 2004 was $54,100.

As parliamentarians, it is our constitutional authority and our constitutional responsibility to ultimately control the public purse. We have heard the commission's recommendations. We have adopted all but two of them. We have modified the recommendation for a 10.8%—

● (1940)

The Acting Speaker (Mr. Andrew Scheer): Resuming debate. The hon. member for London West.

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, section 100 of the Constitution Act of 1867 requires that the salaries and allowances of the federally appointed judiciary be established by Parliament. In the last Parliament, on May 20, 2005, Bill C-51, an act to amend the Judges Act, the Federal Courts Act and other acts, was introduced into the House of Commons by the former minister of justice.

This former Bill C-51 died on the order paper last fall when three opposition parties brought down the former government on a non-confidence vote. Bill C-51 included a number of court-related reforms as well as the expansion of the unified family courts across the country. The judicial salaries and benefits of the former government's response set out in Bill C-51 was essentially an implementation of the McLennan Commission's recommendations.

Bill C-17, being discussed today, came to be since the new government tabled a different response to the same McLennan Commission. The new Conservative government chose to remove some of the policy sections regarding the unified family court section that were of great interest to some provinces including Newfoundland, New Brunswick, Nova Scotia and Ontario. Also, inclusion of the section relating to prothonotaries, officers of the court who exercise judicial and quasi-judicial functions, were deleted.

This is the prerogative of the government. It can choose not to deal with these pressing issues at this time, but hopefully it will deal with them shortly.

The establishment of judicial compensation is governed by constitutional principles. These principles are designed to ensure public confidence in the independence and impartiality of the judiciary.

The Supreme Court of Canada in the "Reference re Remunerations of Judges of the Provincial Court, P.E.I." has established a constitutional requirement for an independent, objective and effective commission whose purpose it is to depoliticize the process of judicial remuneration and thereby preserve judicial independence.

In essence, the judicial compensation commission makes non-binding recommendations to government and within a reasonable period of time the government must respond publicly. Any government which rejects or modifies a recommendation must provide a justification for the departure that meets the standard of rationality. What is this test of rationality?

In Bodner v. Alberta, the court stated that governments may modify or reject commission recommendations provided that the following questions are addressed:

> (1) Has the government articulated a legitimate reason for departing from the commission's recommendations?
>
> (2) Do the government's reasons rely upon a reasonable factual foundation? and
>
> (3) Viewed globally, has the commission process been respected and have the purposes of the commission — preserving judicial independence and depoliticizing the setting of judicial remuneration — been achieved?

In 1998 the Judges Act was amended to provide for a Judicial Compensation and Benefits Commission. This was set up so that every four years we could look at the adequacy of judicial compensation and benefits.

The express criteria which are to govern not only the commission's consideration, but also that of the government and Parliament who ultimately make the final determination are: a) the prevailing economic conditions in Canada, including the cost of living and the overall economic and financial position of the federal government; b) the role of financial security of the judiciary in ensuring judicial independence; c) the need to attract outstanding candidates to the judiciary; and d) any other objective criteria that the commission considers relevant.

The independent commission is intended to remove decisions concerning the amount of judges' remuneration from the political sphere and to avoid confrontation between governments and our judiciary.

Under the parliamentary procedural rule the government has utilized today, Bill C-17 will go to committee before second reading. Thus there is more latitude. The committee then can study and call witnesses on the bill. It is important to note here that only the government can provide the necessary royal recommendation which would be required to increase any financial aspect of the bill. Amendments increasing financial parts of the bill are thus ineffective without the government action on a royal recommendation and that is important.

The Conservative government in Bill C-17 decreased the amount of compensation from that recommended by the independent commission. The government says that it has taken the overall financial and economic position of the government into account.

Canadians understand that the government, unlike many new governments in the past in this country, was left with a very healthy surplus. We still have a good economy as is the pay of private practice and other lawyers who can be called to the bench. That was utilized as a part of the reasoning.

● (1945)

The judiciary is doing its work for all Canadians. It deserves our support. Compensation for any sector of our population is a difficult area to discuss. Negotiations on judicial remuneration between the judiciary and the executive and legislature are not allowed. That is, judges cannot directly negotiate with the government. For the judiciary to engage in salary negotiations would undermine public confidence in the impartiality and the independence of the judiciary.

The three commissioners did hard work on behalf of all Canadians to set the appropriate rate. They received numerous submissions, including the public, organizations and different levels of government.

This commission advertised in 48 newspapers in Canada, having national, regional and local coverage, inviting written submissions from Canadians. The commissioners held two days of public hearings. They also retained their own consultants to assist in their deliberations. We must thank the commissioners for their very hard work. They covered not only areas of pay but other subjects like the division of the judicial annuity when a judge's conjugal relationship breaks down.

The Canadian public does understand that we need an independent judiciary. The respect with which we accord our judiciary is a key factor in the strength and stability of our nation. Our tradition of judicial independence is not only an important element in this country's democratic framework, it alone provides a model from which others can take hope and from which they can learn. Other countries look at our judiciary and justice system as a model.

An independent judiciary is a fundamental part of the Canadian democracy. Its independence must be respected and we look forward to some progress being made on this file by the government.

Our party feels it is highly inappropriate to attack the independence of the Canadian judiciary. Since the government has come to power, there seems to be a pattern that challenges the judiciary. Judges exercise their discretion and judgment every day across Canada. They take the law provided by this Parliament, hear the facts, and apply the law. Increasingly and rapidly the government is introducing legislation that seeks to limit judicial discretion.

In this Parliament, we have heard members opposite make comments, even regarding the Supreme Court Chief Justice, which ultimately caused a member his post as chair of the standing committee on aboriginal affairs.

Most suprisingly for us on this side of the House was the silence of the Attorney General of Canada, who normally would defend these judges who cannot speak for themselves. In fact, it is becoming common for the minister to make comments in public speeches which do not accord the judiciary the respect it deserves. This is different from the norm in Canada, certainly from the post of the highest law officer in the land.

Many people form impressions of individual cases from media reports without hearing all the facts. They often never hear of the appeals of decisions that occur when one side wishes to challenge the outcome. That appeal court story is often not written.

The system of justice in our country has excellent checks and balances that have been developed over years. We should never confuse our motives for one thing to attack another unrelated situation.

Today we debate a bill that will have impact on those in the judiciary. This has been long awaited. I trust that in our discussion we will remember that judicial independence is important to our society. In the context of financial security, courts must not only be free, but also appear to be free from political interference through economic manipulation.

Thus we end where I started, referring to the role of the judicial compensation commissions, a role interposed between the judiciary and the other branches of government. We now wait to see how the government responds to this challenge. We will be here later tonight when the bill, I understand, will go to committee before second reading.

With that in mind, I listened to the hon. Parliamentary Secretary to the Minister of Justice. He knows very well, as I have explained it to him in the past, my concerns about the need for a royal recommendation with respect to amendments in committee. I hope that he can make that clear over the course of our debate in the future. We will be respectful in this process.

● (1950)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, the member referred to a judge's limits regarding ability, freedom and range. I am wondering if the hon. member would want to elaborate further on that.

In both Bill C-9 and Bill C-10, the lower range of sentencing has been limited and discretion has been taken away. Judges have less discretion to impose non-jail type sentences and minimum sentences. It would take away a judge's discretion in the lower ranges of sentencing, but judges would still have all the discretion in the world for the severest of penalties.

I wonder if the hon. member could comment on what seems like an anomalous restricting of a judge's ability and authority at the lower level of sentencing, but allowing judges total authority in the stricter levels of sentencing. Judges are the ones who hear all the evidence. They are trained in sentencing. They are the experts. They can look at all the conditions in the history of a case and then, based on that, are given a full spectrum of sentences. That is the theory in Canada and the modern judicial theory.

Hon. Sue Barnes: Mr. Speaker, there were a couple of places in my remarks where I talked about the inability of judges to express themselves. One of those is when people read cases in a newspaper, the judges speak from their judgments and decisions. They do not explain their decisions afterward. They do not discuss them or give interviews or anything like that. Therefore, the work of judges is inside the law, based on the facts, and utilizing their discretion on the facts.

What the member is referring to, which was in another part of my speech, is the fact that there seems to be legislation coming forward that limits the ability of judges to exercise discretion, for instance, on conditional sentencing, or takes away the option of the judicial tool that is currently before them with certain offences that are listed. This will go to committee and we will deal with that through amendment, hopefully.

Specifically, the member talked about the mandatory minimums. Mandatory minimum sentences are where Parliament has provided in the Criminal Code a floor that it expects the judge in a case to start from in the sentencing. The floor is not a maximum. It is not a ceiling. It is a minimum.

Therefore, historically, mandatory minimums in the Criminal Code, and there are currently about 42 of them, have been used with restraint in both the volume inside the Criminal Code. However, in the courtrooms, judges have used that floor. They have the discretion, based on both extenuating circumstances and mitigating factors, to go up or down from that floor. That is how judges act in a courtroom. They use that discretion.

What these two bills do is limit the discretion. It is more like setting up a grid system. For *x* offence, there is a mandatory minimum. Some of the mandatory minimums in Bill C-10, for example, are 10 years and so the floor is supposed to be 10 years. Yet we know in this country that the Supreme Court of Canada, on certain offences, has ruled seven year mandatory minimums unconstitutional.

There is a real concern about those types of bills coming forward, but in Bill C-17 we should really focus on the judicial compensation and getting through this in an orderly and professional manner in the House without negative political interference.

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, you can imagine how pleasant it is to be here at 8 p.m. talking about Bill C-17, which goes to the heart of our democracy because many countries all over the world look upon the Quebec and Canadian legal system with considerable envy. It has been extremely well tested, is recognized for its impartiality and is based on the merit principle.

Since I was elected in 1993, I have always been interested in the appointment of judges, and especially in how law is generated. We could ask ourselves the following question as parliamentarians: what are the skills needed to be a good judge?

I said this went to the heart of parliamentary democracy.

And hon. member: Oh, oh!

Mr. Réal Ménard: I just heard the hon. member for Charlesbourg—Haute-Saint-Charles refer to events that occurred prior to this Parliament. I know that he certainly wanted to underscore how proud his government is to have introduced the transparency bill.

That being said, the judges in a system like ours, in a parliamentary democracy, must have three characteristics. They must be totally impartial and well paid to be shielded from any attempts to corrupt them or any desire for financial gain. In addition to being properly paid, they must be totally independent and have security of tenure. In other words, we cannot have a system where a government that is unhappy with a judge's decision can decide to move him or refuse to renew his term.

It has certainly happened that certain Conservative members with major responsibilities, whose names shall go unmentioned, have said that some judges in our political system engage in judicial activism. I have even heard the Prime Minister say that judges should not interpret the charter in a way that fails to respect the will of Parliament since its members are elected by the people.

There is a certain truth to that. Clearly, Parliament has the most legitimacy. However, it is wrong think that our judges engage in judicial activism.

It is extremely rare in our political system to see laws overturned. Of all the legislation brought before the Supreme Court since 1982, only about 8% has been overturned. I do not know whether the Minister of Transport, Infrastructure and Communities shares my view, but in general, legislation is not overturned. There is very little judicial activism, although that does not mean that there is none.

For educational purposes, I point to the example of the decision in the Grant case, where Alberta was forced to add sexual orientation to its human rights code as a prohibited ground for discrimination.

That being said, the Bloc Québécois commends the government's commitment to refer the bill as quickly as possible to the Standing Committee on Justice and Human Rights, but we do not acknowledge the substance of the bill. The Bloc Québécois will thus make substantial amendments to this bill.

Why are we not in agreement? First, as was pointed out by the member for Roberval—Lac-Saint-Jean, one of the best parliamentarians in this House, whose talents as an orator are recognized and admired by all, a man known for his great self-control, it is important to have an independent mechanism for setting judges' salaries. We would not like to end up in a situation where parliamentarians had to negotiate directly with judges. Imagine the situation that would place Parliament in. Furthermore, in 1999, a balance had been reached. I should specify, for the sake of historical truth, that the Liberals upset this balance.

● (1955)

I have to say that, unfortunately, the Liberals played some cheap political games. They upset a balance that had been the wish of many. This balance was that the prime minister received the same salary as the chief justice of the Supreme Court. Obviously, in a democratic system, the person who is the authorized spokesperson of Canadians, who is elected by the will of the people, should not have less legitimacy than the chief justice.

We also know that ministers have great responsibilities. Under the 1999 scenario, they received three quarters of the salary of the chief justice of the Supreme Court. The members, servants of the people if ever there were, received 50% of the salary of the chief justice of the Supreme Court.

This balance was upset. I must say that the former prime minister of Canada made it into a partisan issue, and a deliberate choice was made to break with what was proposed by an independent commission in 1999.

I am not proud of the fact that the Conservative government is perpetuating this tradition. That is why the Bloc Québécois has to present some amendments. I do not understand why the Conservative government does not go back to the recommendations made by the independent commission.

Once one begins to question this principle, it removes the impartiality from a principle that should be totally and absolutely impartial. If the bill were adopted, the chief justice would earn $298,500 and the prime minister of Canada would earn $295,400. Admittedly this not exactly below the poverty line, but nevertheless the prime minister would be less well paid than the chief justice of the Supreme Court of Canada.

Once again, where judges' pay is being decided, we have to be guided by some principles. In the Bloc Québécois, we believe in the independence of the judiciary. The former member for Charlesbourg—Haute-Saint-Charles is a man who has served this House well. Richard Marceau, a bright mind, a brilliant jurist, a seasoned parliamentarian, a man known for his keen judgment, who has had only one loyalty, namely the people of Charlesbourg, has suggested to the justice committee that a subcommittee be formed to study the appointment of judges. Imagine our surprise, not to say our indignation, when we heard the former president of the Liberal Party of Quebec say during the Gomery commission hearings that, if you want to be a judge in Canada, you have to have your Liberal Party membership card. Imagine our indignation. Imagine our consternation. There was a sort of collective disgust.

Hon. Lawrence Cannon: That was the Quebec wing of the Liberal Party of Canada.

Mr. Réal Ménard: The former president of the Quebec wing of the Liberal Party of Canada—pardon me if that was not what I said—stated right there in the Gomery commission hearings that to be appointed to the bench in Canada, one had to be a card-carrying Liberal. Obviously, I would like to think that this could not be farther from the truth.

That said, Richard Marceau, the former member for Charlesbourg—Haute-Saint-Charles, who served well in this House, introduced a motion to strike a subcommittee to study the judicial appointment process. The Bloc Québécois considers reforming the appointment process for Supreme Court justices a priority.

● (2000)

Mr. Speaker, it seems that my time has expired. How time flies. I hope the members will have some questions for me.

[*English*]

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I enjoyed working with the member on the justice committee. Also, I agree with his comments on Mr. Marceau.

The member mentioned independence of the judiciary. Since we are talking about pay scales, I would like him to comment on whether the two possible mechanisms for setting judges' salaries are independent. This is what we are talking about tonight. The Judicial Compensation and Benefits Commission is one option. The other is an amount chosen by the justice minister.

Could the hon. member describe the independence of both of these options? Does he believe they are both independent methods for determining judges' salaries?

● (2005)

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, the Bloc Québécois has stated its position on this issue several times, as did my colleague from Roberval a few years ago. Our position is unchanged. In view of the Supreme Court's ruling and referral concerning judges in Prince Edward Island, we hope that the commission will be totally independent of Parliament, and that it will consider a number of totally independent criteria, including the state of the economy and the ability to pay. We also hope that judges' and members' salaries will be linked.

As I said earlier, we were comfortable with the scenario proposed in 1999. The Prime Minister earns the same salary as the Chief Justice. Ministers earn three quarters of that and members earn half.

We do not understand why the Liberals and the Conservatives chose to sever that link. In the end, they chose to intervene by arbitrarily setting judges' salaries. We do not think this is the right thing to do.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, Bill C-17 poses a significant problem for the government and for Parliament. It challenges one of our fundamental institutions. It challenges the independence of our judiciary, which is one of the significant pillars of our democracy.

We need to put the bill in the context of where our judiciary stands, both nationally and internationally. Its reputation certainly has no superiors and very few peers.

I have had the opportunity to travel to other countries, mostly within the Commonwealth. It is interesting how often I hear extremely favourable comments about our judiciary, how it has, for instance, reached out to any number of countries which are trying to develop their judges and their judicial system. Our judges have helped them to do that.

We have a model that has no superiors, which I can see in the whole world, and very few peers. However, it is a model that is under attack. Our judges are under attack. We have seen that in a number of ways from the government and from some commentators in the media. When we put it in that context, we are going after a very fundamental thing for our judges, and that is their compensation package.

Back in 1999, we developed, I believe in good faith with our judges, under the direction of the Supreme Court, a methodology as to how to deal fairly and equitably with judicial compensation. What we did was build in a system that was very akin to binding arbitration in the labour context. Binding arbitration basically says that both parties submit their positions to a neutral, in this case, commission of three members and allow it to decide what is fair and equitable to both parties. That is what we have done.

When the report came down from the McLennan commission, there were very specific recommendations, as was required, as to what the compensation should be. It was based on reasons that are set out in the commission's report, which the government has seen. It analyzed the status of our judiciary. Some of the tests were what they would be paid if they were practising in private practice, the ability of the government to meet the recommended compensation levels, the status of the judiciary in the country and, to some degree, internationally and a number of other points. It was a reasoned, detailed report. It met all the requirements of the statutory framework.

What happened? It was reported to the House. The former government sat on it, in effect. It came through with a bill in the spring of 2005, just a little over a year ago, but the government did nothing to press it forward. Then we had a change in government.

● (2010)

The new government has a fundamental attitude that is very disrespectful of our judges. Quite frankly, ignorance pervades the Conservative Party with regard to our judiciary in terms of understanding its status, the importance of judicial independence and the importance of maintaining our judiciary at the high calibre, as we have seen over the last good number of decades, at least since the second world war, if not before.

What did the Conservatives do? Shortly after coming to government, they looked at the report again and determined that there was no way those elite judges, sitting in the Supreme Court, or in our Superior Courts or in our Federal Court, were deserving of the compensation recommended by the independent commission.

The Conservatives proceeded to slash the compensation through Bill C-27. The government had the hypocrisy to challenge the reasons on two basis. One was on the government's ability to pay, which is an absolute joke. For the periods of time that we are talking about, the Government of Canada had surpluses of $10 billion and $12 billion. The new government is now trying to convince the Canadian people, and perhaps at some point they will have to convince a judge, that this is a reasonable argument. I think the facts belie the credibility underlying that argument.

The second attack on the commission's report was that it had not properly taken into account what judges were being paid both in smaller communities and in our larger cities. Again, if the government had analyzed the report to any degree of accuracy, it would have realized that the commission had looked very specifically at the issues of compensation at a lower level for those lawyers practising in smaller communities versus those in larger communities. The commission analyzed it, came to its conclusions and made its recommendations, all of which was its responsibility, all of which was within the criteria and its mandate.

Looking for excuses to justify their disrespect for our judiciary, the Conservative tried to latch on to what are very specious arguments. It comes down to this. If the government does not begin to appreciate the significance of the independence of our judiciary, our judiciary will be undermined. If, in some cases very personal attacks on some of the judges continue, our model will be threatened and will be undermined.

With all the passion I can muster, I urge the government to take this opportunity to grasp this. There is an opportunity for the government to rehabilitate itself in the eyes of the public and in the eyes of our judiciary. There is an opportunity for the government to convince our judiciary that it respects the principle of its independence and that it is a fundamental pillar of democracy in any country.

Last week I was with the Minister of Public Safety in Moscow. One of the reasons I went with him was to deal with issues around terrorism. While I was there, I had the opportunity to meet with their judiciary and with some of the human rights groups. It was stark the difference between that country and ours in terms of the protection and security that an independent judiciary can provide.

At one point in one of the meetings I had with the human rights groups, I asked for their opinions on independent judiciaries. The five or six leaders who were present laughed at me. They laughed at the suggestion of an independent judiciary because they knew it did not exist in that country.

● (2015)

While I was preparing my speech for this evening, I could not help but think of them. I wondered if we would be faced with this at some point in the near future. Are our judges going to be treated as jokes? Unless the government changes its attitude toward them, we are clearly facing this as a risk.

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I have to take issue with some of the thesis of the member on the underpinnings of the bill.

First, the government has adopted almost all of the commission's recommendations. Second, this government has taken steps to respect the judiciary, to ensure that we have a process that works. We have done that by acting quickly to move the bill forward. I hope my hon. colleague will acknowledge that the former government's bill, Bill C-51, sat on the order paper and did not move forward. We are trying to move this bill forward expeditiously. We have moved forward very quickly with the bill.

Judicial compensation has been set in different ways. A commission was set up. Does the member acknowledge that the very judiciary we are talking about, the highest judges, the Supreme Court of Canada, the highest court in this land, has set out that Parliament is ultimately responsible for taxpayer dollars? Parliament is ultimately responsible for how that money is spent. The government has taken the commission's recommendations very seriously. We have looked at them and we have responded, as we are entitled to do as a government, in a very responsible manner.

Mr. Joe Comartin: Mr. Speaker, to be blunt, I do not believe the government has responded responsibly. Why is its judgment to be taken over that of the independent commission? We have a rule of law in the country, and it provided for that. Would the parliamentary secretary take the same position on any number of cases involving an independent arbitrator and binding arbitration where one of the parties can say it is not going to agree? That is what we have here. The government is unilaterally overthrowing this system.

With regard to the government's speedy response, it is easy enough to do a speedy response when it is not complying with the recommendations. He knows this as well. Bill C-9 and Bill C-10 are in front of the justice committee. This issue will not be dealt with by the justice committee this year. It is as simple as that. Bill C-9 and Bill C-10 will take up the rest of the year after the summer break, so it will not be a speedy process.

The Liberals and the NDP are on line. If the Conservatives came on line and moved the royal recommendation back to the recommendation from the commission, this could be resolved in a speedy way. It could be done at all three stages and done before the end of the week.

● (2020)

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, my colleague pointed out the government's attitude toward the Supreme Court. We all know too well the Marshall decision in 1999 and the concerns about same-sex marriage. Many members of that party indicated that the notwithstanding clause should be used because in their eyes it was politically popular to do that. However, it would not have been respectful of the court's decisions.

Could my hon. colleague discuss this a bit and give us his point of view about using the notwithstanding clause when it comes to basic human rights and aboriginal rights?

Mr. Joe Comartin: Mr. Speaker, the use of the notwithstanding clause has been an issue of great debate in the country. However, when we come down to the fundamentals, it is there to protect human rights, civil liberties and the rights of all Canadians, especially those of our minority groups.

The government seems to have had an equivocal attitude toward it, the Prime Minister in particular. I have never been quite sure where he stands on this. It seems his position with regard to the use of the notwithstanding clause depends on whether we are in an election or after an election. It is there for a very specific purpose. Thankfully, it has been rarely used because legislators have generally been more respectful of our civil rights and civil liberties.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I am pleased not only as a lawyer and the associate justice critic for the Liberal Party, but also as an ordinary Canadian, to stand before the House today to lambaste the government for not respecting the independence of our judges.

Judges are well respected people with learning and wisdom, who for many people represent "the law". It is often said that our fine law enforcement officials such as local police and RCMP administer the law to so many in the first instance, and it is true, but let me give an example of how that first ministration is almost always subject to the good decisions of a judge.

[*Translation*]

Not so long ago, in my own province, which is proudly bilingual, individuals suspected of having violated traffic regulations could be questioned in any language by otherwise well-intentioned police officers.

● (2025)

[*English*]

Through careful application of our laws and, I add, common sense, judges determined that the first question to be legally put was what language the alleged violator desired service in. That is common sense. It came from judges, not the legislature. I use this point to illustrate how lost we would be without judges and why they deserve to be treated fairly on the pay issue.

Secondly, the days are long gone where favouritism is shown to the privileged classes in the judicial system. A lawyer or judge charged with an offence now is always tried and prosecuted by an out of town, faraway lawyer and judicial prosecution team. This was settled by judges, not legislators.

If the method of payment of judges is at the whim of legislators, this independence is put in jeopardy.

[*Translation*]

That is why the previous government established the Judicial Compensation and Benefits Commission in 2003 and, having received the commission's report in 2004, it tabled its response in November 2004.

Bill C-51 was later introduced, following numerous consultations, but it died on the order paper when the government fell last November.

This bill approved wage increases, but I will touch on that later.

First, let us look at the process. The commission was comprised of Earl Cherniak, Gretta Chambers et Roderick McLennan, three distinguished Canadians.

[*English*]

They received many submissions and conducted public hearings. Expert evidence was called. They hired their own independent consultants. The commission drew particular comparisons to the public sector and the salaries of DM3s at the Department of Justice and also those from the private bar, where many of the good candidates for judiciary come from.

In many cases, judges today accept pay decreases for a promotion. This does not often happen in other jobs or professions. Imagine the head of the English department at the high school, the head nurse at the hospital, the foreman of the water plant or the captain of a firefighting brigade accepting less upon promotion than before. It is absurd and it is what the commission concluded.

[*Translation*]

The former government approved the findings of this independent commission for the sake of fairness.

Let us now turn to the issue of workload. The minister, who introduces legislation and works like a real sheriff, has caused a direct increase in the workload of judges.

[*English*]

An increase in mandatory minimums and a decrease in conditional sentencing leads, as any lawyer knows, to more jail time and therefore more careful consideration of the evidence, timing of trials, submissions on sentencing, writing of decisions, and further appeals, all the attendant work relative to the loss of liberty that is occasioned by the other two bills that the justice minister felt were a priority to this one. It is more work for judges.

At the same time, this government has indicated that the dream of a unified family court in four provinces of this country, and its concomitant appointment of new judges to fill the same, is not coming any time soon, so having retired judges work more often is the solution for the logjam in the courts of our country.

If anyone on the other side has listened to parties wishing to have key issues such as overdue child support, delayed marital property settlements, and prolonged and unsatisfactory child custody and visitation situations dealt with quickly, they will know how long it takes in provinces like New Brunswick, Nova Scotia, Newfoundland and Labrador, and Ontario.

No relief is on the way. That is the message from the government. On top of which, we are going to underpay the judges who are available. Justice delayed is justice denied, I remind the minister.

The government, in its two and a half page response, reached the following conclusion:

> In particular, we do not agree that paragraph 26(1.1)(a) is simply directed at establishing whether the Government has sufficient funds to pay for whatever amount the Commission might otherwise think is appropriate.

In its 2006 budget, the government identified its key priorities, such as enhancing accountability, creating greater opportunity, et cetera. We have heard the five before, but one of them was protecting Canadian security. That was supposed to be important. One would think the judiciary was important to implement that.

The government said in its report that this is not one of their fiscal priorities:

> In sum, the Government does not believe that the Commission's salary recommendation pays adequate heed to this reality, as embodied in the first statutory criterion.

It is all about money and the priorities of the government. It has its five priorities. There is no money for a good judiciary, kept independent.

[*Translation*]

It is total hypocrisy. The current government has inherited the best financial situation it could have hoped for—and certainly one better than it was in 1993 when the last gang of Conservatives was tossed out—with a surplus totalling $80 billion today.

[*English*]

What do they with this? What do they do with this financial gift given to them by the Liberals? They cancel universal child care, eliminate $6,000 per university student for tuition fees and, touching on this subject, set aside $225 million for jails. But they failed to show the proper respect for the people who will order those jails full, or perhaps not, and they have failed to give respect to the subtle instrument that will put people in those jails, or not, and that instrument is the law.

A note on the law: judicial independence is an entrenched legal principle. Let me quote the Law Society of Saskatchewan:

> Judicial independence has many definitions, but ultimately it means that judicial officers of the Court have the freedom to decide each case on its own merits, without interference or influence of any kind from any source...It is crucial that the judiciary both be independent and appear to be independent so that there is public confidence that judicial decisions are made without bias.

In order for judges to apply and interpret the law, they need to be free from inappropriate influences. As we know, in Canada there are three branches of the government. It is somewhat blurred sometimes when the government talks about it. There are the judiciary, or the courts, the executive, which is the cabinet, and the legislature, the lawmakers.

Judges are independent and should not be controlled by either elected officials or government employees. To ensure judges are independent, three important safeguards have been developed, and this is from the B.C. law association: security of tenure, which means they cannot be fired on a whim; financial security, which means that money matters, including judges' salaries, will not influence judicial decisions; and finally, institutional independence, which means the judiciary is kept separate from the other branches of government.

Judicial independence was established in 1701 by the British Act of Settlement. This allowed judges from that point on to do their jobs, immune from the pressures of outside influence. It seems the government does not respect our judicial system or the Constitution. We saw this with the accountability rebels in the last few months who wanted to take away rights of this Parliament that have been established since 1868.

In summary and in conclusion, the only accountability and the only independence the Prime Minister and his Roundheads want are the same that Oliver Cromwell wanted and that pretty much goes along these lines: "Agree with me and my authoritarian ways or off with your head".

Judicial independence is at stake here. There are sufficient resources to secure judicial independence. Let us go with the recommendation of the commission and get rid of the tardiness that is involved around this issue.

● (2030)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I will begin by making some general comments on the bill and then I will talk about the judges in my region of the country.

Of course we want the independence of the judiciary and the independence of its compensation system. I do not think many people would disagree with that. The Judicial Compensation and Benefits Commission is made up of three members, one appointed by the Canadian Superior Court Judges Association, one appointed by the government and one appointed by the chair. This is an independent commission that would be, in my view, far more independent than simply having the minister decide the appropriate salaries.

The government says that it wants someone who is independent. It is not as though the minister and the government have made no comments on judges. They have certainly made comments and had opinions. I do not think that would be a very independent mechanism.

The other point I want to make, which I think other members have made in this debate, concerns the reason given for making this change and not accepting the recommendations of this independent commission. The government said that it was because of its overall financial position and it talked about things like insufficient funds. Would anyone in Canada believe that? The government came into power with the largest surplus of any government in history and in the best financial position.

The government saved money when it cut the greenhouse gas emissions program. It saved $5 billion by cutting the Kelowna accord. Everyone voted today in support of bringing that back except the Conservatives. I am sure the government will not be paying the judges more than the $5 billion. We also had $10 billion allocated for child care.

I am sure no one in the country believes that the decision the government made was because of the financial position of the country. When the bill gets to committee I will be delighted to look for a good reason to do this but that is certainly not it.

The main reason I wanted to speak tonight was to talk about the judges in the three territories who are treated slightly different. I was hoping to discuss this in committee and to ask for a change that would make it more equitable.

If we look at subclauses 22(1), 22(2) and 22(2.1) of the bill which refer to the territories, the first line says, "a) the senior judge" and shows an amount of pay. In all the provinces the wording is "chief justice". I am happy that their salaries are the same because they have the same duties, responsibilities and functions and have about 40 deputy judges reporting to them. They have extensive experience and responsibilities over a wide geographical area, which is almost half the country.

Under the bill they have the same remuneration but I think it is an anachronism that they have a different name. Senior judges have the same responsibilities as the chief justice in the provinces. Why would we not simply, while we have the opportunity, change the name?

Each of the three territorial governments agree. I am not criticizing the government for this. I am simply saying that it is an opportunity for the committee to make a good change. In the year 2000 the three territorial governments passed a law creating the position of chief justice but the legislation has not yet been proclaimed because the federal government has not agreed to the change of creating the position of a chief justice in the territories.

At the time that bill was passed, the federal minister of justice sought the approval of the Canadian Judicial Council and its view on changing the name and remuneration levels. Its position was quite clear. It had no problem with that change.

● (2035)

If the Canadian Judicial Council, the federal Minister of Justice at the time and the three territorial governments are in agreement that we should change the name in the territories from senior judge to chief justice, with the same responsibilities and remuneration, I think it would be fair to make that administrative change while we are going through a review of the act.

I ask all members in all parties in a non-partisan way to look at this change in the name from senior judge to chief justice as in the 10 provinces. They have parallel responsibilities and parallel remuneration and now they would have the same name.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I have the utmost respect for the member for Yukon and he knows issues of the north very well.

I would like his comment on the good part of Bill C-17 which was of course contained in the previous bill which died on the order paper in November. That is the increase in moving allowances and other allowances in northern or remote regions for judges and their partners, as defined in the act. Does the member think those were good recommendations from the commission and the previous Liberal government with respect to the administration of justice in recognizing the hardship and costs in our northern and remote regions?

Hon. Larry Bagnell: Yes, Mr. Speaker, of course I agreed to those provisions for a cost of living allowance in the north and moving expenses to get to the north.

Some areas in the north have to build their infrastructure on solid rock which makes it way more expensive than in other areas. Some parts of the north have huge housing deficits where there are 17 or 18 people living in a two bedroom house. This is absolutely shameful. The result in general is that housing costs are so huge that people in other parts of the country would not believe. Of course there is the cost of shipping food, transportation and all the other costs.

If we want talented people to live in some of those conditions that I am talking about, as someone mentioned earlier, who are not subject to negative influences, we have to pay them what is fair, pay them for the very difficult decisions they have to make. To make it fair in the north we have to make those adjustments, so I think that is a fair part of the legislation.

● (2040)

The Acting Speaker (Mr. Andrew Scheer): Resuming debate. Is the House reading for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: On division.

The Acting Speaker (Mr. Andrew Scheer): I declare the motion carried. Accordingly the bill stands referred to the Standing Committee on Justice and Human Rights.

(Motion agreed to and bill referred to a committee)

Hon. Jay Hill: Mr. Speaker, I rise on a point of order. It is really incredible how much we have accomplished here working cooperatively and productively together. I think if you were to seek it, you would find unanimous consent to see the clock at 12.28 a.m.

The Acting Speaker (Mr. Andrew Scheer): Does the hon. member have unanimous consent?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

MUSEUM OF SCIENCE AND TECHNOLOGY

Mr. Richard Nadeau (Gatineau, BQ): Mr. Speaker, I would like to say that this is the first time that I have participated in adjournment proceedings. I assume that I start immediately and that my colleague will then second the motion.

On June 7, I gave the Minister of Transport the opportunity to clearly state his position on his commitment to moving the Canada Science and Technology Museum to Gatineau. The City of Gatineau passed motion No. CM-2006-363 on April 25, 2006, stating:

> Whereas over 20 years ago the federal government decided to locate the Canada Science and Technology Museum in the former City of Hull;
>
> Whereas the federal government is today preparing to relocate the Canada Science and Technology Museum;

> Whereas new museums have been built and established in Ottawa recently, namely the National Gallery of Canada, the War Museum, the Museum of Contemporary Photography and the National Portrait Gallery, not to mention the $100,000 spent on renovations to the Museum of Nature;
>
> Whereas it is vital to this Council that the Canada Science and Technology be located in Gatineau and thus that the decision previously made by the federal government to locate this museum in the former City of Hull be respected;
>
> Whereas the City of Gatineau has two sites (Jacques Cartier Park and Des Chars de Combat Park) available for the Canada Science and Technology Museum;
>
> It is proposed and unanimously resolved that this Council formally request the federal government locate the Canada Science and Technology Museum in the City of Gatineau.

This resolution was sent to the Prime Minister, the Minister of Canadian Heritage, the Minister of Transport, and to the federal and provincial members from the Outaouais.

That said, on April 13, before the Gatineau chamber of commerce, the Minister of Transport and the hon. member for Pontiac in the Outaouais formally promised to attract the museum to Gatineau. The same minister went back on his word in *The Citizen* on June 1 and *Le Droit* the following day.

I should hope that the Minister of Transport was having a momentary lapse and that it was not undue pressure from a federal cabinet colleague unaware of the promise to locate the Museum of Science and Technology in Gatineau that distracted him from his noble task, which is to defend the interests of the Outaouais.

During the last election campaign, the Minister of Transport kept saying that he wanted it to be understood that the region would come out a winner if it elected a minister. Since his election, it has been a lucky thing that the Bloc Québécois is in the Outaouais to remind the minister of his commitments.

Will the minister ensure that the Canada Museum of Science and Technology ends up in Gatineau as soon as possible?

● (2045)

[*English*]

The Acting Speaker (Mr. Andrew Scheer): I would just remind the hon. member to address his comments through the chair and not directly to members of Parliament or to ministers.

Mr. Jim Abbott (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, I am pleased to respond to the member's question regarding the Canada Science and Technology Museum on behalf of the Minister of Canadian Heritage who is responsible for Canada's national museums.

The importance of the preservation of Canada's scientific and technological heritage as represented by the Canada Science and Technology Museum is an important issue and one that deserves to be set in the proper context.

Our history, beliefs, values and way of life are shaped by the stories and collected experiences of the people that have inhabited this country. Each new generation builds on the legacy of the past. Collecting institutions such as our national museums are the repositories for the wealth of experience, the stories, the people and the events that have shaped this country, and through their public programming and research they provide us with a lens into our future.

The Canada Science and Technology Museum is an institution, a living entity. it connects Canadians through its exhibitions, outreach programs, educational initiatives, partnerships with sister institutions across the country, and by celebrating the ideas and achievements of the innovators that have shaped our past and are leading us into a bright future. This museum represents the collected consciousness of Canada's scientific and technological heritage and our hope for the future.

The museum receives over 400,000 visitors through its doors each year. These visitors come to learn about communications, space technology and exploration, transportation, energy, medicine, engineering, manufacturing and industry, natural resources and the burgeoning new technologies.

The museum is where Canadians can experience how science, technology and innovation converge. They are introduced to Canada's innovators in the Canadian Science and Engineering Hall of Fame, with new inductees each year. They experience how science and technology have influenced and continue to shape our society.

I have personally visited the Canada Science and Technology Museum and have seen first-hand the extent of the collection and its relevance to our past, our present and our future. I have also been well apprised of the issues that confront the institution in the delivery of its national mandate and the design and development of its vision for the future.

The museum has been engaging Canadians and presenting significant Canadian innovations and scientific and technological accomplishments in a dynamic and thought provoking manner for almost 40 years. I would like to commend the dedication and hard work of those who have worked tirelessly to achieve such an important success story.

I would like to conclude my remarks by stating that the integrity of this important collection and the continued viability of the institution that provides for its stewardship are key issues that will deserve significant consideration as we move forward. With these priorities in mind, I would put forward that the question of a new facility for the Canada Science and Technology Museum is premature, but it will be dealt with at an appropriate time.

Having said that, one of the first tasks the Minister of Canadian Heritage undertook in her new position was to meet with representatives from the Canadian Museums Association. This is an important step in ensuring we have a strong museum policy.

The government will continue to work with stakeholders to ensure that in a culturally diverse country such as Canada, we can build a shared sense of citizenship by acknowledging and preserving the multiple perspectives of our past. Our country's connection with its diverse past defines its spirit and solidifies its sense of achievement. These national collections are our tangible link with our past and our investment in the future.

● (2050)

[*Translation*]

Mr. Richard Nadeau: Mr. Speaker, I would have been interesting to get an answer to the question. However, I will continue.

The inequity between the two banks of the river is obvious: eight museums on the Ottawa side for only one in the Outaouais; eight to one. Of these eight museums, four were built recently in Ottawa, that is the Art Gallery, the War Museum, the Photography Museum and the Portrait Museum. The city of Gatineau already has two sites available for the construction of the Science and Technology Museum. The elected people in the region unanimously support this project. The Minister of Transportation is the only one who has not supported it yet.

Twenty years ago, the federal government had decided to build the Science and Technology Museum in the former city of Hull. People have waited long enough. The federal government must keep its word. It made a commitment to this 20 years ago, and the Minister of Transportation committed to it on April 13, 2006. It up to the federal cabinet and the Minister of Transportation—

The Acting Speaker (Mr. Andrew Scheer): The time has expired.

The hon. Parliamentary Secretary to the Minister of Canadian Heritage.

[*English*]

Mr. Jim Abbott: Mr. Speaker, although we are certainly aware of the recent discussions surrounding the proposal for a new Canada Science and Technology Museum, as I stated in my earlier address, much work remains to be done before a decision is taken.

It is without question that the preservation of Canada's scientific and technological heritage for future generations is important. Canada has a rich history of innovation in these fields and our stories must be preserved and celebrated.

The importance of the continued viability of the Canada Science and Technology Museum and the effective delivery of its mandate are key concerns in the present context. However, within the context of the current situation, it is premature to enter into detailed decisions concerning the site that a proposed museum would require and therefore there are currently no plans to move this museum.

The Canada Science and Technology Museum is continuing its important work on assessing its needs for ensuring the integrity and accessibility of the collection it holds for all Canadians.

The Acting Speaker (Mr. Andrew Scheer): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 8:52 p.m.)

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