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Monday, November 19, 2007

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, November 19, 2007

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1100)

[*English*]

FOOD AND DRUGS ACT

Mr. Paul Szabo (Mississauga South, Lib.) moved that Bill C-251, An Act to amend the Food and Drugs Act (warning labels regarding the consumption of alcohol), be read the second time and referred to a committee.

He said: Mr. Speaker, I would like to begin by thanking Ms. Elspeth Ross who is with the FAS Network at the Children's Hospital of Eastern Ontario. I cannot say enough about the work that she has done in support of families and children with fetal alcohol spectrum disorders and helped parliamentarians to understand the devastation that alcohol has caused.

Alcohol is the most widely used and abused drug in the world, but in Canada beverage alcohol is the only consumer product that can harm us if misused and one that does not warn us of that fact.

Existing legislation does not adequately recognize alcohol as a drug or indeed as a product that is clearly associated with significant risk to public health and safety. It plays a role in thousands of premature deaths, preventable injuries, and prenatal brain damage each year. It is associated with increased cirrhosis of the liver, cancer, cardiovascular diseases, respiratory diseases, homicides, suicides, as well as motor vehicle, boat and snowmobile crashes, falls, fires and drownings.

Moreover, high rates of consumption are associated with increased mental illness, an increase in crime and reduced work or productivity. These translate into a human loss of devastating proportions and an economic toll of billions of dollars.

The active ingredient in alcohol is ethyl alcohol, commonly known as ethanol, which works much like ether. Acting like an anesthetic it puts the brain to sleep. It also acts as a central nervous system depressant that slows body functions down such as heart rate and respiration.

Small quantities of alcohol may induce feelings of well-being and relaxation, but in larger amounts alcohol can cause intoxication, sedation, unconsciousness, brain damage, physical or mental illness and even death.

Fetal alcohol spectrum disorders or FASD is a term which describes a range of effects that can occur in a person whose mother drank alcohol while pregnant. These effects can include physical and mental disabilities and problems with behaviour and learning, and often a person has a mix of these problems.

Persons with FASD often have problems with learning, memory, attention span, problem solving, speech and hearing, and they are at very high risk for trouble in school, trouble with the law, alcohol and drug abuse and mental health disorders. FASDs include fetal alcohol syndrome, which causes growth problems, abnormal facial features and central nervous system problems.

Children who do not have all the symptoms of FAS can have another form of FASD and these children can have problems just as severe as those children who have FASD. There is no known amount of alcohol use that is safe during pregnancy and there is no known time during pregnancy when alcohol is safe to use.

FAS is often described as the leading known cause of mental retardation. While it is true that it is more prevalent than Down's syndrome or spinal bifida, it is not the cause. The simple fact that the consumption of alcohol during pregnancy is the one and only cause, FAS is 100% preventable by abstaining from the consumption of alcohol during pregnancy.

It must become the cultural norm that drinking during pregnancy is inappropriate, but since 50% of pregnancies are unplanned and the highest risk period to the fetus is between days 15 and 22 of pregnancy, when a woman does not even know she is pregnant, the fact is that if a woman is in her birthing years, if she is sexually active and not using protection, she should abstain from consuming any alcohol to totally eliminate the risk of harming her children.

Bill C-251 was inspired by a report from the health committee back in June 1992. It was entitled “Foetal Alcohol Syndrome: A Preventable Tragedy” in which it recommended warning labels on the containers of all beverage alcohol to alert consumers that consumption during pregnancy can hurt the fetus.

The House will note that the bill is only one clause long which deliberately leaves the details of the labelling requirement to be prescribed by governor in council. That means that the precise wording, form and size of the label together with other details necessary to enact the bill will be provided in the regulations of the bill. That was recommended to me by Health Canada officials on order to provide as much flexibility and latitude to respond to industry concerns and suggestions.

● (1105)

I know that health officials have been dialoguing with various stakeholders and I very much hope that the industries affected will agree to work collaboratively with Health Canada, and become part of a national harm reduction strategy related to alcohol.

This past summer there was a conference of experts in Regina. The headline of the release stated that: "Doctors, judges, lawyers agree more needs to be done about fetal alcohol exposure". There is one quote that caught my attention and it was from Dr. Gideon Koren, a professor and director of the Motherisk Program, at the Hospital for Sick Children in Toronto. He said, "There's no way we are doing the right things—we are not...Compared to some other maladies, from heart and stroke to cancer, there is no big societal drive to do something".

That is an assessment of an eminent medical professional who, prior to this, had been supporting the beverage alcohol industry position with regard to labelling. He has changed his mind. What we are doing is the wrong thing. He also said, "Health Canada estimates that about one per cent, or 300,000 Canadians, suffer from some form of this disorder...That's one child in every 100 births, or about 4,000 new cases, occur each year and the costs are huge".

Since I last spoke about this bill last May, I told the committee at the time that there were 20 countries which already had health warning labels on containers of alcoholic beverages. Let me remind the House they include: Armenia, Iceland, Portugal, Spain, India, Japan, Republic of Korea, Taiwan, Thailand, Mexico, United States, Cost Rica, Guatemala, Honduras, Argentina, Brazil, Colombia, Ecuador, Venezuela and Zimbabwe.

There have been changes since then and I want to let the House know, but first let me go through a few press clippings that I picked out. On September 4, 2007, not so long ago, South Africa announced that it has new regulations requiring containers of alcoholic beverages to display messages highlighting the negative effects of alcohol consumption. The department said that the regulations would come into effect in the next 18 months as part of an ongoing campaign to promote healthy lifestyles.

In Ireland, on October 14, 2007, not so long ago, mandatory labelling of alcohol containers with health warning labels about the dangers of drinking alcohol during pregnancy will be introduced. Members should note that Drinks Manufacturers Ireland, DMI, the umbrella body for the alcohol industry, confirmed yesterday that it had agreed to the health warning which will apply to all alcohol containers sold in the republic. The message will carry an image of a pregnant woman with a diagonal red line or written warning on it.

Let us look at August 14, the European Union is calling for the dangers of alcohol such as drinking while pregnant and driving to be highlighted on bottles and labels of bottles and cans.

Let us look at Tasmania, July 2, 2007. Tasmanian child commissioner, Paul Mason, said, "Women of childbearing age should not drink alcohol in the case they fall pregnant". He is pushing for labels on alcohol containers to warn women of the risks associated with fetal alcohol spectrum disorder which affects about 5,800 Tasmanians. He went on to say: "there is no safe level of drinking alcohol during pregnancy".

How about New Zealand? For the last two years it has considered and now has the recommendation from the health committee which makes the following recommendations including: first, that it develop legislation or standards to require mandatory labels to be placed on all types of alcohol liquor reminding women of the dangers of drinking alcohol during pregnancy; second, that it publicize the adverse health consequences of drinking during pregnancy including community education about fetal alcohol spectrum disorder; third, that it increase monitoring of, and research into, fetal alcohol spectrum disorder and that effective intervention demonstrated by this research be applied immediately; and finally, that it adopt a policy encouraging women not to drink at any time during pregnancy.

● (1110)

How about Australia? On June 17, also since the last time I spoke in this place on this bill, says that all alcohol products will carry warning labels of the links between binge drinking and brain damage if the new safety push succeeds. This is from the alcohol education rehabilitation foundation who said that, "We have an epidemic of intoxication in Australia. We don't drink more in total than we did 10 years ago, but the way we drink has changed". It is talking about binge drinking. It went on to say, "While it's not the complete answer, it should be one of the ways we get the community to understand that alcohol is not a benign product".

Further, in Australia, it is estimated 50% of individuals with FASD will end up in institutional care, a mental health facility or in prison. It has been estimated that Australia spends more than $13 million a day on FASD-affected individuals through health care, institutional care, mental health, in justice services and other areas. Acting now would not only reduce these costs but improve the lives of children, families and communities.

Finally, let us look at the UK. The UK has just, under Tony Blair, adopted a national alcohol harm reduction strategy. In the executive summary it says:

> The Strategy Unit's interim analysis estimated that alcohol misuse is now costing around [$40 billion Canadian per year.]...The annual cost of alcohol misuse includes: 1.2 million violent incidents (around half of all violent crimes); 360,000 incidents of domestic violence (around a third) which are linked to alcohol misuse; increased anti social behaviour and fear of crime—61% of the population perceive alcohol-related violence as worsening; expenditure of [$200 million Canadian] on specialist alcohol treatment; over 30,000 hospital admissions for alcohol dependence syndrome; up to 22,000 premature deaths per annum; at peak times, up to 70% of all admissions to accident and emergency departments; up to 1,000 suicides; up to 17 million working days lost through alcohol-related absence; between 780,000 and 1.3 million children affected by parental alcohol problems; and increased divorce—marriages where there are alcohol problems are twice as likely to end in divorce.

That is pretty compelling. The UK is working on a voluntary compliance, just like in Canada.

Let me go on to the stats. When I gave the stats the last time, 67% of Canadians supported health warning labels, in a survey commissioned by Decima and Health Canada.

We have a new one now. It is an Environics survey done for Public Health Agency of Canada, published in May 2006, just after I gave my speech with regard to support for the initiative to provide information about the risks of alcohol use. In response, an overwhelming number approved of the initiative to provide information on the risks associated with alcohol during pregnancy.

What are the numbers? Some 87% approval for requiring health warning labels, 97% of Canadians approve government-sponsored advertising, 95% approve of warning messages on alcohol advertising, 85% approve of warning signs in bars and clubs, and 80% approve of warning signs in restaurants.

Canadians overwhelmingly support labelling and messages about the significant risks associated with alcohol consumption. Now is the time for Parliament to act.

If we could prevent even a small percentage of the problems caused by misuse of alcohol, the savings in health social programs, education and criminal justice costs would be many times more cost effective than an effective national alcohol harm reduction strategy. More important, we could eliminate so much misery and human suffering, and that is the essence of a caring society.

Members will want to know, do labels work? That is the wrong question. Labels on the bottles of beverage alcohol should be considered to be the declaration of Canada that alcohol is a harmful product if misused and Canada is going to start the strategy to ensure that we get a real harm reduction strategy very soon.

● (1115)

Mr. Steven Fletcher (Parliamentary Secretary for Health, CPC): Mr. Speaker, I would like to thank the member for bringing this issue to Parliament again. We dealt with this issue as recently as the last Parliament. It was brought to the health committee, which did an intensive study on what impact such labels would have on behaviour.

It was actually very interesting. My colleague from Yellowhead will be speaking shortly. He was the former chair of the health committee and will have more time to get into what occurred. The bulk of the evidence the committee heard suggests that warning labels would not result in a reduction of hazardous alcohol consumption for specific at risk populations, such as those who drink and drive or women who continue to drink alcohol while pregnant.

There is no evidence that warning labels reduce alcohol related risk taking. The initiative could in fact take away valuable resources for programs that do work.

We can use common sense. The priority of binge drinkers is not to read labels but to drink. Anyone who has been to a bar has seen that people use glasses that are not labelled and do not take time to read labels.

Last time, the health committee, including Liberal members, rejected the bill because there are better alternatives than that which the member is suggesting. I wonder if I could ask the member to comment on why the Liberal members, along with other members, voted to quash the bill in the last session.

Mr. Paul Szabo: Mr. Speaker, the member simply does not get the issue. He wants to talk about labels and whether labels in and of themselves are the solution to all problems.

What I said at the end of my speech, and it is too bad he did not listen, is that right now we have beverage alcohol that looks like a benign product. It is a fun product. However, the evidence is clear, and it is not refuted by the member, that it is a dangerous product. It can cause harm if misused, but it does not warn us of that fact.

If a label is put on a beverage alcohol container, it is a declaration, a sign and a symbol to every Canadian that this is a product that can harm people if misused. That, then, is the starting point at which all other promotional, educational and harm reduction programs can begin. That cannot be done until it is declared that alcohol is a dangerous product. The member should know that.

● (1120)

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I want to thank the member for Mississauga South for his hard work on this issue. It is certainly an important issue for all of Canada.

However, the question today is not about what the science says and what public opinion says, because that has been a given for many years. We have known for ages that putting labels on bottles in fact makes a difference and that Canadians support it.

The problem we have today is whether the member for Mississauga South can commit his colleagues, the Liberal members of the House, to do anything more than they did the last time we dealt with this issue, which was to unanimously support my motion for labels six years ago and then do nothing when in government.

The same goes for the Conservative government. Both Liberals and Conservatives say one thing one day and do something else another day. The real question today is this: what assurances can the member give us that his colleagues will do anything different this time than they did six years ago?

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Mississauga South will be interested to know that the clock has run out, but I will allow a short moment for his response.

Mr. Paul Szabo: Mr. Speaker, I have to say that in this place there are members of Parliament who vote the way they do for the wrong reasons. There are some members on the health committee who voted because they have a brewery in their riding.

Ms. Judy Wasylycia-Leis: I'm not talking about that. We're talking about your members who voted for it and did nothing.

Mr. Paul Szabo: We are talking about members who voted in that way. All I can say is that I know the Conservatives voted against the health committee report to have a comprehensive harm reduction alcohol strategy. They have spoken against this bill. I know who is not for this bill: the members of the Conservative Party. They should be ashamed.

Mr. Rob Merrifield (Yellowhead, CPC): Mr. Speaker, it is a privilege for me to stand and comment on this legislation put forward by the hon. member for Mississauga South. He has worked very hard on this issue over a number of years. He has brought the issue before the House a number of times and it has reached the health committee a couple of times. I particularly want to refer to the last time it was before committee, when I had the opportunity to chair that committee and to see exactly what the merits of this piece of legislation might be.

I think it is important for us to understand that FASD is a very serious problem in this country and has to be dealt with in a very comprehensive way. FASD is not a simple thing. It devastates families. It devastates our health care system and our court system with regard to its major impact on the human costs as well as the health costs.

As we look at FASD, we can imagine how a parent feels who, because of the consumption of alcohol, has a child that is afflicted with this disease. Parents have terrible guilt knowing that they have negatively impacted and handicapped a child unintentionally through something that certainly could have been prevented.

We really need to get a handle on this problem through something that is a lot deeper than putting a label on a bottle of alcohol or dealing with it from that perspective. I will get into exactly why I believe this has to be much deeper and more aggressive than that.

I will illustrate this by suggesting that right now we are in a season when many Canadians go big game hunting. Anyone who has ever gone big game hunting knows that it is very easy to be led off the trail by seeing a rabbit track while tracking big game in the snow. I would suggest that this is what we are doing with this legislation here: if the hunter chases the rabbit track, he is still hunting, but he will miss the mark. He will miss what really needs to be done in looking after the needs of his family for that winter. I will get into that a little later.

I would suggest that this bill is a rabbit hunt rather than a big game hunt. I would suggest that this issue is much bigger than rabbits and has to be dealt with in a more comprehensive way, rather than putting a label on a bottle and thinking that we have dealt with the problem.

What I would say to the hon. member is that we must look at the evidence we looked at in the health committee as to whether putting a label on a bottle would actually work or not. We had many witnesses talk to us about the issues and about whether labelling would be substantive and would actually do the job or not. The fact of the matter is that a significant number of the witnesses, although it would not be quite fair to say most of them, suggested that putting labels on bottles of alcohol would not make any significant change in the behaviour of individuals with regard to whether they would drink or not drink while pregnant.

In fact, there are some statistics with regard to drinking alcohol that have come forward since this piece of legislation and a similar piece of legislation, which I think was Bill C-206, brought forward in 2005. Since the early 1990s, 90% of Canadians who drink have been aware that heavy alcohol consumption during pregnancy has a negative impact on the fetus. Since the 1990s, that number has gone up significantly. At the present time, according to the most recent information we have, 99% of Canadians know that drinking during pregnancy harms a fetus.

If we simply put a label on a bottle of alcohol to inform the public that it causes problems for the pregnant mother, it is not going to do more than what is already out there as far as information to that pregnant mother is concerned. The message has to be deeper and more aggressive.The solutions have to be more aggressive. The message for the mother must say that if there is the potential of being pregnant any amount of alcohol could potentially cause significant problems for the child.

The report of the Standing Committee on Health, which looked into this, was entitled in part, “Even One is Too Many”, suggesting that the message has to be more aggressive than just putting a label on a bottle that says if a woman is pregnant, drinking may harm the fetus. We have to make sure that the message goes much farther than that.

● (1125)

An individual from my riding who came to see me worked with women whose children were born with FASD. We had a long discussion about the situation, about the impact on these people, and about how we could deal with the problem in a much more aggressive way.

We have talked about a comprehensive program here and about what needs to be done. The hon. member who has moved forward this piece of legislation is suggesting that we just put on a label and that would initiate a comprehensive plan.

The individual who came to see me talked about her experiences in working with FASD children and their mothers. She suggested that the best way to combat this, based on her experience, is to make sure that if an individual has one child with FASD, she never has another child who is a victim of FASD, and that she be dealt with in as comprehensive a way as possible so that there is a support system that comes around that individual.

The issue is not just the person who goes partying on the weekend, drinks too much and is not aware of it. It is more about the binge drinking. It is on first nations reserves. It is in dysfunctional families, where individuals are addicted to this product and have no opportunity to have a support system around them to make sure they can deal with the problem at hand.

This individual who came to me is suggesting that if we really want a comprehensive plan we should work in conjunction with the provincial governments to deal with FASD and the delivery of health care systems in a comprehensive way. We should make sure that we do everything we possibly can to give support to those individuals so that FASD is not repeated.

When we looked at this piece of legislation, we also saw that putting a significant amount of money into putting on labels would have a negative impact on some of the small and medium sized brewers. It would take money away from where they have already designated it to deal with this issue. Putting a label on a bottle, which really does not accomplish the goal, would have a negative impact on their industry, on their businesses and on taxpayers.

I have a real concern about this. People might ask why we do not put a label on a bottle. They might ask what harm it would do. The harm it will do is that, as the government before this one has done with so many things, some think we can just go a little ways toward the right thing and that means actually accomplishing it. They chase the rabbit, even though they are big game hunting, and think that when they catch the rabbit everything is going to be fine.

That is an absolutely inappropriate way to look at this issue. This issue is much too serious for us to think that just putting a label on a bottle will solve the problem. In fact, when we were last in committee, the hon. member actually brought in bottles from the United States and a number of countries and showed the committee the labels on the bottles. The labels on those bottles were so small and so insignificant that one almost would have to bring out a magnifying glass to read them clearly. If one were in a poorly lit room and not seeing very well, or drinking at all, one would not be able to identify the label on the bottle or the significance of it.

Let us look at tobacco. We have very aggressive and abrasive labelling on tobacco packages. I am not so convinced, nor are the statistics convincing, that putting even those very aggressive and abrasive labels on cigarette packages is changing things. Really, what is changing cigarette smoking in this country is banning it from public areas and having so much peer pressure applied to the citizens of this country that it becomes unfashionable to smoke in the presence of other people, particularly children. We need to make sure in regard to FASD that drinking while having the potential of being pregnant is unfashionable as well.

I could go on about how this would negatively impact the industry for no good reason, but my time is just about up and I really want to say that we need to look at legislation that comes into this House and deals with the issue in an aggressive way. We need to deal with the issue in a way that does not just paper over what needs to be done, but actually does something that is aggressive and effective for the citizens of this country.

● (1130)

For that reason, I will not be supporting this piece of legislation. Although the intent of the hon. member is right and goes in the right direction, the bill does not deal with this issue in the way it needs to be done.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, thank you for giving me the floor this morning. Bill C-251, which was introduced by the member for Mississauga South, reopens the debate on Bill C-206 sponsored by the same member. In fact, it reopens the debate on labeling alcoholic beverages with warnings about alcohol consumption.

I would like to remind this House that 200 countries have rejected this idea and that New Zealand recently rejected this idea after a lengthy debate.

We have to ask ourselves whether this is an effective way of reaching the various target groups and whether it would be problematic to affix warning labels on bottles. When we talk about alcohol consumption, we are really talking about alcohol abuse. A number of members of the scientific community who are researching alcohol consumption say that placing warning labels on alcoholic beverages might be alarmist. This opinion may not be shared, as we can see in this House this morning. A number of stakeholders have yet to express their views, but each person's perception is different. The issue is how we want to help target those who are affected by fetal alcohol syndrome, such as women and children, as well as people who drive while drunk or who endanger their health.

In my opinion, we really need to look at this issue in depth. Is this the best way to combat alcohol abuse, which has an impact on people's lives? I want to be clear: we are not denying the effects of alcohol abuse on pregnancy, for example, or on driving or heath, as I said earlier. And we are not denying that those effects are completely avoidable. In our opinion, targeting and rigour are the keys to effectively fighting this scourge.

A number of stakeholders shed light on this issue when we had to decide whether we were going to vote for or against this bill. Combatting alcohol abuse requires serious action, based on convincing and conclusive data.

Consequently, we must invest in research. Our government must support targeted research to combat alcohol abuse. A great deal of research has been done in the past 15 years, and I will give an example of the effects of alcohol abuse in Quebec. Obviously, everyone knows that alcohol abuse is a problem. Statistics prove this. Surveys have been done of Quebeckers. Still, members will be surprised to learn that more than 85% of alcohol abusers understand how alcohol affects health.

As I said, we have to find a way to reach the most vulnerable members of our society and achieve a better understanding of these behaviours. We also have to consider those who refuse to be reached through awareness campaigns. I think that is the best way to fight alcohol abuse. It is also important for governments to get involved, as I said earlier.

A Quebec organization called Éduc'alcool asked members of the Groupe de recherche sur les aspects sociaux de la santé et de la prévention, also known as GRASP, to research the social aspects of health and prevention, an issue these scientists have been investigating for 15 years.

Together with a group from the Université de Montréal, this research group analyzed all available research on the subject and found that, when combined with other communication tools and methods, a warning label can be an effective way to make some consumers more aware of the phenomenon.

● (1135)

However, such measures are not effective when it comes to changing behaviour or reducing consumption. They are totally ineffective.

A whole research team analyzed all available research. They also asked a number of centres in Canada and abroad to provide any information they had. In all, over 100 studies were submitted to GRASP, which reviewed all of them.

Personally, what I found striking was the second part, because that is what we have to address. Research suggests that putting a warning label on is not an effective way to change behaviour or reduce consumption, and that a label is useless when it comes to reaching those who consume the most, that is, the target groups, including pregnant women and their fetuses. It is clear that there are consequences for the health and behaviour of children. I believe that this body of research is very important. We are not talking about one study, but about many.

I will now say a few words about Éduc'alcool in Quebec. The purpose of this organization is to educate the general public, young people in particular, and to promote moderation because most people drink in moderation. Many ad campaigns have been run in newspapers and on television. These campaigns have been very targeted; there are ten or so in Quebec. If I have enough time, I will talk about a few of them. These campaigns address all target groups: young people, women, university students, college students and primary and secondary school students.

Drivers are another group that has to be targeted. Various health partners have joined forces with these different ad campaigns. The Brewers Association of Canada is also associated with a foundation that has been set up to address alcoholism.

Éduc'alcool also wanted to examine the historical and cultural context of drinking. We know that a historical and cultural context exists. The first nations are very affected by fetal alcohol syndrome. Why not intervene in very affected groups? Some scientists, or those who have done research on this problem, say that using labels might give the impression that the problem is not so bad, which defeats the purpose.

In Quebec, a lot of money has been invested in this. Éduc'alcool has invested $20 million to educate Quebeckers, generate initiatives and mobilize partners. To that we could also add the free air time the organization often receives on television. Other advertising has also been done. If we add all of this together, these initiatives are worth more than $60 million. And we are seeing results.

That is not to say we do not need to be vigilant or support research. Some might think that because we oppose this bill we do not care about this issue, but we would like to see a different approach, with awareness campaigns and independent foundations. We could also ask those who produce alcoholic products what they might do to help show people that excessive drinking is harmful to health. It is harmful to drink and drive. These are the groups we need to involve to help fight the trend toward excessive drinking. There are also health benefits when we consume less alcohol.

● (1140)

I might have a few—

The Acting Speaker (Mr. Royal Galipeau): Resuming debate.

The hon. member for Winnipeg North.

[*English*]

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I am very pleased to have a chance to speak to the very important issue of labels on alcohol beverage containers for the purposes of reducing drinking during pregnancy and drinking while driving. Drinking leads to other health related problems.

I thank the member for Mississauga South for introducing this bill. While he may not be able to determine the behaviour of his colleagues, it is important to keep this issue before Parliament.

This issue has been before the House for over 20 years. The former NDP member for Surrey North, Jim Karpoff, first brought this issue to Parliament to seek the input of Parliament regarding labels to ensure we deal with the problems related to drinking. Since then there have been numerous other initiatives, including those from the member for Mississauga South, and one by the NDP, which was a motion put before the House on April 23, 2001 to require labels on all alcohol beverage containers warning about drinking during pregnancy because it can lead to FAS, fetal alcohol syndrome.

That motion was almost unanimously supported by the House. There were 217 members who voted in favour of that motion and 11 who voted against it. Those 11, as my colleague from Mississauga South pointed out, voted no because of alcohol industries in their constituencies. However, 217 members from all sides of the House voted in favour of that very simple, straightforward, non-costly motion. They did so because it makes sense. They did so because it is one tool in a whole arsenal of tools that helps deal with the problems associated with drinking.

The science is in. We know the relationship between drinking and pregnancy and the links to FAS. The science is in obviously with respect to drinking and driving. There is a growing toll of people who are killed or injured on our roadsides because people continue to drink and drive. I might point out that it is not only binge drinkers who drink and drive. There are people who forget. There are people who take a drink and then do not stop to consider the impact. Ordinary people need to be reminded about the dangers of drinking and driving, just as it is important for women to be reminded, even though they may know all the facts, that one drink while they are pregnant may lead to FAS or FASD.

We do this in every walk of life. It is absolutely ludicrous to hear this diatribe from Conservatives suggesting that labels do not work. My goodness, I have never heard such supercilious, spurious, shallow arguments before, all because that gang of Conservatives are nothing more than mouthpieces for the alcohol industry. They are repeating the exact same lines I have heard from the Brewers Association of Canada and from all the other elements of the alcohol industry. There is not one bit of it that makes sense. No one here is suggesting that labels are the be-all and end-all and that drinking during pregnancy or drinking while driving will suddenly end, but it is one important message that will help.

Even if it helps one person, is that not good enough? Is that not why we are here, to try to fix serious ills in our society one person at a time, to try to prevent someone living with a lifetime of FASD, which costs our economy $1.5 million to $2 million every year? Is it not enough to stand up for the mothers and fathers of those who have lost their young children and teenagers because someone was drinking and driving? Is it not enough that we take one little step? We do it in every other instance.

We do it when it comes to drinking coffee. Coffee shops put warnings on take-out coffee cups to be careful, that the coffee is hot and it might burn us. Is there a problem with doing that, I ask the parliamentary secretary of the Conservative government? We know in our heads that hot coffee hurts if we spill it on ourselves, but we are still reminded that it might hurt. It is another reminder to be careful. What about when we turn on the tap? In public places there are signs that say that hot water can be detrimental to our health.

● (1145)

What about “Beware of dog” signs? We know dogs bite, but we still display the signs because it helps us remember that there is a problem if a dog bites and it may make a person stop and think in the heat of a moment when walking in a neighbourhood. That is exactly what we are talking about with respect to drinking.

Do pregnant women not matter?

Ms. Dawn Black: Do children not matter?

Ms. Judy Wasylycia-Leis: Do children not matter? Why do we have a double standard? It is okay to talk about a warning about flying kites near hydroelectric wires. It is okay to talk about hot water. It is okay to talk about hot coffee. It is okay to talk about dogs that bite. However, it is not okay to display warnings about drinking during pregnancy? It is not okay to put out warnings about drinking and driving?

It does not cost the government a penny. It only requires courage and willpower to stand up to the alcohol beverage industry. That is the only roadblock. Every other country around the world is doing it. We just heard about Ireland, Finland, France and our Northwest Territories. It is not uncommon. It is a normal, logical thing to do and it does not make a shred of sense for the Conservatives to stand and oppose the bill.

It does not make any more sense for Liberals to stand time and time again, defend it, say that we have to move on it and then every time they are in government do nothing. The hypocrisy of the Liberals is unspeakable.

How many health ministers have we gone through since 2001 when the NDP motion was passed almost unanimously by the House? There have been five health ministers, four of them Liberals. In five years of Liberal government, did one health minister stand up and say that they government would do this, that it was not afraid of the brewing industry in Canada, that it was not afraid of the alcohol beverage industry and that it would stand up and be counted? No. They spewed out the same nonsense that we now hear from the Conservatives, nothing but crap, nothing but nonsense, nothing that makes a shred of sense. There is nothing logical or intelligent about a thing they have said.

We are not saying this is the end, that we should not do other things like work with pregnant women, get messages out to doctors, prepare material that educates people, put out advertisements and put messages on packages and paper bags at liquor stores. We are not saying that this is the be all and the end all. We are saying it is one little step that Canadians want. Over 95% of Canadians recognize that doing this is worthwhile.

What it wrong with members of the Conservative Party that they cannot stand up to the liquor industry and do something that makes sense? It does not cost them a penny. It does not mean a difference in terms of our taxpayers. It will not hurt anybody, but it might save lives.

Here we are in Canada without labels on our bottles, yet right next to us the United States has had such labels for over 10 years. Any time we want to export our product to the United States, we have to put labels on our bottles, but we will not do it in Canada. We will not live up to that international standard because we are such chickens when it comes to standing up to the liquor industry.

Is it not time we finally do something that is right in this place and put aside all the vested interests, the people who give some members money for their election accounts or whatever, those who are afraid to stand up to the wine, liquor and beer industry? Is it not time we simply ask the industry to do what is civil, what is normal, what is right, what makes sense and what saves lives?

● (1150)

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I will not be supporting the bill. It should not come as a surprise to my colleague because I did not support it the last time.

Rather than be accused of entering into a diatribe or talking a bunch of crap, I will try to go through what I have attempted to develop is a more reasonable and focused approach to what we should do with respect to fetal alcohol syndrome and what research has indicated would be the right approach to take.

I will make this very clear to those who imply that members take positions because of economic or vested interests. Even if that were a bad thing, I thought we are supposed to attempt to represent all those, be they individuals who are involved in a particular sector or those who are consumers in that sector, and try to balance out all the interests of our constituents and communities.

Therefore, let me make it very clear. If there is a well researched and total comprehensive program, I would support it, as I am sure most reasonable members of the House would, and the industry involved would pay a large portion toward the cost of that program.

I am sure we also would support a more effective way, if there is one, to convey the dangers of alcohol imbibing in the extreme. We should find a program that reaches our young people and people in all chronological categories.

A lot has been said about research. In my reading of the research available, both in Canada and the United States, I have observed, and many have, that warning labels on alcoholic beverages have no impact on the incidence of drinking and driving or drinking during pregnancy. The labels are warning people about two things they already know; that drinking and driving does not mix and that drinking during pregnancy can be dangerous to the unborn child.

A survey of Canadians concluded by Ipsos Reid in 2005 found that more than 99% of Canadian women of child bearing age were aware that they should not consume alcohol during pregnancy. Likewise the number of people who recognize that one should not drink and drive is virtually unanimous.

Therefore, if we lose the focus and we overly depend on that particular graphic approach, we will get those who do not need to be convinced with respect to what the reality is and that in fact that approach will have virtually no impact. This alone is not the right way to go.

Our problem is not that Canadians are unaware of the risks associated with consuming alcohol. Rather our problem is that some people drink and drive or drink while pregnant despite knowing the risks. These people will not be convinced with warning labels. They need programs and services, and these programs are expensive. These are not just window dressing programs or window dressing research that can help them get the help and professional support that they need to deal with those problems, which have been very well articulated by all sides of the House.

For the minority of people who unfortunately continue to drink and drive or drink during pregnancy, studies have shown that warning labels have no effect on their consumption of alcohol. Let me cite some of the relevant statistics. These are researchers for fetal alcohol syndrome from the Hospital for Sick Children, researchers of known reputation.

● (1155)

Dr. Ernest Abel, a fetal alcohol syndrome researcher with over three decades of experience, has said that increased awareness of alcohol warning labels has not changed behaviour in the United States. He has found that behavioural change is resisted because the perceived risks of ignoring those warnings are low, which undermines the motivation to comply.

Dr. Abel further recommends programs targeted specifically at women with the highest risk of having children with prenatal defects, which he suggests is a much more efficient means of reaching the at risk segment of society than broad placed public programs such as warning labels.

A series of studies by another researcher, Dr. Janet Hankin, found that labels had no measurable effect on drinking patterns during pregnancy.

Even the United States Department of Health and Human Services, in its 2000 report to Congress on alcohol and health, specifically noted that research showed that warning labels did not have an effect on pregnant women who were the heaviest drinkers and consequently most at risk.

Canada has made a tremendous reduction in the incidence of drinking and driving, but not through the use of warning labels. Instead, these gains were made with programming aimed at changing societal attitude toward drinking and driving combined with intervention programs targeted at hardcore drinkers and drivers. The results of these efforts speak for themselves.

In the past two decades, the rate of police reported impaired driving incidents in Canada has declined by 57% and continues to drop. Today, impaired driving is largely undertaken by so-called hardcore drinkers and drivers. According to the Traffic Injury Research Foundation, these drivers represent only 4% of all drivers in Canada, yet they are responsible for 92% of all impaired driving trips. Unfortunately, warning labels will not change the behaviours of these drivers. They require more direct intervention, such as the use of alcohol ignition interlock devices, stronger legislation and so on.

The same thing goes for fetal alcohol syndrome. It is not just a case of articulating it through labels. We have seen through the drinking and driving relationship and through the cigarette and tobacco industry that labels themselves are not the intervention program and do not constitute the total regime that will make the absolute impact.

There are a number of potential costs, and we know that. It is not the argument of costs with respect to putting labels on bottles, if the bottles are to be read. As my colleague has already pointed out, glasses are usually used in bars. It is to shift the total focus to the interventions of scale and quality necessary for research and for programs specifically aimed at those who are, pardon the pun, carrying the problem. We have found that labels are not the total solution.

I personally believe the government must continue to work in partnership with stakeholders and industry to reach out to people who still drink and drive and women who drink while pregnant. Unfortunately, evidence from Canada and the United States has shown that warning labels are not the total answer. Rather we should be targeting our efforts at programs aimed directly at so-called high risk drinkers, those drinkers most likely to engage in alcohol misuse.

For these reasons, I will not support the bill, although I commend my colleague from Mississauga South on his tenacity in keeping this issue before the public.

● (1200)

[*Translation*]

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

GOVERNMENT ORDERS

[*English*]

IMMIGRATION AND REFUGEE PROTECTION ACT

The House resumed from October 26 consideration of the motion that Bill C-3, An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act, be read the second time and referred to a committee.

The Acting Speaker (Mr. Royal Galipeau): When we last studied Bill C-3, there were four minutes left to the hon. the Parliamentary Secretary to the Minister of Public Safety. The parliamentary secretary has the floor.

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, thank you for the opportunity to conclude my remarks on Bill C-3. As I stated previously, Bill C-3 is a crucial piece of legislation that will enable this government to fulfill our obligation and responsibility to safeguard Canadians from people seeking to come to Canada and who would pose a grave threat to our nation. It also gives thoughtful deliberation to the Supreme Court's concerns and takes into consideration the recommendations made by both the House of Commons and the Senate committees reviewing the Anti-terrorism Act.

Some people come to Canada and pose a grave threat to our nation. A small minority yes, but a group that we must address. Some of them have committed serious crimes abroad and have affiliations to terrorist organizations. Their intentions in coming to Canada may not be innocent. They may be here to continue committing these crimes or to recruit others to their cause. Canada cannot become a safe haven for these people.

In the past 20 years, security certificates have been issued 28 times against non-Canadians accused of being terrorists, extremists and spies. Security certificates are a vital national security tool. The most recent security certificate was for espionage and the threat to Canadians was eliminated when that individual returned to his country of origin.

Let me again stress this very important aspect of the security certificate process. It is not about detention, but rather about removing non-Canadian citizens from Canada because they represent threats to public safety and national security. These individuals are inadmissible under our immigration law.

Bill C-3 is part of the government's overall national security and public safety efforts. It will continue to prevent inadmissible persons from remaining in Canada while ensuring that the rights of persons subject to a security certificate are appropriately protected as they must be.

We are privileged to live in a country where values of freedom, democracy, human rights and the rule of law are held in the highest regard. When we are made aware of a situation where these values have been compromised, our government takes action. This is why we were pleased to receive the Supreme Court of Canada's ruling on this matter and to implement this bill to address the ruling of the court.

The Supreme Court has given the government an opportunity to amend the legislation, but has set February 23, 2008 as the deadline. Let me be clear on this point. If we do not pass this bill by February 2008, all current security certificates would be quashed. The certificate process could no longer be used to detain these individuals or impose conditions of release. Nor could it form the basis for their inadmissibility to Canada. This would pose a serious threat to the safety of the Canadian public and the security of Canada.

This means that all existing security certificates would begin afresh and would be referred back to the ministers for their consideration. If a new certificate is signed, the cases will be referred again to the court for a determination on the reasonableness of this certificate.

The passage of Bill C-3 is essential to the continued operation and use of the security certificate process contained within the Immigration and Refugee Protection Act. We want to continue to encourage people from around the world to move to Canada. We want to attract those who will contribute to the diverse social fabric of our land and we want to shelter those who have seen the worst that the world has to offer, and give them a renewed sense of hope and beginning. But our highest priority is the protection of Canadians. It is our duty to both Canadians and the international community to stop dangerous people from committing crimes or terrorism.

In doing so we must continue to demonstrate clearly Canadian values of justice, fairness and the respect of human rights. With this bill we can better achieve these goals. I urge all members of this House to support Bill C-3.

● (1205)

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, in the Charkaoui case, the Supreme Court suggested a number of amendments to the procedure for issuing the deportation order made necessary by security certificates. This becomes a committal order when the person cannot be deported to another country. This is currently the case with those who have been imprisoned for a long time under security certificates in Canada.

The Supreme Court wanted to leave something up to the legislators, to discourage them from always turning to the Supreme Court for a ruling on whether or not laws are constitutional. On a number of occasions in recent years, the court made it clear that it was a little tired of Parliament never taking responsibility and leaving the difficult decisions up to the court. This time it has left us with a difficult decision. And it said that we were required to review this decision every six months.

How long will we review these decisions, in the event that we cannot deport an individual to another country without endangering his life or likely subjecting him to torture? Why have we not answered the question put to us by the court?

[*English*]

Mr. Dave MacKenzie: Mr. Speaker, Bill C-3 deals with the two issues that the Supreme Court addressed that needed to be changed in the Supreme Court's decision. Those issues are the review of the security certificates and the role of the special advocate.

That is what this bill is about. It is not about any broader areas. The Supreme Court has ruled that the process is a reasonable one that fits within our charter. Bill C-3 deals specifically with the two issues that the Supreme Court addressed and referred back to Parliament.

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, we have several concerns with Bill C-3. We believe that anyone who plots a terrorist attack in Canada should actually be tried, convicted and punished here within Canada, not simply deported somewhere else.

Parts of the bill are controversial. The whole process of security certificates includes secret hearings, detention without charge or conviction, detention without knowing what the charges are and not being told what the evidence is against a person. There is indefinite detention and lack of an appeal process.

When the previous bill was deemed unconstitutional, the government brought in a change to allow for a special advocate. That process has been tried in a couple of other countries and it has not been successful. In fact, a very prominent special advocate in the UK, with seven years of experience in this matter, has quit in protest over the inadequacy of the process.

I want to ask the government member how he feels the special advocate will address and bring an element of fairness to the system that has been found in the UK not to have worked?

● (1210)

Mr. Dave MacKenzie: Mr. Speaker, the hon. member has made many allegations, some of which have really nothing to do with what is before the House today.

I would hope for clarification that the hon. member understands that this is not about people who are charged in Canada with crimes committed in Canada. This is really about people who are not eligible to be in Canada and for crimes that may or may not have been committed in other places. They may belong to terrorist organizations. It is not about committing crime in Canada.

The areas that we have addressed in Bill C-3 are the ones that the Supreme Court has identified that it felt needed to be changed by Parliament. Those amendments have been brought forth. I think the amendments are appropriate given the circumstances of what the bill is and the intent of the legislation.

I think when the member talks about a special advocate that a number of countries have a special advocate process. They are all somewhat different, but the process we have brought forward here we think is appropriate for Canada's needs and for Canadians, with the idea that it is important that we keep Canada safe.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, the hon. member has obviously explained the legislation. I have one question. The hon. member may have looked at all the recommendations of different committees, both the Senate and the House, as well as the UK committee. I believe the UK committee was a joint committee on justice. It expressed certain concerns about the special advocate system that is now being imported into our system.

Can the member tell us what particular recommendations of the various Senate and House committees from our jurisdiction the government has been able to embrace in the legislation and which ones it has not and why?

Mr. Dave MacKenzie: Mr. Speaker, the member's question is an excellent one. What I can tell him is that the government side has looked at all the recommendations dealing with the special advocate from the public safety committee and I believe there was perhaps one recommendation from the immigration committee.

We have attempted to bring what we consider to be the best of all those forward to meet the needs of Canada and Canadians. I know I said previously there are special advocates in many other countries around the world. All of them are somewhat different and unique to what they consider their needs. I think the most current and appropriate needs for Canada are being met with this process.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I would like to know—as would you too probably—what support the government has in mind for those special advocates. There is nothing in this bill concerning the secretarial or other support services that they may need if they are to examine the reports, which are voluminous, as you know, and can, in some cases, run to a thousand pages.

How is it that the government's bill contains nothing regarding the support that should be provided to these advocates, if the measure comes into effect?

[*English*]

Mr. Dave MacKenzie: Mr. Speaker, it is essential that these do come into place, otherwise we have lost the whole provision of detention for people who do represent some sort of serious threat to Canada, whether it be terrorism or industrial espionage, as was the last case. I think it would be incumbent upon members of this House to quickly pass this legislation, so that it is not lost at a date set by the Supreme Court early in 2008.

If the member looks at the Supreme Court ruling and what is in this legislation, he will find that in fact all those issues would be taken care of, not that it will be defined to the nth degree in any legislation, as it never is, but this is appropriate to Canada and Canada's needs. The important part is the safety and security of Canadians whether it be, as I said, either terrorism or industrial espionage. So, it is important we pass this legislation quickly.

● (1215)

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, obviously this is a bill that has been crafted by the government in response to the Charkaoui decision of the Supreme Court, where the Supreme Court ruled that the non-disclosure of evidence impaired the rights of the individual beyond the level of acceptability. Therefore, that provision was suspended by the Supreme Court until February 2008. The Supreme Court also addressed the differential treatment of the non-residents of Canada and permanent residents of Canada, and dealt with the issue of indefinite detention. This was a very important decision.

These provisions are very important. There is no question that for the safety and security of Canadians, sometimes a society like ours needs to deal with people who may come from other places and may have a history of which we may or may not be aware. At some point the state becomes aware, and we want to protect our society from violence and the like. Therefore, these provisions are important. The instructions that the Supreme Court also provided were very important. The bill in a very basic fashion deals with the concern expressed by the Supreme Court. I want to go over three or four elements of the Supreme Court's decision.

The Supreme Court looked at the various systems in place in Canada and in other parts of the world and came to the conclusion that we needed to change these provisions and that we could take any one of the systems or devise a system to provide some significant disclosure to the individual before the court. The government in this bill has imported, essentially holus-bolus, the concept of special advocate from the United Kingdom, which, I must add, has been the subject of some criticism by a joint committee of the Lords and Commons in the U.K. itself.

It is worth looking at in that light, because it might tell us that what the government has presented basically meets the concerns expressed by the Supreme Court, but does not deal with some of the other concerns. Let me say at the outset that we will support this bill at this stage so that it goes to committee, but while in the committee, I think that some amendments might improve this bill to make it better than it is.

The Supreme Court, in coming to its conclusion in the Charkaoui case, looked at the Security Intelligence Review Committee, SIRC as it is called in Canada, our own committee. The court looked at it favourably and said that the system that SIRC had devised in dealing with disclosure, and SIRC had full disclosure, and in dealing with the rights of the individual before it, served the natural justice interests of the individual before SIRC as well as maintained the confidentiality of the information.

SIRC has been in operation for many years. The experience in dealing with these very serious issues has been that there has never been a case of inadvertent disclosure of sensitive information either to the individual or to the outside world. This was one of the better approaches the government could have taken. Our homegrown system of SIRC could have been imported into a security certificate process, but the government did not go for that. Instead it went for the United Kingdom's special advocate system.

● (1220)

The Supreme Court then looked at the Canada Evidence Act procedure. Under the act a participant in a proceeding who is required to disclose or expects to disclose potentially sensitive information must notify the Attorney General of Canada about the potential disclosure. The Attorney General then may apply to the Federal Court for an order prohibiting that disclosure in total or in part. That process has something to commend itself.

The court looked at the Arar inquiry where there had been amicus curiae appointed on confidentiality applications and there was a scheme in place where the information was vetted and dealt with appropriately.

The court looked at the United Kingdom immigration commission system and the special advocate system. In this bill the government has imported some elements of that system. Unfortunately that system itself has come under a great deal of scrutiny and criticism by the various committees and experts in the U.K. as well as some special advocates in the U.K. In particular the House of Commons and House of Lords Joint Committee on Human Rights in its recent report in July of this year severely criticized the system.

Be that as it may, we have our own reports from the House and the Senate on some of these issues. While undertaking a mandated review of the Anti-Terrorism Act the committees pronounced on the security certificates as well. Both the House committee and the Senate committee found that there is a need for some form of adversarial challenge to governmental claims that secrecy is necessary and to the secret intelligence that is presented to the judge reviewing the security certificate. Both committees concluded that the affected party should be entitled to select a special advocate from a roster of security cleared counsel. One of the reports, I believe, proposed a panel of special counsel funded by, but independent of, the government.

Several other recommendations were made by the committees. They include, for instance, a proposal for amendments to ensure that the information that may be the product of torture not be admissible in the proceedings, that there be faster time lines for review of the detention of a foreign national being held under a security certificate, and that there be a right of appeal to the Federal Court of Appeal following the decision of reasonableness by the Federal Court judge.

The three items that I have mentioned have been touched upon and dealt with somewhat, but I might say not satisfactorily, in the bill that is before us today. Let me go through some of my concerns with respect to these issues.

On the issue of full disclosure, the bill provides for some disclosure, not for full disclosure, to the special advocate. There is no mechanism for the special advocate to know whether or not complete information or the complete file has been disclosed to the judge and therefore disclosed to the special advocate. There is no mechanism, and therefore there is no substance, on which the special advocate could go back to the judge to ask for more information because he or she would not know whether or not there is more information.

● (1225)

Whatever information is provided to the judge is then shared, based on the discretion of the judge, with the special advocate. However, the special advocate will not be able to go behind that information, nor would the judge, unless the judge knows that further information exists.

Therefore, while SIRC, the model that we have developed here in Canada and which is still being used, had full disclosure of the entire file, there is no guarantee in this bill that the judge who is sitting on the matter is going to ever have the full and complete file. The judge may, but there is no guarantee in the bill. That is a deficiency in this legislation.

There is the issue of continued access by the special advocate to the interested person. The bill provides that the special advocate will get a summary of the evidence, a digest of the evidence, at which point he or she can speak to the affected individual and then have full disclosure from the judge with respect to all of the material that might be available. Thereafter, the special advocate will not be allowed to communicate with the affected individual without the permission of the judge.

Our experience in SIRC tells us that with special security cleared counsel there has never been an inadvertent disclosure made by anybody to anyone. Our experience also tells us that if there is a process in place to properly security clear the special advocates, they ought to be given some leeway without necessarily having to apply to the judge every time they want to talk to the affected individual.

There is a provision in place for the special advocate to seek permission to further communicate with the individual, but by the very nature of the fact that one has to apply to the judge, it is a rather constrained and very limiting situation. That should be looked at, if at all possible. If there is a way to remedy and rectify that in the bill once it goes to committee, all parties should look at it. Ultimately the aim of all parliamentarians ought to be that we as a democratic and free country are able to provide the best designed system to deal with even the most difficult cases, such as the ones that come before these kinds of tribunals.

There is also the very real issue of the selection and support of special advocates. The bill is silent about how these special advocates are to be selected. There ought to be enshrined in the bill a system which guarantees a selection process for the special advocate or panel of special advocates which is independent and arm's length from the government. There are no such provisions in the bill.

There should also be enshrined in the bill a fund provided by, but independent of, the government that would fund the special advocates. This is so that the special advocates would not feel that they are acting at the behest of the government or ought to be somewhat concerned about what the government thinks because they are selected by the participation of the government in the first place, or they may have to be paid by the government from time to time. We need to put the selection process in the legislation at arm's length and independent of the government, perhaps with the participation of the Canadian bar and other NGOs, as well as a representative of the judiciary. That is important.

It is also important that we provide for an independent fund to be drawn on by the special advocates from time to time. It should be set up by the government but should be independent of the government.

● (1230)

Next, I believe it is important that the affected individual or individuals ought to be able to choose the special advocate of their liking out of the roster of security cleared individuals. I do not believe the judge ought to have a role in appointing the special advocate. There is some lack of clarity in the legislation.

I do not believe that anybody else ought to have the right to impose a particular special advocate on the affected individual who is before the judge. If the individual chooses not to exercise that right of choice in this situation, as happens before the courts normally, the court would appoint a special advocate from the roster. However, it should be clearly spelled out in the legislation that the affected individual has the right of choice of the special advocate from the pre-selected roster of special advocates.

This is a very important principle of our justice system where individuals are given a roster, although they have a limited choice. At least within that limited circumstance, they ought have the freedom to pick X or choose Y rather than having to be stuck with A or B because the judge or someone else might think so. That is very important.

I believe the relationship of the special advocate with the interested person is also very important. We recognize that we cannot have a special advocate in the relationship of solicitor-client with the affected individual, for obvious reasons. However, at the same time we ought to also protect the special advocate, in that he or she ought not owe a duty of confidentiality or a duty of disclosure to the government.

We recognize that a special advocate is not in a position of solicitor-client relationship. We do not want the special advocate to be in a position to have to disclose information that he or she could not disclose to the affected individual. However, we should also have a guarantee that the special advocate is not in a position to have to answer to the government and disclose information that he or she may have gathered from the affected individual in the communications he or she may have with that individual. This guarantee should work both ways. It is important to protect that right to silence, in a sense, of the affected individual, either directly or indirectly.

Finally, I come to the issue of torture evidence. We have in the bill a reference to the reliable or proper evidence, if I remember the words correctly and I will stand corrected. This is the kind of evidence the judge ought to accept for these kinds of hearings. There is no express bar against the use of evidence that is the product of torture or that may be the product of torture. I believe we can do better than what is in the bill.

One thing we can do is have an express bar against using the product of torture, evidence that may have been obtained by the use of torture anywhere in the world. We want to ensure we have a system of justice that is the envy of everyone in the world and we cannot claim that if we do not expressly bar the product of torture. We may indirectly do so by using the words such as "reliable" and "proper" evidence, but clearly evidence received pursuant to torture is improper, in my humble view, and ought never be used in these kinds of hearings where there is no guarantee of full disclosure even to the affected individual.

● (1235)

I recognize these are individuals whom we do not want on our soil. We may be threatened by them. We may be worried about our safety and that is why we are doing what we are to them. However, we have an obligation, based on the principles of justice in our country, to ensure that we do not fall into the kinds of traps other nations fall into where evidence received pursuant to—

The Acting Speaker (Mr. Royal Galipeau): Questions and comments, the hon. member for Marc-Aurèle-Fortin.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I have a question for the member who just shared his opinion with us. I noticed he made many of the same recommendations that we too intended to make. This is not surprising, either, since these are the same recommendations that have been made by many experts in the field.

I understand, however, that one of the government's concerns is the timeframe within which it must have this bill passed before it lapses. I would like to ask the member who just spoke if he really believes that, although the legislation is not perfect—it would be quite a surprise if it were—there is nevertheless a way, with the cooperation of opposition members, to present much fairer amended legislation within the timeframe required by the Supreme Court?

[*English*]

Hon. Ujjal Dosanjh: Mr. Speaker, these kinds of issues are non-partisan issues. We are all working together to enhance the security and safety of Canadians.

In that spirit, if there are legitimate amendments, they can be made with speed. There are some that can be made without taking away from the strengths of the bill and those amendments would make the bill stronger and better for all concerned. However, we have an obligation to ensure that we do this by February 2008 if at all possible.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I have noticed in discussions about security certificates that we unfortunately use a misnomer. The majority of individuals who discuss this matter, which is very complex and is covered by various texts that are very poorly written, quickly initiate debates that do not reflect the true nature of a security certificate.

I have to admit that I have not found a better term for them; however, we should understand that security certificates are part of a process whereby two ministers, who deem that a foreign national—but never a Canadian citizen—represents a danger to Canada, ask the Federal Court to issue a removal order. The objective of the process initiated by what are known as security certificates is to obtain a quasi-judicial court authorization to have the individual deported. We must remember that this is a deportation procedure and not a trial.

Canadians' right to live in and to return to Canada is entrenched in the Charter and applies to all Canadian citizens. This process applies only to foreign nationals. Every nation recognizes that it is the right of sovereign countries to admit into their country, at its discretion, the individuals they want and to extradite those they do not want for whatever reason. In general, particularly in a country such as ours that was and continues to be built on immigration, those who are considered dangerous are extradited.

This information is generally obtained from security services that, we must be clear about this, are not police forces. The purpose of security services is to assess threats and to inform the government of these threats so that it may take action. By their very nature, security services begin with suspicions, hypotheses and investigations. They then elaborate scenarios of the most dangerous situations to advise the government of the decisions to be taken. They are not police officers.

When the police investigate a crime, they likely begin with hypotheses and lists of suspects. Sometimes the investigation reveals that some of the suspects did not commit the crime being investigated. Throughout the investigation, they carefully seek new evidence, collect and preserve that evidence, and proceed only once they are sure that the evidence will prove beyond a shadow of a doubt that the person believed to be guilty of a crime, is.

What people have to understand is that in this case, we are not talking about a trial. It is important to note that, as is the case in many countries that are not at all like us, authorities can decide not to ask a judge to review a decision concerning a person deemed dangerous on the basis of information provided to the Minister of Public Safety by security agencies.

In countries that are more like us, including the Commonwealth and western European countries in general, these cases go before a judge. Given that the goal is not to punish but to deport the accused, the burden of proof is not the same.

Many people have suggested that if there is proof that these people are dangerous, they should be convicted.

● (1240)

In some cases, if there is evidence that these people are dangerous and that they have committed a crime, the best solution is to accuse them of those crimes and try them in court. However, we are talking about individuals the government wants to deport, not punish.

The government frequently defends its position by saying that people who are incarcerated here are in a three-walled prison. However, for some people, the fourth wall of their prison is actually a cliff. If removed from that three-walled prison, they may be killed or deported to a country where they will be tortured. That applies to those who have been incarcerated here under security certificates. The others are deported.

There was a case this summer. The Parliamentary Secretary to the Minister of Public Safety mentioned it in his speech. People might remember it. The individual involved had a lot of currency from various countries in his pockets. The security agencies, the ministers and the courts determined that he was dangerous, so he was deported. Those who are kept here are the ones who could be killed or subjected to cruel treatment if sent to another country, so we cannot send them anywhere.

Under these exceptional circumstances—and they remain exceptional—how long will an incarceration last? The government did not want to answer this question. The response given by the court indicated that, under the law, the incarceration or its grounds should be reviewed at least every six months.

Security certificates have rarely been used. However, since 9/11, that fear has emerged among security services. They concluded that some of these people had been sent to the United States and were leading a perfectly normal life, without having to maintain any contact with security organizations and that, one day, they were called and asked to participate in an operation. They were even convinced that many of those who had participated in that operation did not know exactly what they were going to do, but were willing to participate in an illegal or terrorist operation. This is what is known as a sleeper cell. And this fear of sleeper cells means that there is now a greater tendency to use security certificates than in the past.

Thus we are more aware of the limits of the current procedure and the underlying reasons. I must say that, personally, having read the reasons given by the judges, I am convinced that security certificates remain necessary for completely exceptional cases. However, our procedure must be consistent with our principles of law.

Of course, judges had to rule on this on their own. They themselves expressed some concerns regarding the procedure in place, in the absence of advocates. This concern was best expressed by Justice Hugessen. Here is what he had to say, in a speech that has been cited extensively in the case law:

> I can tell you because we [the judges of the Federal Court] talked about it, we hate it. We do not like this process of having to sit alone hearing only one party and looking at the materials produced by only one party and having to try to figure out for ourselves what is wrong with the case that is being presented before us and having to try for ourselves to see how the witnesses that appear before us ought to be cross-examined. If there is one thing that I learned in my practice at the Bar... it is that good cross-examination requires really careful preparation and a good knowledge of your case. And by definition judges do not have that... We do not have any knowledge except what is given to us and when it is given to us by only one party we are not well-suited to test the materials that are put before us.

● (1245)

Judges did not like having to make such a decision on their own.

In my opinion, the bill tabled by the government does much to remove the unease of judges, but does not pay the same attention to the pursuit of fairness in this process as did the judges.

For example, there are only a bare minimum of guidelines for the creation of the new position of special advocate and also with regard to the issue of appeals. An appeal will only be allowed if the judge, having heard the government's and the special advocate's representations, upholds the order for removal or incarceration. If the individual cannot be deported, there can only be an appeal on a question of law or general interest raised by the judge.

It is definitely not very reassuring for the person involved to know that the individual who confirms his deportation is also the one who prepares the notice of appeal. I do not understand why the government went so far. A similar burden does not exist anywhere else in our laws. Even when the Crown can appeal only on a question of law, it is still the crown attorneys who prepare the notice of appeal.

In my opinion, the government should have taken the opportunity to carry out an in-depth review of the security certificate process. It should also have taken into account the experiences of special advocates in other countries such as Australia, New Zealand and England. It should also have considered our own experience with special advocates, those who represent certain individuals who file complaints against the activities of our Canadian security services.

The member who spoke before me rightly pointed out that these advocates can remain in contact with the individual who files a complaint, who complains about the security services. They are given secret information and there has never been a complaint that these advocates have communicated these secrets to the plaintiff.

In the French text of the bill, "special advocate" has been translated as "défenseur" or defender. That is an absolutely inappropriate title. The special advocate is not a defender. It is also important to realize that he is not required to maintain the solicitor-client privilege. I do not understand why that is not the case. That means that the individual involved may wonder whether admissions he makes to the advocate, who meets with him to explain his case, may be used against him.

I see no point in eliminating the requirement that the special advocate must keep secret any information shared in confidence by the individual in question. It is difficult to say what the defence will be, because he is not there to defend. He is there to give another point of view.

I also think we should have answered the question left hanging by the court: how long will we hold these people without any proof that they committed a crime? There is no evidence that they conspired to commit a crime. In fact, if they had conspired to commit a crime, the solution would be to charge them and bring them before the courts. All we have are reasons to believe they were here to commit a terrorist act at some point.

● (1250)

For how long? The six months will become another six months, and another. Are we looking at 10 years, 20 years? Some individuals have already been held as long as eight years.

I have a feeling that with the bill before us, the government is looking to do the minimum of what the court is asking. In so doing, it has taken a huge risk. I am absolutely sure that sooner or later the issue will once again end up before the Supreme Court. Furthermore, the Supreme Court may well feel that the measures taken are insufficient and that some aspects are still unconstitutional. Even if that is not the case, we should remember that the Charter of Rights and Freedoms is a charter of fundamental rights. In a country like ours, we surely want our citizens to have more than fundamental rights. For example, with respect to procedural fairness, in a hearing with the potential for incarceration, indefinite incarceration is one of the worst sentences. Even worse is the sentence for murder.

So, we could make a series of amendments without the risk of revealing any secrets of security agencies that should not be revealed. As well, the law does not achieve its goal of deporting from Canada foreign nationals who truly are security risks.

We therefore intend to support the bill in principle.

The government is right when it says that we have to respond to the Charkaoui case. We must respond to the Supreme Court order to improve the process, but we should take the opportunity to make sure this bill does not need to be amended in four or five years. The government should be humble enough to recognize that its proposal is not perfect and that, in a democracy, parliamentary debate is essential to achieve a balance. What we are looking for is a balance between the need for security and respect for the values of procedural fairness.

We are therefore going to propose several amendments. The speaker who preceded me represents a party that used to be in power and used these security certificates. This member suggested several amendments. The fact that this party used these certificates in the past shows that these improvements do not pose a threat to security.

All evidence obtained through torture should clearly be eliminated, and the bill should stipulate that a special advocate's relationship with the person is protected by solicitor-client privilege. The person should be able to choose an advocate with a security status from the Department of Justice list.

The French term “défenseur” should be corrected, because it is not only inappropriate, but misleading. As well, the decision is so important—individuals who cannot be deported to a country where they do not risk the death penalty or torture will be incarcerated indefinitely—that the burden of proof must also be important. The judge must be convinced beyond a reasonable doubt. Special advocates should have the necessary resources to carry out their duties. As well, they should be entitled to all the information concerning the individual, not just some of the information.

● (1255)

The right of appeal should also be extended.

We could improve this bill and pass it quickly, which is what the government wants.

[*English*]

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, I come from the home of the BlackBerry. If you think of the BlackBerry, it will remind you of my riding of Kitchener—Waterloo.

Let me thank the hon. member for his input and read for him a quote by the deputy leader of the Liberal Party. In *The Lesser Evil: Political Ethics in an Age of Terror*, he states:

> Openness in any process where human liberty is at stake is simply definitional of what a democracy is. The problem is not defining where the redline lies, but enforcing it. A democracy in which most people don't vote, in which many judges accord undue deference to executive decisions, and in which government refuses open adversarial review of its measures is not likely to keep the right balance between security and liberty. A war on terror is not just a challenge to democracy; it is an interrogation of the vitality of its capacity for adversarial review.

I have spent quite a bit of time thinking about this issue. There is something fundamentally flawed in the approach we have undertaken. The security certificate, as we know, predates the Charter of Rights and Freedoms. It predates the Anti-terrorism Act. Actually, it has been in place in this form for 30 years under the Immigration and Refugee Protection Act.

Of course, we are debating changes to this process in this chamber, yet the Anti-terrorism Act is now being debated in the Senate, which is dealing with parts of the act. It seems to me that when we talk about these two pieces of legislation they are not divorced from each other. We really have to consider the implications of both.

There is a question that I think we as parliamentarians should answer. Let us look at the empirical evidence of what has happened in terms of actions that have been taken since 9/11, the fateful day that caused us to rush into anti-terrorism legislation. Of course, this is part and companion of that, of what already existed. We really have to look at whether we have enhanced the security of Canadians. And have we enhanced the security of the rest of the people on this planet or have we made it worse?

I put that to members because we have a long history of, in times of crisis when we need the Charter of Rights and Freedoms, taking away these rights. My question—

● (1300)

The Deputy Speaker: Order, please. I am sorry, but the member has had three and a half minutes to ask his question. The hon. member for Marc-Aurèle-Fortin.

[*Translation*]

Mr. Serge Ménard: Mr. Speaker, I was listening to the explanation the hon. member was giving to justify his question. Essentially, he is asking whether we have indeed enhanced security with the measures we have taken. Personally, I do not think so. I know that those who do think so could never prove it because we have continued to live in security.

But just look at the mistakes that were made in the Arar case. I am trying to follow from a distance the case in Toronto of the only conspiracy for which the perpetrators have been tried under the Anti-terrorist Act. It seems that the accused are being released one after the other. I do not know when we will see the end of this case. Accordingly, I do not think the measures we have taken are enhancing security.

In any event, I think the fight against terrorism is accomplished through the work of security agencies, by the systematic gathering and interpretation of bits of information that make up a whole. That is why I quite like the expression "intelligence agency" because the idea is to understand the relationship between the components through intelligence. It is through this work, and not through legislation, that we are enhancing our security. Terrorism has always been illegal. I do not know of an act of terrorism that can be considered legal and I do not think anti-terrorism legislation has contributed much. The same is true for the few times security certificates have been used.

● (1305)

[*English*]

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, I was recently appointed the NDP critic for public safety and I am glad that Bill C-3 is the first legislation I will be speaking to in that capacity.

Ensuring public safety is essentially about protecting Canadians' quality of life, something that we all support regardless of political party. New Democrats believe that quality of life is about a balance between being free and being secure. With Bill C-3, the Conservatives have once again failed to find the balance in the process.

This legislation does not make Canadians any more secure, as I think the member across the way just stated, but it does undermine our fundamental freedoms. That is why the NDP opposes Bill C-3 and why we hope the other opposition parties in the House will do the same.

We have two major problems with security certificates. First, security certificates are simply the wrong way to fight suspected terrorists, because they do not actually punish people who are plotting terrorist acts. Under security certificates, suspected terrorists are detained and deported back to their country of origin. Do the Conservatives or does anyone really believe that makes Canadians safer?

We in the NDP believe terrorism is a serious crime. It is not a legal activity but a crime, and there should be serious consequences. If a person in Canada is plotting terrorist actions, he or she should be arrested, charged for the crimes, convicted, and put in jail. That will make Canada a safer place.

When the Parliamentary Secretary to the Minister of Public Safety spoke to this legislation, he called security certificates an important public safety tool, but how are Canadians any safer when suspected terrorists are simply forced to leave the country but then continue their activities or their suspected activities?

The parliamentary secretary also said in his speech that the government wants what Canadians want: to protect the safety of the Canadian public. I think the parliamentary secretary and the Conservative government are just a bit out of touch. The NDP wants what Canadians want. We want to see terrorists arrested and put in jail. That is how the safety of the Canadian public would be protected.

The Conservatives' out of sight, out of mind approach to national security is just not good enough. The government uses tough language when it talks about protecting public safety, but if we listen closely to what the Conservatives are saying, we will realize that it is all about sounding good for the television cameras while trying to convince Canadians to give them the majority they are so desperately seeking.

Our national security is not a prop to be used in a show of political theatre. The NDP believes the Conservatives should walk their talk, do the right thing, abandon this flawed security certificate process and use the laws of our country to punish terrorists.

● (1310)

Terrorism is a crime. Terrorists are criminals and they should be vigorously pursued under the Criminal Code of Canada, not the Immigration and Refugee Protection Act. I find it deeply disturbing that deporting terrorists is the best solution the government can imagine for keeping our country safe.

As I said earlier, the NDP has two major problems with Bill C-3. Our second issue with security certificates is that they seriously undermine core values of our justice system. Remember that public safety is about finding that balance between freedom and security, and this new legislation is just as imbalanced as the process that existed before the Supreme Court ruling.

With Bill C-3, the Conservatives are trying to implement a security certificate process that will not violate the charter, but there are many experts who believe this new proposal will be struck down by another Supreme Court challenge.

Security certificates undermine our justice system by circumventing due process that is a fundamental right in any democracy. The Conservatives have tinkered with a fundamentally flawed piece of Liberal legislation, but their tinkering is not enough to fix the problem. Because there are serious consequences facing those named and security certificates, strong procedural safeguards are required. This legislation does not go far enough in protecting civil liberties.

There are serious consequences to being named in a security certificate. These include loss of liberty, a deportation order and the possible removal to torture. One well recognized aspect of fundamental justice is the right of full answer and defence, the right to know the allegations against a person, and the opportunity to respond to those allegations. That right does not exist in the security certificate process.

Also, critical evidence may be presented to the presiding judge in the absence of detainees and their lawyer, and that is just not right. Even though this evidence is not disclosed to detainees or their counsel, the judge can consider the evidence in determining if the certificate is reasonable. Detainees may never know the reasons why they are being deported from Canada, let alone have a meaningful opportunity to challenge those reasons.

The Conservatives will try to say that they have improved on the mess the Liberals made of security certificates by introducing a special advocate into the process, but we already know that special advocates do not fix the fundamental problems with security certificates.

Special advocates are used in New Zealand and the United Kingdom, and the process in both of those places is seriously flawed. The United Kingdom is often cited by those who support modifying rather than abolishing the security certificate system, but these proceedings, where security-sensitive evidence is not disclosed, and a special advocate who has the right to attend and participate in in camera sessions, have been subject to several court cases that have ruled against the arbitrarily imposed limits.

Given that the U.K. lords of appeal ruled against provisions of the process on October 31 of this year, it is obvious that the system is flawed. That is the very reason that Ian Macdonald, a special advocate with over seven years experience in the U.K. system, quit over the failure of the British government to address these exact problems within the British system. The Conservatives know this. In fact, Mr. Macdonald even testified before the public safety committee to share his criticism of the special advocate process.

● (1315)

An excellent critique of Bill C-3 has been prepared by Craig Forcese and Lorne Waldman. I would like to recognize them for their excellent work opposing this flawed system. In their analysis, which I would be happy to forward to the Minister of Public Safety although I expect he may have had it and simply not acted on it, Forcese and Waldman conclude that special advocates suffer from a number of shortcomings.

Interestingly enough, some of these shortcomings have been mentioned in the House by the Liberal opposition party which I understand is going to support the bill with all of these shortcomings that were listed earlier by the Liberal justice public safety critic.

They criticized Bill C-3 for not allowing full disclosure, and for not allowing persons detained and their lawyers to know all the relevant information being used against them. They say the Conservatives are wrong in not allowing special advocates to be in contact with the detainee throughout the process. They condemn the government for not taking a strong stand against using information for security certificates that was obtained by torture.

The NDP strongly believes that a system that denies the right of full answer and defence cannot be corrected through mere procedural adjustments.

As I said at the beginning of my statement the NDP strongly opposes security certificates. We had hoped the other opposition parties in the House would do the same, but I was very disappointed to hear the Liberals say that they "won't stand in the way" of this legislation. That is hardly a ringing support.

I was also shocked to hear this, given the Liberal caucus has been divided on these issues in the past. It demonstrates once again where we are at in this Parliament.

We have a Conservative minority staging political theatre as best it can in a frantic quest for a majority and we have a Liberal opposition that is so afraid of its own shadow it will do anything to avoid an election. The Liberals abstain from votes or simply do not even show up and now they will even vote to support legislation that many of them fundamentally disagree with and have presented a long list of flaws with this legislation.

It seems the Liberals were in government so long they have forgotten how to do the job of an opposition. Perhaps they should look to the NDP for leadership, a party that is not afraid to oppose the Conservatives when they are taking Canada down the wrong road.

Let me wrap up my comments now by summarizing why the NDP is taking a stand in the House against Bill C-3. We are voting against this legislation because the Criminal Code already has all the tools we need to protect our national security while honouring our Charter of Rights and Freedoms.

If the Conservatives were serious about protecting public safety, they would punish people who are suspected and convicted of terrorist acts, not simply deport them.

The NDP is also opposing Bill C-3 because it undermines fundamental Canadian values. Inserting special advocates into the security certificate process does not adequately address concerns around the right to due process.

● (1320)

However, even if all civil liberties were somehow protected in this legislation, security certificates under the Immigration and Refugee Protection Act, which was stated a few moments ago have been around for a very long time, would still not be the right way to deal with threats to national security.

Unfortunately, because the Liberals have chosen to support the Conservatives on Bill C-3, it will likely pass and come to the public safety committee for examination. If that happens, the NDP will do everything in its power to ensure this fundamentally wrong legislation does as little harm as possible. But let us be clear with one another in this House and with Canadians who are watching today, Bill C-3 is the wrong way to go.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, to my colleague across the way, I very much agree with her in terms of the security certificate process and how people under the present system can be jailed indefinitely. Of course, as soon as they agree to be returned to the country the government wants to send them to, they are allowed to go free. It does not strike me as a way of enhancing security because if people are a danger and a threat, they can return to Canada or they can cause those kinds of activities elsewhere.

I wonder if the member could make a comment specifically looking at another aspect which is very troubling, the number of wrongful convictions we have had in this country in a process which respects the charter, in a process which goes through the rigours of criminal law, where it is done in open court, and it is done under finding of beyond a reasonable doubt in terms of guilt.

There are many names, but some of the obvious cases which we know about involved Donald Marshall, Guy Paul Morin, Stephen Truscott, and of course we all know about the Coffin case. We also know about some of the other cases coming forward now as a result of a pathologist giving wrong information and too much reliance on that wrong information.

My question for the member is, if we use the most rigorous system we have and we get all these wrongful convictions, what are the probabilities of wrongful convictions when we use a system with very low standards, closed trials, information not known, and people unable to defend themselves?

Ms. Penny Priddy: Mr. Speaker, this is a very key question. In circumstances where ostensibly defence lawyers have had made available to them all of the evidence that is seemingly available to them to put forward a case on behalf of their client, we still see mistakes and the member has named a number of them.

How many more people would be convicted even in the cases that the member speaks of which are not about suspected terrorists other than perhaps one? If any lawyers had to go to court knowing that they were only given certain pieces of information judged by someone else to be relevant to their client, I expect many lawyers would fail to take the case because they could not mount a full defence.

Therefore, this simply increases the risk that more errors will be made because full information is not provided to lawyers and to have a bridge of a special advocate who then cannot talk to the individuals or their lawyer about what they have seen is very troublesome and will increase the risk of errors being made.

● (1325)

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I have three quick questions for the member.

It seems that we agree in many respects, but that we have come to two significantly different conclusions about second reading. I believe the member understands that the fundamental difference between our position and hers is the issue of sleeper cells.

Does she believe that there are terrorist organizations in the world today that are training people and sending them to democratic countries with orders to lie low and lead an exemplary life until the day they are told to commit a terrorist act with other people? They have not yet done anything illegal, but one day, they will.

Does she believe that intelligence services can identify such individuals—by planting agents in training camps, for example? The agents' names cannot be revealed, of course, because to do so would put them in grave danger. We have to hear their side of the story.

That is one of the things that convinced me. Such situations have convinced me that security certificates are necessary. I was trained as a lawyer, and I spent most of my career as a defence attorney, so even though I do not like the process, I believe there is a need for it. It must be used sparingly, however.

Even though the member is against it, is she willing to work together to improve the security certificate process and make it as fair as possible, just as Messrs. Waldman and Forcese, whom she quoted, are doing?

[*English*]

Ms. Penny Priddy: Mr. Speaker, are there cells throughout the country? I do not know, but I believe there to be.

I think the member said earlier that he liked the English words of gathering intelligence. The process of gathering intelligence alerts our security to the fact that those people may exist. However, if people are in Canada living an exemplary life and breaking no laws, perhaps they have changed their minds or disavowed themselves from their original training. I do not know.

However, to walk into someone's home, someone who lives here, who has committed no crime and lives an exemplary life, seems to be an extreme violation under our Charter of Rights and Freedoms. Should those people commit an illegal act or be proven to be planning something, let us arrest them. Let us charge them for criminal activity.

Because the security certificates have had pieces added to them to try to make a flawed system better is not enough to convince me to support the bill at this time.

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, my colleague has eloquently outlined why the NDP will oppose this flawed bill. As she said, the security certificate process undermines fundamental Canadian values because of processes like detention without charge and the inability of accused persons to know or examine the charges against them.

She has also said that there is nothing in the bill that the criminal process could not deal with. In *The Shock Doctrine: The Rise of Disaster Capitalism*, Naomi Klein, a Canadian writer, has proposed some reasons why neo-liberal governments, like the present government, offer these kinds of extreme solutions to address perhaps a real problem, in that they move us away from basic democratic principles.

Could she offer her comments on that and on what other reasons the Conservative government might propose this solution instead of using the Criminal Code as it is available to us now?

● (1330)

Ms. Penny Priddy: Mr. Speaker, I think this is the easiest way to try to fix the order from the Supreme Court, that came down that this did not meet the charter. I do not think this will withstand a charter challenge either. I am sure there will be a challenge should this pass and it will be not upheld as legislation that protects people.

There are other examples, and the Liberal critic spoke to them earlier, of the SIRC process where full information is available to council. There is no example, ever, of there having been an error made by a lawyer who disclosed too much. A skilled lawyer knows how to put those questions. Therefore, I think it is the easiest way to do it.

Perhaps if the House had not prorogued for so long, we might have had an opportunity to have a more thorough look at whether there was a better way to do this. Unfortunately, we were denied that opportunity by a government that did not wish to return to the House for this debate.

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, I am pleased today to lend my voice to this important debate. Bill C-3 has wide-ranging implications for both our immigration and refugee protection system and ability to protect our national security.

Once again Canada is taking a lead in this area. As my hon. colleagues have already mentioned, the reason for the bill is quite straightforward. The government has the fundamental responsibility to defend Canadian public safety and national security. This is first and foremost. We know we must have the tools needed to protect Canadians. Our safety and security are paramount.

At the same time, we recognize that these tools must protect the Canadian core values of freedom, democracy, human rights and the rule of law. Therefore, artful balance must be struck and I believe the bill strikes that balance.

Protecting national security means securing our quality of life. As well, securing our quality of life also means respecting the rights of all people in Canada. Indeed, as a delicate balance, we must protect our national security and individual safety with such minimal interference with personal freedom and rights as is reasonably possible under the circumstances.

Advancing security and civil liberties together with the other is a crucial element to building a strong and open society in Canada. That is why we have introduced Bill C-3.

The Supreme Court of Canada in its ruling recognized the government's responsibility for protecting Canadians from terrorists and other non-citizens who posed serious threats and the use of security certificates as a means of achieving this objective. As well, it ruled that changes were needed to the security certificate process to better protect the rights of individuals subject to these certificates.

While the Supreme Court provided the government with a great deal of insight into this matter and laid out possible options for action, the government was also privileged to be able to rely on the work of the parliamentary committees who studied this issue.

At this time I will address the recommendation made by the Standing Committee on Citizenship and Immigration during its study of detention centres and security certificates. I personally had the opportunity to visit the detention centre in Kingston. I spoke to and listened to the detainees and the concerns they had.

In the recommendation by the Standing Committee on Citizenship and Immigration, the committee recommended that the government comply with the Supreme Court of Canada ruling in Charkaoui v. Canada and amend the act to provide for the appointment of a special advocate in proceedings in Federal Court to determine the reasonableness of a security certificate. That is exactly what the bill purports to do.

The second recommendation was that a special advocate should be a lawyer with appropriate security clearance who would be appointed to represent the interests of the individual subject to the certificate and to test the confidential or secret evidence presented by the government, and the bill provides for that.

Finally, it said that the special advocate process put into place should, subject to national security considerations and with minimal impairment to the rights of the detainees, afford detainees an opportunity to meet the case against them by being informed of that case and being allowed to question or counter it. Again, the bill purports to do that.

The committee also recommended that the government institute a policy stating that charges under the Criminal Code would be the preferred method of dealing with permanent residents or foreign nationals who were suspected of participating and contributing to or facilitating terrorist activities. However, there is a difference between a criminal act and the intention necessary to make that act criminal and someone who is not yet in that stage who will be a potential danger to the safety or the national security or to individuals. Therefore, the two acts need to be dealt independently of each other.

I will try to address this in some detail and explain why the security certificate process is vital for the safety of all Canadians.

First, the security certificate process is necessary to protect Canadians from individuals who are inadmissible to Canada. Let me give a brief description of the security certificate process. The process has existed for more than 20 years in the Immigration and Refugee Protection Act and in other acts.

● (1335)

Since 1991 and contrary to what some members of the House may try to indicate, only 28 certificates have been used. Of those, there are currently six active cases. Nineteen individuals have been deported from Canada and three certificates were found not to be reasonable by the federal court. These statistics show that the process has been used relatively and frequently and only on a when needed as needed basis.

When we consider that Canada admits roughly 95 million people a year into the country, including 260,000 immigrants, it is plain to see that this process is very seldom used, and only in exceptional circumstances and in the rarest of cases.

A security certificate can only be issued against a foreign national or a permanent resident who is inadmissible to Canada on grounds of security, violating human or international rights, serious criminality or organized criminality. We are not talking about a Sunday school variety of misdemeanours. We are talking about serious matters, violating human or international rights, serious criminality or organized criminality. This is the group and category of persons we are talking about.

These certificates are only used when the information used to determine the person's admissibility to Canada is classified and needs to be protected for reasons of national security or the safety of any person. At some point, national security and the safety of the person must trump individual rights, but in such a manner that least interferes with this. That is the idea behind the bill.

Individuals who are inadmissible to Canada for other reasons are subject to removal order, but in most of these cases it has not been necessary to use confidential information. To protect that information from public disclosure in order to protect the safety and security of Canadians, these individuals are not subject to the security certificate process as their cases do not involve sensitive security information. Therefore, in the majority, and by and large in many of the cases, a full disclosure is made and this issue does not even arise.

As a first step in the security certificate process, the Minister of Public Safety and the Minister of Citizenship and Immigration review the case based on information presented to them, including the classified intelligence information. Both ministers must sign the certificate for it to proceed. It is not done without regard to what is before them. It takes two ministers, and following that, the certificate is referred to a designated judge of the federal court to conduct a hearing to determine whether the certificate is reasonable. This, in and of itself, provides a measure of protection to the individual, but other safeguards are put in place as well.

During these court proceedings the federal government may present classified information for the judge's consideration. This information is not disclosed to the individuals concerned or their counsel. However, an unclassified summary is given to the subject by the court in order to allow the individuals to be reasonably informed of the circumstances giving rise to the certificate. This contains a fairly detailed explanation of the case an individual must meet or answer to. If the judge determines the step is reasonable, it becomes a removal order.

During the reasonableness hearing or after the certificate is found to be reasonable, the federal court generally undertakes a risk and danger assessment to determine if the person can be removed from Canada. This is to verify whether the person would likely face torture or other cruel or unusual treatment if returned to the country of origin. This type of determination is also subject to review by the federal court, and Canada has never knowingly removed individuals who face a substantial risk of torture.

As hon. members can see, many people review the case and great care is taken in reaching a decision to invoke the security certificate process or not, and to ensure its integrity.

In its February ruling in the Charkaoui case, the Supreme Court of Canada stated some aspects of the security certificate process had to be strengthened to provide those subject to security certificates a greater opportunity to challenge the government's case.

Today I will explain for hon. members the reason for this process provided for in the Immigration Refugee Protection Act when it is invoked and why it is invoked rather than the provisions of the Criminal Code when dealing with specific cases. It is my hope this will help hon. members understand the crucial need for this legislation and the importance of voting in favour of Bill C-3.

● (1340)

The security certificate process does not have the same objectives as the criminal prosecution.

Let me state at the outset that under no circumstances should immigration proceedings and criminal justice proceedings be seen as an alternative to each other. Each exists for a specific purpose and its procedures have evolved over time as appropriate to that case.

Criminal proceedings seek to convict, and if a conviction is obtained, should apply a punitive sentence as decided by the court. That is when a crime is alleged to have been committed or when a series of actions or intentions breaches an existing law in Canada. In some cases, individuals may not have progressed to that stage, nonetheless they are a threat to our national security or the safety of a person.

While the security certificate process is meant to remove inadmissible individuals from Canada, it has no punitive design. Decisions on whether to prosecute a case criminally or to seek removal from Canada should be made on a case by case basis. There should never be a presumption as to which avenue should be pursued.

Every decision must be taken after independent evaluation of the facts, the circumstances and the context. As I have already said, the basis for proceeding with the security certificate process under the Immigration and Refugee Protection Act is whether the person is admissible to Canada and therefore subject to further removal. In this case, it must involve sensitive information that cannot be disclosed for national security reasons or to protect the safety of other persons.

Again let me stress that these cases refer to individuals who are somehow involved with terrorism, organized or serious criminality, or violating human or international rights. This process is not invoked for just anyone who is found to be inadmissible to Canada.

On the other hand, the only basis in which criminal proceedings are conducted is when, following an independent investigation by the police, a review of the evidence shows that there is a reasonable prospect of conviction and that to the prosecution, it is in the public interest to proceed with the charge. The decision to prosecute or not is within the independent jurisdiction of that prosecutor and the issues involved in the concern are different in both cases.

Another difference between the two lies in the rights and safeguards that apply to each. The government believes it would not be appropriate to select one type of proceeding over the other in order to ensure whether the particular charter provisions or other safeguards will or will not apply.

Certain rights, such as the right to be presumed innocent or to trial by jury, for example, are appropriate only in criminal proceedings, while others, such as a fair hearing, have a more general application. Any question of which rights or safeguards should apply should be based on the nature of the proceeding at hand. The government believes the nature of the proceedings must ultimately be governed by the facts and context of each case.

With respect to the security certificate process itself, we have an impartial judge who hears the case and there is provision for adversarial process. This last point is enhanced by introducing the special advocate in the proceedings as is proposed in the bill.

As the hon. members can see, each system serves a distinct fundamental purpose. The government believes the two should not be confused or seen as interchangeable and it would not be appropriate to select one type of proceeding over the other.

Let me say what the bill does.

It allows a special advocate to protect a person's interest in certain proceedings when the evidence is heard in the absence of the public and of the persons and their counsel. The special advocate may challenge the claim made by the minister of public safety and emergency preparedness as to the confidentiality of the evidence as well as the relevance of the evidence, the reliability of the evidence, the sufficiency and weight of the evidence and may make submissions, cross-examine witnesses and with the judge's authorization, exercise any other powers necessary to protect the person's interest.

That is the vast extension of what was in the previous act. It allows to test, to weigh, to cross-examine and to deal with the evidence, as a lawyer would in any normal case. It also allows for a judge to intervene.

● (1345)

Another difference I would like to discuss is the detention aspect of the security certificate process as it is different compared to incarceration in the context of the criminal justice system. Incarceration imposed as a criminal sentence is meant as a punishment and also as a rehabilitative tool. This type of punishment is applied to facts established at the time of conviction and is based on sentencing principles which include, for example, proportionality between the length of imprisonment and the seriousness of the crime.

On the other hand, detention pending removal is based on periodic assessment of risk to the public for national security. This is not a punitive measure and it does not serve a rehabilitative purpose. In other words, the persons are kept in detention just until they leave the country. The objective is removal from Canada. The fact is that individuals subject to security certificates are free to leave Canada at any time and to return to their country of origin.

In its decision in Charkaoui, the Supreme Court reaffirmed the appropriateness of detention under our immigration law including, where necessary, detention for extended periods. More specifically, the court stated that extended periods of incarceration do not infringe on the Charter of Rights and Freedoms, provided that process allows for a regular review and a consideration of factors related to each individual case.

The applicable charter safeguards and requirements for robust and regular reviews of detention have now been clarified by the Supreme Court in its decision and these requirements will be met and they will be met by this bill.

Bill C-3 enshrines that foreign nationals will be granted the same rights to detention review as permanent residents, that is to say, within 48 hours of the initial arrest and at least every six months thereafter. I think Canada leads the way when compared to other countries in this regard. While the security certificate process is seldom used, it is an absolute vital national security tool that we need to have available.

I previously mentioned some statistics that proved just how sparingly this process is evoked in Canada. Of the millions of people who have been admitted to Canada, only a few people have been subject to security certificates.

The infrequent use of this process does not in any way mean that it is not necessary as a tool in our national security efforts. In no way should we be complacent enough to think that we can handle these cases in another way. The Supreme Court confirmed the use of security certificates generally and recognized that one of the most fundamental responsibilities of a government is to ensure the security and protection of its citizens. That is paramount.

In fact, by delaying the coming into force of its ruling by one year, the Supreme Court was giving the federal government and ultimately Parliament an opportunity to amend the law to be able to maintain security certificates as a public safety tool, and so we have done that.

Time is growing short for us to amend the legislation. If Bill C-3 were not passed by Parliament before February 2008, the current legislation would be struck down. Individuals subject to a security certificate would no doubt succeed on application in having their certificates quashed. This means they would no longer be subject to detention or any conditions of release, which would pose serious public safety risks and we would lose security certificates as a tool to help keep us safe and secure.

There is an important need for security certificates and their process. While some hon. members may believe that we are able to effectively deal with these cases through criminal prosecution, that is simply not the case because they are entirely two different and distinct matters.

I hope this explanation today of the role of criminal prosecutions will help guide hon. members in voting in favour of this bill. Security certificates and criminal prosecution do not have the same goals, the same processes or the same outcomes. They cannot be interchanged.

We must continue to have the ability to remove from our country inadmissible persons who pose a grave and severe threat to Canadians. Whether it is a foreign spy, a terrorist, a member of a violent organized crime group or a person who has committed heinous human rights atrocities overseas, these people cannot and they must not be allowed to stay in Canada. It would be like closing the barn gate after the horses have left. We do not do that. We do not leave the gate open. We have to be gatekeepers.

Bill C-3 will allow us to continue to defend our society from such threats and they are significant. I encourage hon. members to show that they are serious about protecting Canadians from any individual posing threats and that they would vote in favour of this bill.

● (1350)

I would reiterate that the bill itself has presented a series of protections that I think provide the safety needed to the individual without comprising national security.

The special advocate's role is to protect the interests of the permanent resident or foreign national in a proceeding. That is what it is: to protect that interest. The special advocate can challenge the claim that there is a need for disclosure and confidentiality. The special advocate can challenge the relevancy, reliability and sufficiency of information or other evidence and the weight it should be given. The special advocate can make oral and written representations. The special advocate can cross-examine witnesses who testify with a judge's discretion and authorization and any other powers that are necessary to protect the interests of the permanent resident or foreign national and that covers a multitude of bases.

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, I think we all agree that it is the government's responsibility to protect its citizens. Anyone who plots a terrorist act should be tried, convicted and punished, not simply, in our opinion, deported to another country. I wonder if the hon. member thinks that an accused should have the right to know and to examine evidence against him or her.

Mr. Ed Komarnicki: Mr. Speaker, again, the member is attempting to confuse a criminal proceeding with an immigration proceeding. In an immigration proceeding, it is to protect the country from individuals coming to the country who pose a threat to the country.

In a criminal proceeding, what we have is someone who is charged, or intended to be charged, with committing a crime, committing a specific act against the legislature. Those do not have the security interests that are exhibited in a case of foreign nationals wanting to coming to Canada. They are entitled, in fact, to leave at any time they want to. They are just not entitled to come here if there is serious criminality involved, and if there is a threat to security, or terrorism in that area.

However, having said that, the special advocate would balance the rights of the individual to have information regarding his or her case and the ability to address it. That special advocate can test the evidence, can weigh the evidence, can cross-examine witnesses, can argue before the court as to whether or not that information should be kept confidential or not. I would presume that counsel, the ministers of the government of the day and a federal court judge, would have a better sense of coming to the conclusion that that must be kept out of the public eye more so than the individual himself or herself who obviously is the subject that proposes the threat to the country.

It is a balance, and I appreciate that, but it is a balance that allows, with a unique strategem, the individual to know the case that is put forth, to examine and test it within the confines of that limit, and to protect personal interests but without trumping national security.

● (1355)

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, listening to the parliamentary secretary and listening to quite a bit of debate on this issue, as well as the anti-terrorism bill, I am reminded of what it must have been like back during the time of the first world war and the time of the second world war because for national security we interned people from the Austro-Hungarian empire, we interned many people of Ukrainian descent, and of course during the second world war, we interned Italians, Japanese-Canadians, and the list goes on and on, all done in the name of security.

As members know, we have settled with Japanese-Canadians to make up for the injustices of the past and we have done some with Ukrainian-Canadians as well.

It seems to me that the parliamentary secretary should answer this question. He often says it is an immigration act when we keep people in custody indefinitely and they have a Hobson's choice: If they go back to the country they came from, they might be tortured or killed. Then of course he differentiates it from the Criminal Code where we actually have proof and give people the right to appeal before we can lock them up for a long period of time. Surely the member sees the contradiction in those two approaches. I would appreciate his response.

Mr. Ed Komarnicki: Mr. Speaker, precisely. We talked about the Hungarians in the dark moments in history. When the Ukrainian-Canadians were interned, this procedure was not in place and they were not subject to it. Had they been subject to this procedure, that would not have happened.

First, the Minister of Citizenship and Immigration and the Minister of Public Safety has a look at the information and the evidence to be sure the case should go forward.

Second, we have a federal court judge who looks at the matters to ensure they are not superfluous, not whimsical. They have to be substantial and they have to be with respect to the safety of our country, with respect to someone endangering the safety of our national security. This is not done at a whim. If we had this kind of process in place, that would not have happened.

This process allows the council to intercede on behalf of the individual to make a case for that individual to ensure there is a perfect balance in the end so the individual is protected. There are measures there where the judge can allow a fairly significant type of procedure to take place for the special advocate, including the kinds of things we would do in a criminal trial, like cross-examination of a witness, testing the evidence and dealing with the weight and the sufficiency of the evidence, the kinds of things that would ensure this is proved, that it is real.

In terms of the distinction between criminal proceedings and these proceedings, I thought I adequately addressed that in my initial speech, but there is a difference.

The Deputy Speaker: I am sorry to interrupt the hon. parliamentary secretary, but the time for statements by members has arrived. Questions and comments will continue when the House takes up this matter again.

The hon. member for Yellowhead.

STATEMENTS BY MEMBERS

● (1400)

[*English*]

OPERATION CHRISTMAS CHILD

Mr. Rob Merrifield (Yellowhead, CPC): Mr. Speaker, I would like to acknowledge a young lady from my constituency, Kristena Burkin. Kristena is 16 years old and has managed to create a whole new meaning of Christmas for hundreds of children this year.

Operation Christmas Child is well known across Canada. Families, churches, organizations and schools rally together once a year to fill shoeboxes with hygiene products, toys and clothes for children ages two to 14. These boxes are collected and shipped to various locations around the world for children who are less fortunate.

I am proud to recognize Kristena today. She has donated her time and money and has gathered the support of Fox Creek to help collect 477 shoeboxes this year alone.

Because of her dedication to Operation Christmas Child, Kristena has also been chosen to travel to Argentina this December. She will distribute the boxes to various children in need.

I honour Kristena today for bringing joy and hope to children's lives and for serving as a role model for all Canadians.

* * *

RIGHTS OF THE CHILD

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, Canada signed the Convention on the Rights of the Child in May 1990 and ratified it on December 13, 1991. The convention sets out fundamental rights to protect all children and affirms a child's right to survival, to be protected from harm, abuse and exploitation.

As today is the World Day for Prevention of Child Abuse, I urge the government to commit to do more to protect Canada's children and to live up to the convention signed nearly 18 years ago.

The government must also commit to address the first nations child welfare crisis. The number of first nations children affected is growing and the government response to date has been dismal. The government prefers to deny and assign blame elsewhere.

How sad that the Assembly of First Nations and the First Nations Child and Family Caring Society of Canada have filed a complaint with the Canadian Human Rights Commission regarding the lack of funding for first nations child welfare.

This is unacceptable. The government must act now. I urge it to do so.

* * *

[*Translation*]

NICOLAS BEAUCHAMP AND MICHEL LÉVESQUE

Mrs. Ève-Mary Thaï Thi Lac (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, two Quebec soldiers were not able to complete their mission in Afghanistan. Corporal Nicolas Beauchamp, with the 5th Field Ambulance in Valcartier, the son of Robert Beauchamp, a city councillor in Saint-Marcel-de-Richelieu, and of Nicole Robidoux, both constituents of mine, and Private Michel Lévesque, from Rivière-Rouge, with the Royal 22nd Regiment, were killed on Saturday.

An Afghan interpreter was also killed, and three other soldiers were injured. A total of 73 soldiers have now lost their lives in Afghanistan since the start of the mission.

My Bloc Québécois colleagues and I would like to offer our sincerest condolences to the grieving families. We hope this further incident will spur the government to finally make an informed decision about this war.

* * *

[*English*]

ENERGY

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, the Conservative government, like the Liberal government before it, has failed to act on a Canada first energy policy. First through NAFTA, then through the North American energy security initiative, and then through the security and prosperity partnership, our future has been eroded.

The Prime Minister talks about Canada as an energy superpower, yet all he does is placate oil and gas multinationals and the will of the United States.

Provincial premiers and Canadian corporate executives are now joined by the National Energy Board in calling on Canada to develop a national energy strategy. The board's new report states:

> This plan must be well integrated at the regional level, consider environmental issues and economic growth, and be developed with input from Canadians.

The world is not only facing severe climate disruption, but also the spectre of peak oil production and massive demands on energy from the developing world. Most energy exporting countries are now acting in their best interests. Where is Canada? Why are we squandering—

The Speaker: The hon. member for Roberval—Lac-Saint-Jean.

* * *

[*Translation*]

STORYTELLING FESTIVAL

Mr. Denis Lebel (Roberval—Lac-Saint-Jean, CPC): Mr. Speaker, on November 10, 2007, I had the distinct pleasure of attending a wonderful festival in Dolbeau-Mistassini, the Festival de contes et légendes du Saguenay—Lac-Saint-Jean. At the festival, we had the opportunity to see and hear a number of amateur and professional storytellers.

I would like to tell the House about one performance that particularly impressed me, namely, the performance by the students of the arts studies program at the École secondaire des Chutes.

After months of hard work, these young people presented a tale called *Julien et l'araignée*. It was written by one of their teachers, Marie-Claude Tremblay, and directed by the students.

For the past three years, the school has been providing some 30 students with the opportunity to develop their skills within an arts studies program that offers various courses, such as plastic arts with Ms. Roberge, theatre with Ms. Tremblay and music with Ms. Gauthier.

Congratulations to the Commission scolaire du Pays-des-Bleuets, the École secondaire des Chutes, its principal and vice-principal, Mr. Dufour and Ms. Bouliane, to the Festival de contes et légendes, and most of all, to the students who put on such a wonderful play.

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● (1405)

MADELEINE LEE

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, it is an honour for me to extend my best wishes to Madeleine Lee on the occasion of her 100th birthday, which she celebrated on November 3.

Ms. Lee is a remarkable woman who lives in Edmunston and has devoted her time and energy to her family and friends. In addition to reading the newspaper every day, Ms. Lee loves watching hockey games on television and she is still rooting for her favourite team, the Montreal Canadiens.

Along with many others, I have been inspired by Ms. Lee's remarkable fortitude and energy and her kindness.

On this singular and happy occasion, the people of Madawaska—Restigouche join me in wishing Ms. Lee a happy birthday. We wish her continued good health so that she can keep on charming us with her strength and her dignity for many years to come.

Happy birthday, Madeleine Lee.

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[*English*]

YING HOPE

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, we were saddened to hear of the recent death of Mr. Ying Hope.

A Canadian of Chinese descent and the son of a tailor in Victoria, one of eight children, Ying Hope was a trailblazer. He was the first Canadian of Chinese descent to be elected to the Toronto school board and to Toronto City Council. An engineer who once worked on the Avro Arrow, Ying Hope was elected to the school board in 1964 and was made chair in 1967. He won a seat on Toronto City Council in 1969.

He mentored many young citizens, such as myself, and I had the privilege to work with him on election campaigns while a student at the University of Toronto.

He also led a determined effort to seek justice for the head tax once imposed on Chinese immigrants and for laws that excluded them from full citizenship. Last year these efforts by him and others were answered when the Prime Minister offered a full apology for this exclusion and mistreatment.

On behalf of the Government of Canada, I would like to extend my condolences to Mr. Hope's family. Ying Hope was a great Canadian. Canada has lost a great citizen.

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[*Translation*]

TOM DESAULNIERS

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, in August 2006, cruel fate touched a family from Victoriaville when the vehicle driven by 22-year-old Tom Desaulniers was struck by another. The grief was unbearable as it took a full year to unravel the tragic events of that evening.

A corporal in the Canadian army, Tom left a tangible sign of his life among us. In a twist of irony, this young soldier, the defender of the values we hold dear, had just completed a six-month tour in Afghanistan. Proud of his heritage, Tom had even flown the Quebec flag for a few hours. He carried out his mission with zeal and generosity before his career was cut short.

Today his family and friends are visiting Parliament Hill. They can finally find peace in the memory of a man who worked to help others find the path to peace. In memory of Corporal Tom Desaulniers, his mother Louise was the silver cross mother at the recent Remembrance Day ceremony in Victoriaville. Tom is surely very proud.

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[*English*]

LIVESTOCK INDUSTRY

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, on May 20 four and a half years ago I was checking cows in my pasture when I learned that the United States had closed its border to all Canadian cattle and ruminants because of BSE. It was a day that we will never forget.

Finally, starting today, Canadian cattle and bison born on or after March 1, 1999 can be exported again, but it is a much different day. We know that today is not a panacea for the industry. We recognize the competitive disadvantages and American red tape that Canadian livestock exporters face, the overwhelming damage that has already been done and the continued legal threats from American protectionists.

Still, we see today in a positive light. Another market has finally reopened for Canadian producers, including those with breeding stock. Canada's safeguards and eradication measures are superior and second to none, as is the industry's identification system.

I am proud to say that our Canadian livestock producers are the best in the world.

FRED C. STINSON

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I rise today to pay tribute to Fred C. Stinson, lawyer, veteran, diplomat and former member of Parliament, who recently passed away.

Fred Stinson was born in Toronto in 1922. Upon graduating from Trinity University, he joined the Royal Canadian Navy. It was then that his encounters with history would begin. From 1940 until war's end, Fred Stinson served valiantly on convoy duty across the Atlantic Ocean. While the threat of U-boats was always present, Fred was known to his fellow men of the sea as a congenial and courageous sailor.

As a member of Parliament, he was elected twice to represent the riding of York Centre. He was heavily involved in the debate over the Avro Arrow and tried unsuccessfully to convince Prime Minister Diefenbaker of the Arrow's merits.

Fred was sent to the United Nations as part of a Canadian delegation and witnessed first-hand the famous shoe-stomping antics of Nikita Khrushchev.

When his public career ended, Fred helped found the Churchill Society for the Advancement of Parliamentary Democracy.

I know that hon. members of this House will join me in sending our condolences to his family and dear friends, Robert and Anneli Jaeggin, as we honour Fred Stinson.

* * *

● (1410)

CHILD EXPLOITATION

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, just last week the Edmonton police revealed they were investigating two suspected human trafficking rings believed to be part of an international network involving hundreds of young Canadian children. In the past month, two Canadian child sex tourists were arrested for preying on children abroad.

The exploitation of children worldwide is a horrific crime and it must be stopped.

I am proud that our government and our Prime Minister stand strongly against trafficking of persons and the exploitation of children. Canada has already made large strides to address human trafficking and child exploitation and I know that our government will continue to fight this injustice.

I look forward to working alongside the Minister of Public Safety, the Minister of Justice, and the Minister of Citizenship and Immigration to further our work in this area.

Together we can end human trafficking. Together we can end the sexual exploitation of children.

* * *

GUN CRIMES

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, the city of Coquitlam has experienced three shootings in less than a week. One of these shootings took place in broad daylight. Families in my community are rightfully concerned about this spate of violence, especially since the Coquitlam RCMP is understaffed.

The Conservatives promised 1,000 additional RCMP and 2,500 additional municipal police officers over two years ago, and they still have not delivered.

These shootings are part of an increase in gun crimes across Canada. We must address this issue. I support increased penalties for gun crimes. However, tougher sentencing on its own is not the answer. The government must also invest in prevention and policing. A comprehensive plan is essential to protect our communities right across Canada.

I call upon the Conservative government to act to fulfill its overdue promise to put more police officers on our streets. I call upon the government to do it now.

* * *

VITANOVA FOUNDATION

Hon. Maurizio Bevilacqua (Vaughan, Lib.): Mr. Speaker, this year marks the 20th anniversary of the Vitanova Foundation. Vitanova provides a range of addiction related services to individuals, families, and the community at large, including prevention, treatment, rehabilitation, and aftercare.

But Vitanova is much more than that. It has built itself on the core values of trust, respect and compassion. Like a second home, it offers the chance of a new life to people who have fallen victim to addiction. Its literal translation means “new life”, which best explains what it brings to individuals who turn to Vitanova for help.

I want to take this opportunity to pay tribute to Vitanova's founder, Franca Damiani Carella, and its president, Michael Federico, as well as the dedicated staff and volunteers who provide care, guidance and hope to the thousands of people whose lives have been forever changed by the assistance and support received at Vitanova.

On behalf of the Parliament of Canada, I would like to congratulate Vitanova on 20 years of dedicated community service.

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[*Translation*]

STATUS OF WOMEN

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, the disdain and arrogance of the Minister of Canadian Heritage, Status of Women and Official Languages are equalled only by her inability to stand up for women with her cabinet colleagues.

The minister claims that you have to be in power to act. She is in power, yet she is doing nothing. What did she do to prevent Women and the Law from closing? What has she done to introduce proactive pay equity legislation? What has she done to reinstate the original criteria for the women's program of Status of Women Canada? What has she done to revive the court challenges program? Nothing, absolutely nothing.

That is why I am telling the minister that the truth does not need a microphone to be heard. All it needs is people who are convinced that their demands are legitimate, and I am one such person. I will therefore continue to speak out and to express the displeasure of all the women who are being muzzled and hurt by this government's regressive policies. I will keep on until we are victorious.

* * *

● (1415)

[*English*]

THE GREY CUP

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, I rise to warn the House that Toronto will be invaded this coming weekend. Rabid football fans from across the Prairies will be heading to Toronto where, for the first time, two prairie teams will be fighting for the biggest prize in Canadian football, the Grey Cup.

The Winnipeg Blue Bombers prevailed over the Toronto Argonauts yesterday to win the east, despite losing its starting quarterback.

In the west, the Saskatchewan Roughriders pulled out a stunning victory over British Columbia. Hundreds of fans welcomed them back in Regina at 1:30 this morning.

The rider nation is now set to demonstrate green and white support on the national stage using all the usual tools: painted faces, flags, hats, costumes, even a few watermelon helmets. And against Winnipeg, there will probably be a few banjos too.

This game has all the hallmarks of a classic. There are only three words left to say: Go Riders Go.

* * *

TACKLING VIOLENT CRIME ACT

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, as parliamentarians it is our job to create legislation that protects all Canadian citizens, so I rise in the House today to discuss the hypocrisy of some of the hon. members opposite.

As proven by the legislative committee on Bill C-2, the tackling violent crime act, my fellow colleagues and I are astonished by the continual flip-flopping of the Liberal Party. During the last election, the Liberals campaigned for stiffer penalties, yet now they have gone completely soft on crime.

Ten years ago, the former government imposed 20 minimum mandatory terms for gun related crimes, yet those members filibustered the former bill on minimum mandatory sentencing both in committee and in the House for a total of 414 calendar days.

When will the opposition parties learn that Canadians do not want to play games with their families' safety? Clearly, the opposition has a complete disregard for those who pay the highest cost in gun related crimes: the victims.

While the Liberals are simply not up to the job, we are getting on with the responsibility of keeping Canadians safe from violent crime.

[*Translation*]

JEAN LEMIRE

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.): Mr. Speaker, at its annual convocation ceremony, the UQAR awarded Jean Lemire an honorary doctorate in recognition of his career in marine biology spanning more than 20 years.

Jean Lemire led an expedition aboard the *Sedna IV* to document climate change in Antarctica. His 430-day odyssey of adventure and discovery awakened the dreams and curiosity of those who followed his progress.

His documentaries have won numerous prizes in Quebec and elsewhere, and inspired a whole generation of eco-citizens.

I salute Mr. Lemire's courage and vision. He urges all of us to explore our environmental awareness. As he says, “one cannot put a price, not even a political price, on fighting for one's cherished values”. This House should pay close attention to a man who has sailed the seas from pole to pole to bring us a clear message about the fragility of our planet and our individual and collective responsibility to protect it.

ORAL QUESTIONS

[*Translation*]

AFGHANISTAN

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, on April 30, when I asked the Prime Minister about serious allegations of torture in Afghanistan, he answered from his seat, “there is no evidence to support these allegations”. Seven months later, we know that what the Prime Minister said was not true. The government did have evidence.

Since the Prime Minister was able to mislead the House on something as serious as torture, can he tell us why Canadians should believe anything he says?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, first I would like to take this opportunity to offer my sincere condolences to the loved ones of Corporal Beauchamp and Private Lévesque, who were killed by the Taliban last Friday. Our thoughts and prayers are with their colleagues, their friends and their families at this difficult time. Their actions brought hope to the Afghan people and made the Canadian public proud.

* * *

AIRBUS

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, since the Prime Minister misled the House regarding the allegations of torture, what would stop him from trying to do the same in the Mulroney case, about when he saw Mr. Schreiber's letters, about why the Department of Justice interrupted its internal investigation, or about Mr. Schreiber's extradition?

Is he not trying to mislead the House on the Mulroney case, as he did on the allegations of torture?

● (1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the leader of the Liberal Party is wrong. There is evidence of allegations in a case we learned about recently, two weeks ago. The Minister of Foreign Affairs explained this case to the House of Commons. We are working with the government of Afghanistan on the arrangement in place for investigating and resolving this situation.

[*English*]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the deception must stop: cover-up on torture and cover-up on Mulroney. Will the Prime Minister stop the cover-ups? Will he agree to testify under oath at the Mulroney inquiry?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the terms of the inquiry, as the government already has said, will be set independently by Professor Johnston. I do not know whether he will accept the position of the current leader of the Liberal Party that there be an unlimited inquiry, or of the past leader of the Liberal Party that there be no public inquiry, or of the future leader of the Liberal Party, who says there should be a limited public inquiry. I am sure one of these Liberal positions will be adopted.

What I can say is that when the Leader of the Opposition alleges vast conspiracies and then votes by abstaining to keep the government in office, nobody takes his allegations seriously.

* * *

AFGHANISTAN

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, this side of the House joins the other side of the House in an expression of sincere regret at the loss of those brave soldiers. But those soldiers, and all those serving, deserve the truth, and the issue here is the truthfulness of the government.

In April, the government stuck to the mantra as far as torture was concerned that it saw nothing, heard nothing and knew nothing, but we now know from Federal Court documents that it knew the truth all along. It deceived Parliament and deceived Canadians. That is unworthy of the people serving in Afghanistan.

Why can the government not tell the simple truth—

The Speaker: The right hon. Prime Minister.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, let me answer that question. The hon. member is wrong in his assertion. As the government already has said, we learned of evidence of abuse in one recent case in the past couple of weeks. That is being investigated according to the arrangement we have with the Afghan government.

The troops and the people who represent the Government of Canada in Afghanistan uphold their responsibilities at all times and are working with their Afghan colleagues to ensure the highest comportment and respect for international obligations. We should be proud of all of them.

[*Translation*]

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, documents made public in Federal Court last week suggest that Canada is transferring minors to Afghan authorities.

This practice is a violation of the Convention on the Rights of the Child. We are transferring children to a prison system that is the subject of allegations of torture.

How can the government justify transferring children and when will it put an end to this practice?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, as with all cases of transfers, the Canadian Forces is in compliance with international law, including the Geneva Convention. We take this matter very seriously.

We have improved, as of last May, upon the agreement that was in put place by the previous government. We have an enhanced agreement that allows for greater tracking of these individuals and greater monitoring. We continue to work with the Afghan government to improve its capacity.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, since the spring, the government has been in possession of internal reports showing that torture is being practised in Afghan prisons. Yet for months the government has denied that it has this information. This is unacceptable for a government that is constantly going on about transparency.

Why did the Prime Minister conceal from us for months information that detainees transferred to the Afghan authorities were being tortured? Why did he mislead the House?

● (1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the facts are clear, and they are completely different from the Bloc leader's information.

The reality is that we have an arrangement with the Afghan government on monitoring and visiting detainees captured by Canada.

Recently, we discovered a case where there is evidence to support the allegations. The Afghan government is investigating this case, and we are in contact with the government to make sure it carries out its responsibilities.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, every time we asked questions about this, we were accused of defending the Taliban. Hamid Karzai—who I imagine is not a Taliban—says there was torture. It is all well and good to have an agreement, but it is not being enforced, and the president of Afghanistan has said there was torture.

Does the Prime Minister realize that the Geneva Convention is being violated and that the only thing he must do is immediately declare a moratorium on detainee transfers?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, on the contrary, President Karzai has clearly indicated that he is opposed to torture and that he is working to make sure it is not practised in Afghanistan.

We have an arrangement with his government to investigate any incident where there is evidence. This arrangement is working well, and we are continuing to work with our Afghan counterparts to solve this problem and investigate the existing cases.

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NATIONAL DEFENCE

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the Department of National Defence is citing security reasons in order to avoid making public the data base of names of suppliers executing contracts in Afghanistan. We find the department's policy on this rather arbitrary, since some of the names on the list also appear on the department's website.

Thus, the security criteria vary, depending on whether one consults the data base or the website. I would like the Minister of National Defence to explain to the House why this is the case.

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, I am not sure whether the hon. member is complaining because there is too much information or not enough.

There is information available on the website with respect to contracts. We follow a very strict process in terms of determining who the applicants are for certain contract work. We do the necessary due diligence, as is the case both inside and outside of Afghanistan on this particular matter. I am not sure what the hon. member is concerned about.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the government's secrecy surrounding the awarding of contracts is making us fear the worst. It is quite possible that this money could be diverted from its objective.

What is the minister waiting for to make public a complete list of the suppliers, those that execute contracts in Afghanistan, so that this money can be directed to good projects, rather than to certain warlords, for example?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, as I said, we have a contracting process, whether it is with respect to the provincial reconstruction team, the work being done by the Joint Provincial Coordination Centre in Kandahar, or the Strategic Advisory Team in Kabul. We go through a very strict process in terms of who complies with the contracting process to see that they obey and comply with the enforcement on all applicable laws in Afghanistan.

Again, the hon. member seems to be a bit confused with respect to his complaint. We make these contracts available on the website after they have been awarded. Private security contractors with the Canadian Forces are not unusual.

ROYAL CANADIAN MOUNTED POLICE

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, most Canadians by now have seen the terrible video of Robert Dziekanski being tasered at Vancouver international airport. I am sure members of the House would want to join with me in expressing our condolences to the family and the Polish community of Canada and abroad.

However, this raises very serious questions and these should be asked of the Prime Minister.

First, has the RCMP been asked to stop using tasers pending a full investigation and a review of the discharge policy? Second, is there a full retraining program in place now to be put in place before any further tasering is possible from the RCMP?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, let me repeat what the Leader of the NDP said. What we all saw I think was deeply disturbing to all of us, and we want to express our condolences to the family as well.

As he will know, the government does not interfere in the operational activities of the Royal Canadian Mounted Police. That said, inquiries are underway. We will be following those inquiries and also looking at what other options and what other actions may be necessary in this case.

● (1430)

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, we have no national rules. There is no national policy in place to govern the use of tasers and other so-called non-lethal devices such as this.

The Prime Minister is refusing to tell us whether the RCMP has been asked not to use tasers in the interim. My question would simply be, why not?

There are many other questions one could ask, which I am sure we will raise over the weeks to come. However, one thing is very clear. At least there should be a retraining program put in place immediately to ensure this does not happen again.

Why will the Prime Minister not support such a simple proposition?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, as the Prime Minister has said and as I said last week on a number of occasions, anybody who saw that video shares the shock and the grief. The disturbing elements of that were seen by everyone.

A number of reviews are ongoing right now. Four days after the incident, which would be about a month ago, I asked for a review to immediately be put in place. On Friday, the Canadian Police Research Centre, which is separate and independent of the RCMP, also announced it is doing a very thorough review. The RCMP is reviewing it.

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AIRBUS

Mr. Mark Holland (Ajax—Pickering, Lib.): "I have always wanted a career in politics and Brian Mulroney made it possible for me". Mr. Speaker, those are the words of the current Minister of Justice.

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Ajax—Pickering has the floor.

Mr. Mark Holland: As he is excited about it, I will repeat it. "I have always wanted a career in politics and Brian Mulroney made it possible for me". These are the words of the current Minister of Justice, the same minister charged with deciding if the key witness in the Mulroney inquiry stays or goes, stays to testify or is extradited before he can.

In light of this obvious conflict of interest, will the justice minister step aside and allow someone who does not owe his career to Mr. Mulroney to make this critical decision?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, first, I owe my political career to the good people of Niagara Falls, Niagara-on-the-Lake and Fort Erie, who were good enough to send me to Parliament.

That being said, I take my responsibilities as justice minister and attorney general of our country very seriously. In accordance with the practice of other justice ministers, we do not comment on extradition matters.

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, it depends on the audience and it depends on whether or not there is a public inquiry. To have a public inquiry without its key witness is a complete sham, a meaningless PR exercise that has no hope of getting to the truth. Yet the government refuses to act on its own clear authority, refuses to ensure Mr. Schreiber testifies. Unless forced, the government chooses Mr. Mulroney over justice every time.

Since the conflict-ridden justice minister refuses to ensure the validity of the inquiry, will the Prime Minister keep Mr. Schreiber in Canada until he testifies, or does he too owe his job to Mr. Mulroney?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, as I indicated with respect to the extradition matters, it would be inappropriate to comment on that.

However, with respect to the public inquiry, the Prime Minister has set in motion a process that is reasonable. I think it is appropriate to let Professor Johnston make recommendations with respect to that public inquiry. I think most Canadians will believe that is satisfactory and reasonable.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, after covering up Mr. Schreiber's allegations and ordering his party members not to speak to his mentor, Brian Mulroney, the Prime Minister broke his own rules.

At a dinner last week, the Prime Minister paid homage to Mr. Mulroney, saying: "I am proud to say that our government is continuing the work begun by Prime Minister Brian Mulroney".

Why did the Prime Minister disregard his own orders?

● (1435)

[*English*]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, once a sworn allegation in an affidavit came to light, just about a week ago, the Prime Minister set in motion a procedure, which I think most Canadians will find reasonable, and that is to have Professor Johnston have a look at this and set the parameters for a public inquiry. Most Canadians will agree with that.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, it is too bad the Prime Minister did not feel he could be there personally. Loin of Harrington deer, cooked in its own juices was served at this dinner. Was it also on the menu when the Prime Minister entertained Mr. Mulroney at Harrington Lake, or when Mr. Mulroney hosted Mr. Schreiber while still prime minister.

With PCO well aware of these allegations for months and repeatedly getting documents on the file, why is the Prime Minister publicly praising Mr. Mulroney yet again?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the hon. member may not have heard it the first time, but a process has been put in place with Dr. Johnston. Dr. Johnston will look particularly at the sworn allegations in an affidavit.

Dr. Johnston can set the parameters any way he sees fit. The professor is well regarded and well thought of across the country, and we can place our trust in him to set the parameters for this public inquiry.

* * *

[*Translation*]

PAILLÉ REPORT

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, David Johnston has been given far too much time to define the parameters for the future public inquiry on the Mulroney-Schreiber affair. This government is clearly not comfortable with tight deadlines. An example of this is when it hired Daniel Paillé to investigate polls.

More than seven months after he was appointed, we have yet to see his report. The report was promised for September. Then we were told the end of October, beginning of November. When will we see that report?

[*English*]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I think I understood the hon. member correctly. He said, "When will we see the report?" It seems to me that we have to prepare the report first. That would be the first step in this process.

Again, Professor Johnston has been given a mandate by the Prime Minister to set the parameters for a public inquiry. That should take its course before the hon. member worries about what is in the report.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, I am talking about Daniel Paillé's report on polls. It makes sense that we did not get an answer, since the Minister of Public Works sits in the Senate, not this House.

Can the Parliamentary Secretary to the Minister of Public Works tell us when we will receive a copy of Daniel Paillé's report?

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Soon, Mr. Speaker.

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THE ENVIRONMENT

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, on Saturday, the International Panel on Climate Change reminded politicians that the climate is warming at an accelerated rate, which will have significant impact on northern countries such as Canada. The UN Secretary General declared that the impact was, and I quote: "so severe and so sweeping that only urgent, global action will do".

On the eve of the Bali conference, where work will begin on a follow-up to Kyoto, what position will the government take after abandoning the Kyoto targets to please its oil friends?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, the government will take the same position as this report, which was the inspiration for real action by the Government of Canada, all countries of the world and the United Nations. This report stated that we must take action. That was something that never happened over the course of 13 long years when the Liberal Party formed the government and while the Bloc Québécois did nothing for the environment or for Canada.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, had the government listened to us in those 13 years, we would be further along in the fight against climate change.

The IPCC says that we can stabilize greenhouse gas emissions by 2015 if vigorous political action is taken very quickly by all countries. The minister's plan in no way addresses the fears of these experts.

Does the minister realize that his empty rhetoric is not enough to reverse the situation and that it will take much more to convince his counterparts in Bali on December 3?

● (1440)

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, we are taking action with real measures. That is what this government has vigorously supported. We do not just carry out studies and attend international conferences; we take real action in Canada. For the first time in Canada's history, we have taken action, we are regulating large companies. That never happened in 13 long years with the previous government, supported by the Bloc Québécois.

* * *

[*English*]

AFGHANISTAN

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, because of this pathetic cover-up by the Conservative cabinet, Canada is in knowing violation of the Geneva Convention.

The Prime Minister and his puppets tried to hide specific reports of torture. We know for a fact now that there is torture in Afghanistan.

If that was not enough, documents show also that Canada might have transferred child soldiers. Did we transfer juveniles to the Sarpoza prison? Did we send child soldiers to the former warden pedophile Muhammad Nadir?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, I am a bit surprised to hear the member for Bourassa state definitively that we knew there was torture. There are ongoing investigations about these allegations.

With respect to the comment about juvenile transfers, we have a strict policy in place. Canadian Forces in Afghanistan have clear instructions on what to do, how to treat juvenile detainees with particular care. For example, any juvenile detained by the Canadian Forces is held separately from any detained adult who may be on site at the time.

[*Translation*]

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, this is about article 31. Our soldiers must not only transfer detainees promptly to Afghan authorities, they must also ensure that the system is working.

We have to take this seriously. This is about complying with international conventions, about Canada's reputation in the world, about the very safety of our troops in Afghanistan and on other missions. The Conservatives tried to hide the truth, but now we know that detainees were tortured. They are the only ones who think that nobody was tortured. The whole world knows people were.

When will we stop transferring detainees and ask NATO to show some leadership in dealing with prisoners of war in Afghanistan? When?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): What is pathetic, Mr. Speaker, is the absolute fixation and this feigned moral indignation from the member opposite about the transfer of Taliban prisoners.

While we understand fully the need to uphold international obligations, while we understand fully the need to help bolster Afghan capacity with respect to these transferred prisoners, what is absolutely abhorrent is the member's fixation, knowing that the blood of Canadian soldiers and innocent Afghans are on the hands of the Taliban.

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Speaker, first of all, we do not have to take any lessons from that side of the House in support of our troops.

This government—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Richmond Hill has the floor.

Hon. Bryon Wilfert: This government has covered up reports of detainee abuse for almost a year. It told the House there is absolutely no basis for our questions.

We have seen the reports from the Department of Foreign Affairs. We have seen the reports from Amnesty International. They confirm the allegations of abuse.

Will the minister tell the House what evidence, if any, he relies on to justify his claim that there is no abuse? The onus of proof is—

The Speaker: The hon. Minister of National Defence.

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, the reality is the Liberals could take some lessons. When we came to office, the Canadian Forces had been hollowed out. The morale was probably at an all time low. They sent our soldiers into Afghanistan ill-equipped. There was a flawed process that had to be improved upon with respect to the transfer of detainees.

All of those things are the reality that members of the party opposite refuse to accept. They stand up and cast these aspersions on the mission and the process that is in place that they left that was flawed in the first instance.

● (1445)

The Speaker: Order, please. We will have a little more order. I can hardly hear the questions or the answers.

[*Translation*]

The hon. member for Richmond Hill.

[*English*]

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Speaker, the Chief of the Defence Staff contradicts the minister, which is not unusual. Maybe he should talk to the Chief of the Defence Staff.

These are human lives that we are talking about. All that the government can do is repeat the same pathetic talking points, when clearly the facts show that human rights are being abused.

What will it take for the government to act? When will the Conservative government stop transferring detainees and find a permanent NATO-wide solution to the problem?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, for the edification of the member opposite, I spoke with the Chief of the Defence Staff this morning. We are in fairly regular contact.

With respect to his allegations, it is exactly human rights that we are in Afghanistan to protect. The fact is that young girls were not allowed to go to school, women were not allowed to vote, let alone participate in the democratic process. These rights are exactly the reason we are in Afghanistan today.

Thanks to the incredible work of the men and women in uniform and those of our NATO allies, those human rights have improved tenfold.

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CANADA-U.S. BORDER

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, for decades communities on both sides of the Canada-U.S. border have depended on each other in times of emergency. Canada and U.S. border officials have traditionally respected this arrangement.

Recently though, emergency responders have been delayed by U. S. border officials. In my region, a respected community activist twice revived after a heart attack, was held up in transit to emergency services in a Detroit hospital. The actions of U.S. officials have gone too far and it has to stop.

Can the Minister of Public Safety tell the House what the government is doing to ensure that emergency responders will not face this kind of unnecessary delay in the future?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, my colleague is quite right in reflecting on the historic relationship between Canadians and Americans in times of crisis and times of need. They have been able to move quickly across borders and assist one another in those particular times.

We have raised a number of issues related to the western hemisphere travel initiative which is a U.S. law that has had some unintended consequences in terms of how it is interpreted at the border. I have communicated with the secretary of state on this particular issue and the department of homeland security.

We have registered our concern. We do not want to see this continue. It has to come to an end.

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AIRBUS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, the terms of the defamation settlement with Brian Mulroney have been breached by the government House leader and by the 18th Prime Minister himself. Canadians want their $2.1 million back, although they may be willing to accept a little less if it is in cash. We do not want to wait for a public inquiry that may never happen for this.

Has the government started proceedings to recoup our money, or at the very least an investigation into the breach of the terms of settlement with Brian Mulroney?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, last week NDP members were calling for a public inquiry. Now they say they cannot wait for a public inquiry. The government readily agreed to having a public inquiry with the terms set by Dr. Johnston. I think we should have a look at what he recommends.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, the public inquiry might never happen, and the terms of the 1997 payment to Mr. Mulroney clearly stated that Mr. Mulroney agreed there was no political interference or vendettas in the Schreiber affair.

Now he says people are "still conducting their vendetta" and the government House leader says, "It was a previous Liberal government that launched a political vendetta against one of their enemies, and it had to pay the price for it".

The agreed to terms of settlement have been breached. Why wait? The government can commence the process to reclaim the $2.1 million. We want our money back and we want it now.

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, again, members will remember last week the moral outrage of the NDP members, they were demanding a public inquiry. I can tell they were a little bit disappointed when they actually got what they asked for. We have an independent third party that is having a look and setting the parameters for that public inquiry, and I think that should proceed.

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ROYAL CANADIAN MOUNTED POLICE

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, there continue to be many unanswered questions about the tragic death of Robert Dziekanski. He arrived in Vancouver around 4 p.m. on October 13, but for some unknown reason, he did not clear customs until after midnight. He waited for hours without assistance.

How did this happen? Why has the Canada Border Services Agency been silent on this matter?

● (1450)

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, we share the concern about what happened to this particular individual. It is one of the reasons that we have asked for answers. That is one of the reasons there are at least three independent reviews going on right now in terms of what took place.

We want everything to be put in place to see that something like this would never happen again. Those answers are being sought after intensively right now, and I hope the member opposite would exercise patience as these investigations continue, so that we can find out exactly what did happen.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, instead of explaining the CBSA's role, the Minister of Public Safety complained over the weekend that compared to the Dziekanski tragedy, the public does not show enough outrage over the damage done by drunk drivers.

While drunk driving is a serious issue, why is the minister detracting from what happened to Mr. Dziekanski? Why is he questioning the legitimacy of Canadians' concerns, and why has he not initiated an independent, national, public and comprehensive review on the use of tasers in Canada?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, the kindest words I could find is that is one of the most unfortunate, deliberate torques of a very serious situation that I have heard in a long time.

I might also add that when it comes to the situation of tasers and what happened in that very tragic incident, the first province to introduce and encourage taser use was the province of British Columbia. That was done while that particular member was the attorney general and while there were many concerns being raised about taser use.

We have raised concerns about taser use. That gentleman brought them into his province without questioning them. We are raising questions about them.

[*Translation*]

THE ENVIRONMENT

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, yesterday, the Minister of the Environment claimed that he supported UN scientists' work on climate change, but in reality, the government is trying to hide the fact that it has already given up the fight against climate change.

The minister has given no new funding to research, knows nothing about the data, and has proposed a plan that is not based on science, so why should Canadians believe that the current government supports the work of UN scientists?

[*English*]

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, I reject totally the premise of the member's question. This government is taking real action to fight climate change, something that was not done for 10 years.

When Kyoto was signed, it was a 10 year marathon to reduce greenhouse gas emissions, and when the starting pistol went off on that marathon, this member and the Liberal Party began running in the opposite direction. We are working hard to clean up the mess left to us by the previous government.

We welcome the report that came forward from the United Nations panel. We think it should form part the important work that will take place at the next UN conference in Indonesia.

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, as members have just heard, the minister falsely claims the government has an aggressive plan to fight climate change, but no one seriously believes that that is true. From the C.D. Howe Institute to the Deutsche Bank, every organization that has studied the minister's plan has said that it is weak, will fail, and will cause greenhouse gases to rise.

The UN report outlines exactly what needs to be done to address the climate change crisis. When will this government finally take the advice of scientists and present a plan based on their conclusions, instead of on Conservative delusions?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, let us look at the facts. Greenhouse gas emissions are now 32.9% higher than they were supposed to be, than the Liberals promised internationally. The Liberals have besmirched Canada's reputation on the world scene because they failed to act.

All the Liberal Party wants to do is examine, investigate, probe, commission reports, analyze, debate and study. This government is taking real action.

● (1455)

[*Translation*]

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, several times now, the French president has called for Europe to bring in a carbon tax. The French minister of foreign affairs said that the purpose of the tax would be to ensure that no business in any country that failed to comply with the accord could have an unfair advantage. Canada is failing the Kyoto accord.

Does the Minister of Industry realize that by rejecting the Kyoto accord in favour of big oil, he could end up penalizing all exporters, especially manufacturers?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, that is not the case at all. France's prime minister, president and minister of the environment have all been very clear: these measures would not apply to Canada.

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, if Canada continues to violate the Kyoto accord, we will not be able to escape the carbon tax, which will severely penalize Quebec exporters and manufacturers, who account for 40% of Canada's exports to France.

Will the Minister of Industry urge his government to respect Canada's commitments, thereby protecting Quebec's manufacturing industry, which is already in crisis, from an additional burden?

[*English*]

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, this government is going to keep its commitment to reduce in absolute terms the number of greenhouse gas emissions in this country by 20% by 2020.

I think it is fair to take criticism from the Bloc Québécois on this issue because at least it voted against the throne speech.

What we did see is, when we brought forward a new policy, the Liberal Party sit on its hands and allow that policy to become the law of the land.

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JUSTICE

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, a Canadian is about to die by lethal injection and the government insists, unbelievably, that this is not a reversal of Canadian policy on the death penalty.

For almost 30 years, the Government of Canada has had a policy of intervening to protect Canadians facing the death penalty in other countries.

Will the government immediately appeal to the Governor of Montana to protect the life of a Canadian citizen on death row? Or will it admit that, as Canadians suspect, the new Canadian government actively supports the death penalty?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the answer to both those questions is: no.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, in Saudi Arabia, there have been disturbing reports that a woman who was the victim of a multiple rape has now been convicted by the Saudi courts and sentenced to 200 lashes.

Could the Minister for the Status of Women advise the House of the government's reaction to this news?

[*Translation*]

Hon. Josée Verner (Minister of Canadian Heritage, Status of Women and Official Languages, CPC): Mr. Speaker, I want to thank the hon. member for this very important question. On behalf of the government and, I am sure, all Canadians, I would like to express our deep dismay at seeing a victim of multiple rape being sentenced to 200 lashes and six months in jail.

[*English*]

It defies belief that a woman who had been raped would be further violated by such a barbaric sentence. Our government will express our condemnation of this event to the appropriate Saudi authorities.

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AFGHANISTAN

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, the NDP has obtained documents which prove our soldiers are under orders to hand over all captured Afghans to local prisons, including children.

Last week's forced release of documents reported on the trial of the Sarpoza prison warden who had been accused of raping a child. The judge determined the official was innocent because it would be "impossible for a drunken man in his 50s to commit an act of rape".

When did the minister order Canada to stop transferring—

The Speaker: The hon. Minister of National Defence.

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, as I said in response to an earlier question in the House, my understanding is that there are current provisions within the Afghan detention system to segregate or to keep juvenile prisoners separate from others.

With respect to detainees or prisoners taken by Canadian Forces, we take a similar practice. They are not housed in proximity to other detainees.

Under this new arrangement, we have increased ability to monitor and to track detainees. Similarly, we have taken steps to improve the prison system through contributions to the independent Afghan—

● (1500)

The Speaker: The hon. member for New Westminster—Coquitlam.

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, some say the first casualty of war is truth. The second casualty must be accountability.

The Conservative government marches in lockstep with the Bush White House. Jailing children and mismanaging reconstruction funds are the hallmarks of the Bush doctrine.

Speaker's Ruling

In the haste to try to prove to Canadians that this war is being won, money is being handed out with zero accountability, so much so that Afghan warlords are lining up for Canadian government subsidies, and they are getting them. Will the minister confirm today in the House that our government is handing out money to warlords?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Certainly not, Mr. Speaker. I guess the first casualty of the NDP is to immediately resort to torquing and smearing and going to great lengths to somehow try to cast aspersions upon this mission.

The member talks about money being well spent. I think Canadians are very much behind efforts to improve education and health care. Eighty per cent of Afghans now have access to basic health services, when only 9% had it before. Millions of children are now in school, where they were not before. Microfinance is available and democracy improving—

The Speaker: The hon. member for Brampton West.

* * *

JUSTICE

Ms. Colleen Beaumier (Brampton West, Lib.): Mr. Speaker, while the Conservative government tries to mislead the House about its position on the death penalty, the facts are clear. The government has decided that our country will no longer co-sponsor a United Nations motion calling for a moratorium on the death penalty, a motion Canada has supported for years.

Why would the government not support this motion for a moratorium, which is in accord with the values of Canadians? Will the government change its position and co-sponsor the UN motion?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): In fact, Mr. Speaker, we do support the UN motion. The member can be assured of that.

* * *

AGRICULTURE AND AGRI-FOOD

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, the Conservative government is listening to farmers right across this country. More importantly, we are acting. We are opening borders, defending farmers' interests at the WTO, and working with the provinces to get farm families the help they need.

Just last week, Canada's agriculture ministers held a meeting to discuss elements of Growing Forward, the new policy framework for Canada's farmers. Can the Secretary of State for Agriculture tell us how farmers will benefit from this Conservative government's actions?

[*Translation*]

Hon. Christian Paradis (Secretary of State (Agriculture), CPC): Mr. Speaker, I want to thank the hon. member for his excellent question. January will be a good month for all Canadians. They will pay less GST and less tax, but farmers need more.

[*English*]

Farmers are struggling with the high dollar and high feed prices. Fortunately, last week, following a most successful FPT meeting, the agriculture minister announced that come January livestock producers and others will start getting $600 million in federal assistance. Members heard that right: 600 million big ones.

[*Translation*]

A $600 million boost, that is what is means to keep promises, something the Bloc and the Liberals do not understand.

* * *

[*English*]

SPEAKER'S RULING

UNPARLIAMENTARY LANGUAGE

The Speaker: I would like to return to the exchange between the hon. member for Scarborough Centre and the hon. Minister of Veterans Affairs during question period on November 1, 2007. I have had an opportunity to review the *Debates* of that day.

The hon. member for Scarborough Centre used the words "intellectually dishonest" in reference to the minister, who in response used the word "hypocrite" in reference to the member for Scarborough Centre.

It is the duty of the Speaker to ensure that all debates in the House are conducted with a certain degree of civility and mutual respect in keeping with established practice of the House.

[*Translation*]

Standing Order 18 specifies:

> No Member shall speak disrespectfully of the Sovereign, nor of any of the Royal Family, nor of the Governor General or the person administering the Government of Canada; nor use offensive words against either House, or against any Member thereof.

● (1505)

[*English*]

In addition, *House of Commons Procedure and Practice* states at page 526:

> In dealing with unparliamentary language, the Speaker takes into account the tone, manner and intention of the Member speaking; the person to whom the words were directed; the degree of provocation; and, most importantly,—

I stress "most importantly".

> —whether or not the remarks caused disorder in the Chamber.

In my opinion, the remarks made by the hon. members quite clearly created disorder in the chamber.

Therefore, I would ask that the hon. member for Scarborough Centre and the Minister of Veterans Affairs withdraw their remarks.

Hon. Greg Thompson (Minister of Veterans Affairs, CPC): Mr. Speaker, I will withdraw my remarks because we always do our very best to be parliamentary. It was unparliamentary. I withdraw my remarks.

Mr. John Cannis (Scarborough Centre, Lib.): Mr. Speaker, I also wish to withdraw my remark. In the heat of debate, we tend to release, so I withdraw my remark.

[*Translation*]

The Speaker: I would like to take this opportunity to remind all hon. members that the Canadian public watches the proceedings closely and that I regularly receive communications from members of the public concerned about decorum in the Chamber.

[*English*]

I therefore encourage members to refrain from making offensive or disrespectful remarks directed at one another. All members may disagree with one another from time to time, but such disagreement need not be manifested by the use of offensive names or personal insults that can only create disorder and lessen the respect that is due to all hon. members.

[*Translation*]

I want to thank the Minister of Veterans Affairs and the hon. member for Scarborough Centre for withdrawing their remarks today.

* * *

[*English*]

POINTS OF ORDER

ORAL QUESTIONS

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, I rise on a point of order. During question period, the member for Notre-Dame-de-Grâce—Lachine quoted from a document dated last week in which the Prime Minister praises Mr. Mulroney. I would request that this document be tabled in the House.

The Speaker: Does the hon. member have the unanimous consent of the House to table this document?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: There is no agreement.

[*Translation*]

The hon. member for Rimouski-Neigette—Témiscouata—Les Basques on a point of order.

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.): Mr. Speaker, my question is for you. I thought that after losing two soldiers, we would have at least taken a minute to rise in their memory. I thought that was a tradition.

The Speaker: Usually, such an acknowledgement is agreed upon by the leaders of the parties in the House. I was not informed of such a request today. The Prime Minister made a statement, and I think all the members appreciated it.

ROUTINE PROCEEDINGS

[*English*]

YOUTH CRIMINAL JUSTICE ACT

Hon. Rob Nicholson (Minister of Justice, CPC) moved for leave to introduce Bill C-25, An Act to amend the Youth Criminal Justice Act.

Routine Proceedings

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

* * *

[*Translation*]

INTERPARLIAMENTARY DELEGATIONS

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, I have the honour of tabling the Canada-Europe delegation's report on the meeting of the Committee on Economic Affairs and Development with representatives from the Organisation for Economic Co-operation and Development, the OECD, and the third part of the 2007 ordinary session of the Parliamentary Assembly of the Council of Europe, Paris-Strasbourg-France, from June 22 to 29, 2007.

It was interesting and we participated actively, as usual.

* * *

● (1510)

EMPLOYMENT INSURANCE ACT

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved for leave to introduce Bill C-478, An Act to amend the Employment Insurance Act (training entitlement).

He said: Mr. Speaker, I am pleased to introduce this bill, which is very important to Canadian workers.

This bill concerns training entitlement. The enactment amends the Employment Insurance Act to allow employees to receive, every year, up to five weeks of training directed at the development of their careers.

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

* * *

EMPLOYMENT INSURANCE ACT

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved for leave to introduce Bill C-479, An Act to amend the Employment Insurance Act (benefit period increase for regional rate of unemployment).

He said: Mr. Speaker, I would like to thank the hon. member for New Westminster—Coquitlam.

This bill would amend the Employment Insurance Act regarding the benefit period increase for regional rate of unemployment. This enactment would increase benefit periods under the Employment Insurance Act based on regional unemployment rates.

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

* * *

EMPLOYMENT INSURANCE ACT

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved for leave to introduce Bill C-480, An Act to amend the Employment Insurance Act (establishment of Unemployment Insurance Trust Fund) and another Act in consequence.

He said: Mr. Speaker, once again, I would like to thank the hon. member for New Westminster—Coquitlam.

This third bill calls on the government to change the employment insurance system. As we all know, I have introduced more than three bills. I think I am up to 11 bills. This bill calls on the government to change the EI system by amending the legislation to create the employment insurance trust fund. This enactment would change the title of the Employment Insurance Act back to its original title—its real title—the Unemployment Insurance Act.

The enactment would also create a separate unemployment insurance trust fund under the authority of the commission. This would replace the employment insurance account that is a part of the consolidated revenue fund.

As we all know, workers are sick of having their money taken away, without even asking them. This money belongs to them. This bill could improve the employment insurance account.

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

* * *

PETITIONS

VETERANS

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I would like to table a petition from veterans, criticizing the very poor quality of the services, such as medical benefits, provided by the Department of Veterans Affairs. They are also criticizing the fact that veterans have difficulty using the automated telephone service and cannot talk to a live person to get service.

Consequently, the petitioners are asking Parliament to revise the veterans program with veterans in mind.

● (1515)

[*English*]

SERVICE CANADA

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, this petition concerns the mandatory waiting period and requests that workers be allowed to claim for lost salary commencing on day one of their claim. The petitioners request the reinstatement of proper staffing in the local Service Canada office so that the claimants can choose to either file a paper or electronic claim and can receive support from properly informed staff.

Veterans and workers who have lost their jobs are complaining that they do not receive the service that they should be given from Service Canada.

SUDAN

Ms. Colleen Beaumier (Brampton West, Lib.): Mr. Speaker, as the government's interest in Africa wains, so does the aid. I have a petition from a number of constituents. Among other things, they would like us to send a special envoy to Darfur, bring the rebel sides together, form a diplomatic and lasting solution to the war in Darfur, increase aid, support the UN peacekeeping mission and provide additional funds to support the 3,000 UN troops who are currently there or who are about to be deployed and to support the current African Union troops.

CANADA POST

Mr. Mervin Tweed (Brandon—Souris, CPC): Mr. Speaker, I am pleased to present a petition from southern Calgary, Okotoks and surrounding area. I am asking all members to support this petition in support of Bill C-458, An Act to amend the Canada Post Corporation Act (library materials), to basically provide protection and support for the library book rate and to extend it to include audio-visual materials.

FEDERAL MINIMUM WAGE

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to rise in the House today to present two petitions.

The first petition is signed by people who note that the federal minimum wage was eliminated in 1996 under the Liberal government and that a $10 an hour minimum wage just approaches the poverty level for a single worker. The petition calls on the Parliament of Canada to ensure that workers in the federal jurisdiction are paid a fair minimum wage by passing Bill C-375, as presented by the member for Parkdale—High Park.

CHINESE HEAD TAX

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the second petition calls for the just and honourable redress for Chinese head tax payers. It points out very strongly that all Chinese head tax families without a surviving head tax payer or spouse deserve appropriate redress with respect and dignity. The petition supports the call for redress based on one certificate, one claim and calls upon the Prime Minister and Parliament to negotiate in good faith with the legal successors for a just and proper settlement.

INCOME TRUSTS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present a income trust broken promise petition on behalf of Mr. Shaun Alspach.

The petitioners remind the Prime Minister that he promised never to tax income trusts and that he broke that promise by imposing a 31.5% punitive tax, which permanently wiped out over $25 billion of the hard-earned retirement savings of over two million Canadians, particularly seniors.

The petitioners, therefore, call upon the Conservative minority government to admit that the decision to tax income trusts was based on flawed methodology and incorrect assumptions, to apologize to those who were unfairly harmed by this broken promise, and to repeal the punitive 31.5% tax on income trusts.

ASBESTOS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I have a petition from literally thousands of Canadians from all over Canada. They draw the attention of the House to the fact that asbestos is the greatest industrial killer the world has ever known, and yet Canada remains one of the largest producers of asbestos in the world. Canada still allows asbestos to be used in construction materials, textile products and even children's toys. The United States Senate recently unanimously passed a bill to ban asbestos.

Therefore, the petitioners call upon Parliament to ban asbestos in all its forms, to end all government subsidies of the asbestos industry, and to stop blocking international health and safety conventions designed to protect workers from asbestos, such as the Rotterdam convention.

STUDENT LOANS

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, I have two petitions, one of them from students and their families. Given the outdated, antiquated and entirely inadequate student financial aid system, student debt is approaching $25,000 on the average in Canada. The petitioners are calling on the minister to make certain that the review of the Canada student loans system addresses and resolves the flaws in the system.

The petitioners are also asking for a needs based grant system to reduce the federal loan interest rate, to create a student loan ombudsperson and to provide better relief during repayment by expanding eligibility for permanent disability benefits and to create enforceable federal standards for private student loan collection agencies whose practices have bordered on outright harassment.

They also ask that the lifetime limit on student loans be changed to reduce the discriminatory ban on bankruptcy protection for student loans for two years.

● (1520)

SECURITY AND PROSPERITY PARTNERSHIP

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, this petition touches on the so-called security and prosperity partnership which encompasses over 300 wide-ranging initiatives. It is a partnership that appears to be seeking to merge our security policies and practices with those of the United States, leaving Canada with less autonomous and sustainable economic, social, cultural and environmental policies.

The petitioners call on the government to stop further implementation of the partnership until there is a democratic mandate from the people of Canada. They urge the government to conduct a transparent and accountable public debate of the process, involving meaningful public consultation with civil society and a full legislative review as the NDP has been calling for.

VISITOR VISAS

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, I would like to table a petition on behalf of constituents and citizens of Ottawa.

The petition calls on the government to lift visa requirements for the Republic of Poland. Poland has been a member of the EU since May 1, 2004. Canadian citizens do not require visitor visas to visit Poland. The petitioners are asking that a reciprocal agreement be made by the Government of Canada.

SAFE HAVEN FOR BABIES

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, today I have the honour to present a petition signed by almost 50 constituents of mine from towns within my constituency, including Calgary, Delia, Drumheller, Hanna, Morrin, Morley, Munson, Rosedale, Standard, Three Hills, and Stettler. Other petitioners are from Newfoundland, which is not in my constituency, but they were visiting the riding of Crowfoot.

The petitioners call on Parliament to pass a motion that would enable communities to provide a safe haven where mothers could legally, safely and humanely leave or abandon their babies without fear of reprisal.

These safe havens could protect babies who for whatever reason cannot stay with their mothers, who are often afraid, maybe not making the best choices, but feeling that they have no other options.

These compassionate petitioners, whom I am very proud to stand up for and with, state that even if we are talking about only a very few children, we could still provide this type of service.

* * *

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, the following questions will be answered today: Nos. 13, 49 and 59.

[*Text*]

Question No. 13—**Mr. Dennis Bevington**:

> With regard to the Deh Cho process: (*a*) what are all of the government's obligations under the Deh Cho First Nations Interim Measures Agreement; (*b*) what are all of the government's obligations under the Deh Cho Interim Resource Development Agreement; and (c) what are all of the government's obligations under the Deh Cho Land Use Plan?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, the response is as follows:

a) and b) Section 7 of the Dehcho First Nations framework agreement provides that the Dehcho process be a transparent and open process. The interim measures agreement and interim resource development agreement, therefore, can be found with the respective agreements online at http://www.ainc-inac.gc.ca/DehCho

c) All information pertinent to the proposed interim Dehcho land use plan may be found in the interim measures agreement which is available publicly online at http://www.ainc-inac.gc.ca/DehCho

Question No. 49—**Ms. Jean Crowder**:

With regards to the krill fishery in the Georgia Strait: (*a*) what scientific studies have been done to determine the effect of this fishery on migrating Pacific salmon; (*b*) are there any recommendations to protect the Pacific salmon fishery arising from those studies and, if yes, what are they; (*c*) have any of those recommendations been implemented and, if so, what are they?

Hon. Loyola Hearn (Minister of Fisheries and Oceans, CPC): Mr. Speaker, the response is as follows:

a) Krill or euphasiids have been extensively studied by acoustic and trawl methods both in the Strait of Georgia and the west coast of Vancouver Island. These studies have confirmed that the existing fishery is a small percentage of the krill biomass and is not believed to compromise the use of krill as a food by salmon and other species, but that harvests should not be increased.

b) and c) Bycatch of other species in this fishery is low. However, to further minimize the chance of interaction of the fishery with juvenile salmonids, the season was truncated and now takes place from January to March 31 rather than ending in May. In keeping with research conclusions the fishery is also capped at 500 metric tones to ensure that krill are available as a prey species as per the forage species policy. The krill management plan further states that no increase in quota will be entertained without a sound scientific basis, which is in accordance with scientific advice.

Question No. 59—**Mr. Yvon Godin**:

Regarding the Office of the Umpire acting under the Employment Insurance Act: (*a*) how many umpires are there in Canada; (*b*) how many of these umpires are bilingual; (*c*) where are these bilingual umpires located; and (*d*) once it has been established that a matter should go before an umpire, how long does it take from the initial request to be heard by an umpire until the appearance before an umpire for matters to be heard in English and French respectively?

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, the response is as follows:

a) The governor in council may appoint from among judges of the Federal Court such number of umpires as the governor in council considers necessary for the purposes of the Employment Insurance Act. In addition, the Employment Insurance Act allows for judges or former judges of a superior, county or district court or a judge or former judge appointed under an act of Parliament or the legislature of a province, to be appointed as an umpire. As of today, 42 judges are appointed as umpires.

b) Of the 42 umpires, 18 are bilingual.

c) Umpires are located throughout Canada and travel across Canada to hear employment insurance appeal cases.

d) Since there are sufficient bilingual umpires to hear appeals, the language does not have an impact on the length of time to process those appeals. The majority, around 85%, of appeals are heard within 6 months from the initial request to the hearing of the appeal. Those not scheduled within 6 months are cases where the appellants are located in remote areas which are only visited once a year depending on the volume of appeals. Locations include Whitehorse, Yellowknife, Sept-Iles.

[*English*]

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

IMMIGRATION AND REFUGEE PROTECTION ACT

The House resumed consideration of the motion that Bill C-3, An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act, be read the second time and referred to a committee.

The Speaker: When the debate was interrupted by proceedings at 2 o'clock, the hon. Parliamentary Secretary to the Minister of Citizenship and Immigration had the floor for questions and comments consequent upon his speech. I guess he is rising in response to the previous question or comment.

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, there was a two part question. I answered the first part but not the second part. I would like to answer the second part of the question raised by the hon. member for Kitchener—Waterloo. I believe the second part was his concern that a foreign national may be held indefinitely under a security certificate indefinitely whereas someone charged under the Criminal Code for a Criminal Code offence would serve a time specific.

It points out the very essence of the distinction between the two. In the matter of the Criminal Code, the charge is for a criminal act that has been committed and the sentence is proportional to the type of act committed and the length of time that is appropriate to be served for that crime. It is unlike the issue we are dealing with here, which is national security and the admissibility of a person into Canada. A foreign national is not admitted to Canada if there is a security risk, if the person is part of organized crime or a terrorist, or there is evidence to believe that.

The foreign national, although not allowed into the country, can leave at any time. The only reason for detention is to protect the safety and security of the public. It is not a punitive measure. It is not something that is definite in time. Having said that, the bill provides for the person to be brought before a Federal Court judge within 48 hours and if there is a detention order because of a public safety and security issue, that is reviewed every six months and for as long as the person is in detention, but the person is free to leave at any time.

That is a very significant distinction. If there is another way to protect the safety and security of the country, the judge is able to release those on certain conditions, as has happened in many cases. They are restrictive. They need to be restrictive because the first and paramount interest is the safety and security of Canadians. That is the difference, that is the distinction and that is why the bill must pass.

● (1525)

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, I enjoyed listening to the member's comments on the bill. I think the bill is wholly reasonable. I entirely agree with the member that the safety of Canadians needs to be the paramount concern of any government.

Perhaps the member could underline how this proposed legislation implements the Supreme Court of Canada decision regarding the reviews of the reasons for continuing to detain individuals. How have we addressed the Supreme Court of Canada's concerns?

Mr. Ed Komarnicki: First and foremost, be assured that there is a review, Mr. Speaker, of any detentions every six months and on an ongoing basis.

More important, there was a suggestion that there needed to be something in the nature of a special advocate. This bill provides for a special advocate who is security cleared and will have some experience in matters like this, who is able to probe the evidence, who is able to look at the material to see whether it should be confidential or not, or whether there are issues about bringing it in the public or not. The special advocate would be allowed to cross-examine witnesses, to probe the evidence that the minister has put forth. This bill underscores the idea of protecting the person's interest as much as is possible with regard to the fact that the security of the nation and the security of Canadians is paramount.

It sets out the parameters of how this might work. Then it adds a particular clause which states that the special advocate may exercise with the judge's authorization any other powers that are necessary to protect the interest of the permanent resident or foreign national.

It certainly indicates very specifically what can be done. It also says that in a challenge of the minister's claim that disclosure of information or other evidence would be injurious to national security, the special advocate can challenge the relevance, the reliability, the sufficiency of information or other evidence and the weight to be given to it. He or she may make oral or written submissions with respect to the information and other evidence that is provided and may participate in and cross-examine the witnesses who testified during any part of the proceeding that is being held.

That sounds very much like what we have in an ordinary courtroom in a criminal proceeding. It is the type of thing that is meant to protect the person's interest to the degree that it can be protected, given the circumstances that we find ourselves in.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, I am very pleased to engage in the debate.

First and foremost, let me start by saying that this is the 25th year of the Charter of Rights and Freedoms. Unfortunately, the government has not made any celebratory comments about it. It has not made a point of letting Canadians know, because the government does not very much support the Charter of Rights and Freedoms that was enacted on April 17, 1982.

It is very appropriate, in some ways, that we are debating this piece of legislation, the amendment to the security certificate act, because this legislation, which has been used to hold people indefinitely, to hold them when they do not know what the charges are against them, has been illegal for 25 years.

All governments in the past 25 years have argued that the security certificate process was constitutional. It was not until the Supreme Court struck it down, saying that this is not good enough, that governments and the bureaucracies that support governments admitted to that.

When we talk about why it is so very important to have the Charter of Rights and Freedoms, perhaps we have to reflect for a minute. I am going to make this very short, but I am going to draw it into the question. We have to look at the history of this country. We have to look at how this country has evolved.

There is a huge number of cases where we have been very draconian in our actions toward various peoples who came to Canada, be they Canadians of Chinese background or Asian background. We had the Chinese head tax and the Asian exclusion act. We had the internment of Canadians who were from the Ukraine and the Austro-Hungarian Empire.

Specifically, a colleague of mine with whom I served in the House had one uncle who was serving with the Canadian armed forces during the second world war while another uncle was interned and in detention during the second world war. I can tell members that my colleague was highly emotional about it.

Of course, we had the internment of Japanese Canadians. We had the policy of "none is too many" for the Jews. We had the turning away of *SS St. Louis*. We had a racist immigration policy until 1977.

So when I talk about the importance of this debate and what the charter represents, it is important to look at the history. It is because of all those injustices that I believe the Charter of Rights and Freedoms came into play and was enacted by the House.

It was a recognition that Canada is not a nation of any majority but a collection of many minorities, to the extent that we can be on the side of majority public opinion one day and we could very easily be on the side of the minority the next. Essentially, we are all minorities.

The charter laid out fundamental rights. Nothing is more important in terms of fundamental rights than section 7 of the charter, which essentially states that every person "has the right to life, liberty and security of the person and the right not to be deprived thereof, except in accordance with the principles of fundamental justice". The charter then sets out another seven sections on what those legal rights are. This is a very important piece of the covenant that we Canadians share. I very much wanted to make that point.

● (1530)

It really is unfortunate that when we talk about the bill dealing with the security certificates, which was introduced in the House, we are not also talking about the bill on the Anti-terrorism Act, which deals with preventive detention and investigative hearings, because that bill started off at the Senate. I think it would benefit us if we took a holistic look at these various pieces of legislation.

I think it would benefit us if we looked at these in that way, particularly in the context of what happened on 9/11, because so much of our legislation now seems to be responding to the attacks on the World Trade Center. We should look back. We should try to determine if the actions taken by democratic governments in the western world, and indeed in the rest of the world itself, are enhancing the security of Canadians and security in the western world. Or are they making matters worse? I think that kind of overview would be beneficial not only to members of Parliament but to the country as a whole.

Therefore, I regret that the government has introduced the ATA or Anti-terrorism Act legislation in the Senate while of course we are dealing with the security certificate section in the House of Commons. I think a holistic approach would have been more preferable.

Much has been said about one of the reasons for having the bill, which is that we want to protect the security of Canadians. I think this is something that is very important for all Canadians to understand when we are dealing with security certificates and detentions for an indefinite period of time. If we are dealing with such dangerous individuals as the government, the security forces and the bureaucracy would have us believe, I think it is important to understand that under the security certificates, these people can leave any time they want.

It is like having dangerous criminals here. Would we allow them to leave any time they wanted to if they really were dangerous? In essence, that is what the security certificate does. It is like they can get out of jail any time they want. What the government does not talk about, of course, is the point about the people who do not want to leave these inhumane conditions. They do not want to leave being confined to indefinite detention. Many of them are afraid that in the places to which they might be sent they are going to be tortured or killed. It is a kind of Hobson's choice.

However, the point of the matter is that if we focus on how dangerous these folks are, then surely to God, if they are guilty of committing terrorism or plotting terrorism, it would benefit all of us to have them in a secure custodial place where they cannot get out any time they choose.

I think that point is very important. I used this argument in the citizenship and immigration committee when we talked about security certificates. I said that if we were fortunate enough to capture Osama bin Laden surely it would not be beneficial to us or anybody else to send him back to the caves of Afghanistan. That would not make Canada safer. It would not make the western world safer. It certainly would not make the world a safer place.

Let us take the long view. I thought about this a fair amount, because I have had occasion to live under a totalitarian regime. As many members know, I was born in Budapest, Hungary. There is a particular place in Hungary to visit. It is called the Terror Museum. It is on Andrásy utca, Andrásy street. It documents the terror under the Nazis and the Communists.

At the most dramatic spot in the museum there is a mannequin, one half of which is a person in a Arrow Cross Nazi uniform. As it turns around, we see a person wearing a Soviet uniform. What is so interesting about the museum is that it shows that the terrorism committed by either the Communists or the Nazis was equally horrible. There was no difference. They were the flip side of the same coin. When we look through the museum at the various exhibits, we realize that state terror can be very dangerous.

● (1535)

Yet we would deport some people to countries such as that, where human rights are not respected and executions are an everyday occurrence. If anybody has a chance to focus on that, it might give people a different perspective.

In Canada, there are six people presently under security certificates. Five of them are out on bail. One is being held in the Kingston immigration holding cell. One person is being held. It cost $3.2 million to build the facility. It costs $2 million to operate the facility. It seems to me it would be much more prudent to have that one individual released on conditions. If the government really believes it has something, then I think that person should be kept under surveillance instead of us spending that kind of money.

The parliamentary secretary would have us believe that there are many safeguards built into the security certificate. He mentioned that the security certificate has to be signed by the Minister of Public Safety and the Minister of Citizenship and Immigration before going in front of a judge.

The reality is that the present-day Minister of Public Safety, on November 19, 2002, slandered Mr. Maher Arar by implicating him as a terrorist. It is this minister, who did not have the facts and was a critic in the official opposition, who could stand up and make that kind of charge. Surely that does not give a member of Parliament any comfort on the objectivity that he will bring to the job.

The other person is the Minister of Citizenship and Immigration, who, I am sad to say, is lacking in knowledge of that portfolio. I dare say that I would not trust her judgment a great deal.

Then, to have a judicial process that is so draconian, that does not allow for any appeal and that can keep evidence away from the person being charged under the certificate, is not right.

We also have to look at the role various security organizations have played. I am going to bring up two cases because they show how the United States security service and the FBI are not in sync with our security organizations.

Let us take the case of Maher Arar, which obviously many Canadians know about. This gentleman has undergone the most exhaustive inquiry in Canadian history in terms of an individual. He was cleared of all charges and any suspicion, but the United States of America keeps him on a no fly list. That is one case.

The next case I am going to cite I saw while going through the report of the B.C. Civil Liberties Association, which made a submission to members of the House on security certificates and anti-terror legislation. It is the case of Ernst Zundel, a great nuisance and an undesirable person who was dealt with by the security certificate process as a matter of convenience. It was convenient. Yet the government made the case, with which Justice Blais agreed, that he was a security threat, even though under freedom of information it was discovered that the FBI charge concluded that this man was not a security threat.

● (1540)

Here we have two security services in operation in two democracies, one in Canada and one in the United States, coming to totally different conclusions.

Much has been made about this applying only to people with no status in Canada and people who are residents in Canada but are not citizens of Canada. I remind the House that in 2002 a proposed citizenship act was tabled in this chamber, under which the security certificate process was going to apply to Canadian citizens. It was going to use it against Canadian citizens as well. I say that because the way we treat people different from ourselves, be they residents, immigrants or visitors, at the end of the day is the way we can end up being treated. I invite all members to revisit that proposed citizenship act that would have placed Canadian citizens under a security certificate regime.

I mentioned that in a time of tension and fear, such as the time after 9/11 and also during times of war, is when basic human rights need to be guaranteed by the charter more than ever.

When everything is going well, it is not a problem, but it is as soon as times get tough, that we need the guarantees. It was at that type of point in time when the decision was made to get rid of Canadians of Ukrainian background. It was at that type of point in time that racist decisions were made to get rid of Canadians of Japanese background, to put them through an inhumane process for which we ended up apologizing.

There is a lot of scaremongering going on in the name of security. We have to realize that in doing this, we are essentially undermining our own security. The best way to fight terror is to build an inclusive country, where everybody feels a part of the country. We must recognize that Canadians have all sorts of backgrounds and come from all over the world. We will always find an example of someone who breaks the law. It does not just apply to Muslims. I remind members in the House that Timothy McVeigh was a Christian. He was a Caucasian. After he blew up the federal buildings in the United States, we did not do an inquisition into Christianity.

Every Canadian has a stake in making sure that Canada does not become a them and us society. If it became a them and us society, we would have built a society like that in the United States of America where O. J. Simpson was not going to be convicted by a black jury. There are centuries of reasons of discrimination for that happening.

Disturbing incidents have happened in this country of ours. We could look at the debates on reasonable accommodation in Quebec. Appealing to intolerance does not help. It does not help security. It did not help security when the Prime Minister of Canada while in Australia played that division card, played the card of suspicion, when he intervened in the whole issue of veiled voting to divert attention, to change the channel on in and out funding of elections by the Conservative Party.

If we want a Canada that is safe and secure, we have to make sure all of us are treated equally and that we do not differentiate between the way we might treat immigrants and the way we might treat citizens, because that would be wrong and counterproductive.

● (1545)

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, notwithstanding the comments I was going to make, I wanted to begin by suggesting that I think a lot of African Americans in the United States and certainly people of African descent in this country would be offended to hear that the member thinks those people do not stand for justice and would not convict one of their own based on the evidence before them. I think that is sad and I do not believe that is why that case arrived at that decision. I find that offensive.

The member often talks about how we do not celebrate the charter. I want to go back to that and ask him if he is going to have a celebration in the year 2010 when the Bill of Rights celebrates its 50th anniversary. That of course was a Conservative document which enshrined a number of the rights that the member claims he stands for, things like freedom of speech, freedom of religion, equality rights, the right to life, liberty and security of the person. It also enshrines property rights, such as the right to enjoy one's property, which the Charter of Rights and Freedoms neglected to do.

Specifically, I want to ask the member whether he believes that in all cases, the rights of an individual should trump the rights to the safety of the entire Canadian society. That is really what this is about.

The member is saying that he believes the Charter of Rights should always apply to everyone and if we apply those rights, then therefore we could never properly protect the Canadian public through the use of security certificates, even though the Supreme Court of Canada did not say that security certificates were against the charter. The Supreme Court recommended some changes. That is what this bill seeks to implement, and with these changes, we will be able to adequately protect Canadians.

The member wants to make this about the charter. It is not about the charter at all. It is about protecting Canadians. I wish he would get it straight.

● (1550)

Hon. Andrew Telegdi: Mr. Speaker, the member raised a number of topics.

Let me start with the O.J. Simpson case. All the polls taken after the O.J. Simpson case found that blacks in the United States thought he was innocent and non-blacks thought he was guilty. The case was very much poisoned by Detective Fuhrman when he came into the court and said that there was no racism involved and that he had never seen racist activity himself.

That is what I mean. That is why we have to have an inclusive society where it is not them and us, but it is all of us together in the same boat.

The member said that the security certificates were not unconstitutional. The Supreme Court found the security certificate to be unconstitutional and it gave the government a year to fix it. I am amazed that the member would not know that very basic fact. I ask him to read the judgment. This is incredible. That is the Conservative mentality.

He talked about the Bill of Rights. I will celebrate the Bill of Rights, as I have celebrated the Charter of Rights. I might tell the hon. member that on November 13, seeing that the government was not going to celebrate it, I had a celebration in my riding of Kitchener—Waterloo. We brought in Justin Trudeau and we celebrated the Charter of Rights and Freedoms. I would suggest that the member might want to do the same.

In terms of talking about security, Benjamin Franklin, one of the signatories to the Declaration of Independence in the United States, put it very aptly when he said that those who would give up freedoms in the name of security deserve neither security nor freedom.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I want to thank the hon. member for Kitchener—Waterloo for his intervention in this debate. I want to note my respect for his work in protecting the freedoms that are granted to us through the charter. I know that has been a feature of his career in this place. I pay tribute to him for his work on that.

I also want to pay tribute to him for something that he taught me when we were members of the Standing Committee on Citizenship and Immigration, when we were dealing with the proposals around the revocation of citizenship. One thing I learned was that this was an attempt to use a lesser process, a change using the Citizenship Act to go after significant criminal activity. The example that kept coming up was how we needed the possibility of revoking citizenship to get at people who were war criminals, who had misrepresented themselves when they came to Canada and who had committed terrible war crimes, that we needed this option to be able to remove them from Canada.

The hon. member showed me how using that kind of lesser process to get at an incredibly serious criminal issue such as war crimes was inappropriate. If we were going to seriously address the problems created by war criminals, we needed to have war crimes legislation that was effective and could be used to prosecute those people here in Canada, not a lesser possibility under the Citizenship Act. That is exactly what the bill we are currently talking about does. It uses a lesser deportation immigration process to go after the significant criminal issues of terrorism, threats to national security and espionage.

I wonder if the hon. member might comment on that. Does he agree that in Bill C-3 we are using a lesser process to go after a very serious criminal matter?

● (1555)

Hon. Andrew Telegdi: Mr. Speaker, certainly I appreciate the member's comments. We seem to be of like minds when it comes to the charter, civil liberties and human rights.

Let me say to the member that, yes, essentially we use overblown rhetoric to justify actions that really do not get at the problem the government is trying to solve. This is totally inappropriate legislation.

I reiterate that if there is someone who is a serious security threat in this country, the person should be in custody. We have other ways of getting rid of the person, instead of using something as draconian as the security certificate process, which totally ignores the legal sections of the Charter of Rights and Freedoms.

I will say to members in this chamber that I came to this country 50 years ago. My family and I tiptoed through minefields to get to freedom. We know what it means to live in a totalitarian dictatorship. We know that threats to civil liberties can never be taken lightly.

I go back to the central point I made in my presentation, that the only way we are going to be secure, and I will quote another American, George Washington, the price of security is eternal vigilance. We also have to recognize that eternal vigilance means that we defend our basic rights in the process. If we fail to do that, people can make a very good case that Osama bin Laden and his ilk did so much more damage to us because we did it to ourselves.

If we are going to fight terror, we have to fight it with a coherent plan. We are certainly not going to fight it by releasing dangerous individuals from custody to go back to the caves of Afghanistan or Pakistan or wherever. We will do so by keeping them locked up securely for the reason for which we have convicted them.

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): Mr. Speaker, I have had the pleasure of serving on the citizenship and immigration committee with the hon. member for Kitchener—Waterloo and other members in the House. I know that he is very seriously involved on this file.

He mentioned that there are six people right now under security certificates in Canada, of which five are out on bail and one is in jail. Could he give us more information on the length of stay under the security certificates? This has been shown to have been a problem in the past.

Hon. Andrew Telegdi: Mr. Speaker, the length of stay has been anywhere from three years to seven years depending on what point in time they were released. Five have been released and only one is in custody. The only reason this person is in custody is because he does not have family in Canada. All sorts of other people came forward to act as sureties and he could have been out on bail as well.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am glad to have this opportunity this afternoon to debate Bill C-3, An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act.

I want to make it very clear from the beginning that I am strongly opposed to this legislation and to the security certificate process itself. I believe that the process of security certificates should be repealed and abolished. It is a position I have taken since I have come to this place. I actually have a motion on the order paper calling for the repeal of those sections of the Immigration and Refugee Protection Act pertaining to the security certificate process.

The bill represents nothing more than a tinkering with a process that is fundamentally flawed and which has been found unconstitutional by the Supreme Court of Canada.

The security certificate process is part of Canada's Immigration and Refugee Protection Act, IRPA. It is intended to be an expedited deportation process to remove non-citizens, permanent residents, and visitors to Canada who are accused of serious criminal activities related to espionage, national security, terrorism and organized crime.

However, this is not how this legislation is being used. It is being used in serious ways not contemplated by its inclusion in the Immigration and Refugee Protection Act. This section is being used to circumvent our criminal justice system. It is being used to detain individuals without trial and without conviction and to detain them indefinitely. It is being used to deport people who may face torture or the death penalty in other countries. It is being used to circumvent the rules of evidence and to allow for the use of secret evidence, thereby denying a fair hearing. It is also being used to deny accused individuals the right to know the evidence against them and mount a defence in court.

These are all serious issues and ones that go to the fundamental questions of how our justice system operates in this country. They are, in fact, all issues that we have fought long and hard to establish in a fair and just system. They would not be part of a fair and just legal system in this country. Yet, here we have a piece of legislation that is being used in exactly those ways.

In the first session of this Parliament, the Standing Committee on Citizenship and Immigration studied the security certificate process as part of an undertaking that we made to look at both the use of immigration detention and in particular the security certificate process.

I wrote a minority report entitled "Detention Centers and Security Certificates" on behalf of the New Democratic Party to the 12th report of the Standing Committee on Citizenship and Immigration. I want to talk about some of the points that I raised in my minority report.

I talked about the fundamental violations of due process and civil liberties that must not be tolerated in a free and democratic society. I said that the security certificate process denies permanent residents and foreign nationals the protection of section 9 of the Charter of Rights and Freedoms that states: "Everyone has the right not to be arbitrarily detained or imprisoned".

That was a fundamental starting point for my minority report. I believe the security certificate process is a fundamental violation of the Charter of Rights and Freedoms. I believe that was key to why the Supreme Court decided that it was unconstitutional.

In my minority report I also talked about how issues of terrorism, national security, espionage and organized crime should be dealt with through the use of the Criminal Code and not through a lesser immigration process. I said that if there is a problem with the Criminal Code's ability to deal with these types of crimes, then those problems with the Criminal Code should be addressed and fixed. I think this is a central point.

These are serious crimes that we are talking about. These are crimes of terrorism, crimes against the national security of Canada, crimes dealing with organized crime or espionage. These are serious criminal matters. In fact, we might be hard pressed to think of other criminal issues that are more serious than these.

● (1600)

Those are all issues that should be dealt with by the Criminal Code, not by an immigration deportation process. They deserve the most serious attention our justice system can give them. I believe that is through a charge under the Criminal Code of Canada.

I also talked in my minority report about how immigration detention should be used only for immigration purposes and should be of short duration immediately prior to legal deportation for violations of immigration law. If deportation is not possible alternatives to detention must be pursued immediately.

Immigration detention must not be used as a substitute for bringing charges and seeking conviction for serious criminal matters related to terrorism, violations of national security, espionage and organized crime.

I believe that IRPA deals with questions of immigration law and that anything that is included in IRPA should be a process related to immigration law. I firmly believe that when we use IRPA and its provisions to detain people who have been accused of serious crimes related to terrorism, national security, espionage, organized crime, then we are doing an end run around the Criminal Code and using a lesser process that was never intended to seriously address the accusations and allegations related to those specific criminal activities.

A lesser immigration process should not be used for serious criminal issues. I believe that is just plain wrong. Deportation should be related to a violation of immigration law and not serious criminal matters.

That it not to say that a serious criminal matter does not have an influence in deportation issues, but we should never be using the deportation features of the immigration act to deal with a criminal matter in the first instance. That is the way we have been using it in the current situation with the security certificates.

The minority report also said that given the seriousness of crimes related to terrorism, it is imperative that those accused of such crimes be able to mount an effective and full defence. This is not possible in the security certificate context where the accused and their lawyers do not know the evidence against them and are not able to test that evidence in a court of law.

I believe that is an absolutely fundamental criteria of dealing with a fair and just criminal justice system, and to circumvent that and to upset that process goes against a fundamental of our society that we have worked long and hard over many centuries in fact to develop and fine tune. There is no excuse for circumventing those primary components of that criminal justice system.

My minority report also said that Canada must never deport to torture and must be in full compliance with the United Nations conventions against torture and other cruel or inhuman or degrading treatment or punishment. Evidence obtained by torture must never be admissible in a Canadian court or in any legal or immigration process.

Unfortunately, currently in the security certificate process, and I believe in the proposals that are before us, we do not have those assurances. We do not have the ability to test the evidence or the allegations to determine where those allegations came from, where that information was obtained, and how it was obtained. We know that any information obtained by torture is utterly unreliable, that people who are being tortured will say anything to save themselves and that information obtained in that kind of process should never be admissible in any kind of legal process in this country.

We need to make sure that that kind of guarantee is part of any legal process that we are considering. I do not believe that the current legislation or the proposals before us offer us that kind of assurance.

Canada must also ensure, I said in the minority report, that those who plot terrorist activities are tried, convicted and incarcerated, and not merely foisted on another jurisdiction through deportation. I think this is a very serious problem with the security certificate process.

What it says is, "We aren't going to convict you of this serious crime here in Canada. We're just going to try to get you out of the country, get you away from Canada to somehow protect us from you but to foist you on some other jurisdiction, to allow you to go unpunished for what you allegedly conspired here in Canada". I think that is an absolute derogation of our responsibility as world citizens. It is a derogation of our responsibility to Canadians that people, who participate in such serious criminal activity as terrorists and as threats to national security, go unpunished somehow.

● (1605)

I just think that removing them without ever having charged them or convicted them of those serious crimes is totally counter-intuitive. Why would we allow them to get away with that and get them out of our jurisdiction where they might never be tried or punished for that? If we as a wealthy country do not have the resources to prove these serious allegations, why would we foist that onto another jurisdiction that may not have the resources or abilities that we have in this country to do that? It just does not make sense to do that. That is another reason why I believe that this process is fundamentally flawed.

As part of the minority report that I wrote to the Standing Committee on Citizenship and Immigration report on security certificates, I made some very specific recommendations, and I want to just talk about them as part of this debate.

One of the recommendations I made was that the use of security certificates be abolished and that sections 9 and 76 to 87 of the Immigration and Refugee Protection Act be repealed immediately.

I still fundamentally argue that is the route that we should be going in this country. We should not be using this secondary and lessor process to prosecute very serious criminal matters. If there are problems with our Criminal Code, then we should be addressing those problems and fixing that legislation.

My second recommendation was that evidence obtained by torture and provided by governments or police and intelligence agencies that practise torture should not be admissible in a Canadian court of law, or in any criminal or legal process or hearing, or in any immigration or refugee process or hearing. I think that is an absolutely fundamental requirement.

I have already spoken about how fundamentally unreliable evidence obtained by torture is and how fundamentally immoral it is to even consider condoning information obtained under those kinds of circumstances. Canada should be doing nothing that condones or would allow any other country or any other intelligence-gathering organization to use such tactics against anyone. I believe that any legislation that we debate in this place should make that absolutely clear.

The third recommendation that I made as part of that minority report was that immigration detention must only be used as a short term measure immediately prior to removal related to violations of immigration law. So, again, IRPA should be about immigration law. It should not be about a backdoor to dealing in a very inappropriate way with serious criminal issues, such as terrorism or threats to national security.

As part of my minority report I supported several of the majority recommendations that the committee report did.

One of the recommendations the majority put forward was that charges should be laid under the Criminal Code against permanent residents or foreign nationals who are suspected of participating in, contributing to or facilitating terrorist activities. I think the committee said that a preference should always exist for the use of the Criminal Code. I would go stronger but I did support that recommendation.

Another recommendation that the majority report made was that there should be no removal of permanent residents or foreign nationals to their country of origin or habitual residence if there are reasonable grounds to believe that they would be at risk of torture or death, or face the risk of cruel and unreasonable treatment or punishment. I think that is a very significant one.

We have seen already, just in recent weeks, that the current government may be willing to compromise that longstanding Canadian commitment of not deporting someone to face the death penalty. It may be chipping away at Canada's longstanding opposition to the death penalty in terms of the Canadian who is on death row in the United States and where we are not seeking to have that death penalty commuted. I think that this goes hand in hand with this kind of legislation that we are talking about as well.

Furthermore, there was another majority recommendation that police and intelligence services have appropriate resources to investigate allegations of criminal activities related to security, terrorism, espionage and organized crime, and to pursue appropriate charges under the Criminal Code.

● (1610)

I happen to believe these crimes are so serious that we should have every resource available to our intelligence and police agencies to have an effective prosecution of individuals who have engaged in that kind of activity.

I strongly supported this and proposed, during the discussions in committee, that this needed to be an important feature of the report. There is no excuse for being soft on those kinds of serious crimes. We need to pursue those allegations vigorously, but do it in the context of respect for our criminal justice system and without compromising the criminal justice system.

I should note that a similar minority report on the security certificate process was made by the member for Windsor—Tecumseh, the NDP justice critic, to the report of the Standing Committee on Public Safety and National Security's subcommittee on the review of the Anti-Terrorism Act. The report was entitled, "Rights, Limits, Security: A Comprehensive Review of the Anti-terrorism Act and Related Issues".

A major feature of the legislation now before us in Bill C-3 is to add a special advocate to the process, a court appointed lawyer who would have access to the evidence and act in the interest of the accused, which is the way this is described. I believe the special advocate process or office is also a flawed process, a flawed institution. We have seen that there have been significant problems with the same kind of process of special advocates in other jurisdictions.

A special advocate from the United Kingdom, Ian Macdonald, has been very outspoken on the problems of the special advocate in that jurisdiction. I want to quote something he said in relation to his role as a special advocate. He stated:

> My role has been altered to provide a false legitimacy to indefinite detention without knowledge of the accusations being made and without any kind of criminal charge or trial.

This is a very serious response from someone who has worked inside exactly the kind of system that is contemplated by Bill C-3.

Bill C-3 limits the ability of the special advocate to communicate with the accused about the evidence that he or she has seen. That is a huge flaw. There is an inability to test the evidence, a key aspect of our criminal justice process. There is the serious problem of turning allegations into evidence, which is a key part of a criminal trial in our country as part of our system and is absent in this process, a flaw also in the U.K. that was raised by Mr. Macdonald. It continues to be a flaw in this legislation.

Mr. Macdonald said to a parliamentary committee in the U.K. in 2005:

> —you have a whole lot of mass of information and assessments without there ever being any need to make an effort to turn any of that into evidence. I think that has within it an inherent risk that you end up with quite shoddy intelligence and misleading intelligence.

We also need to test information presented in court by cross-examination and the calling of other witnesses, all of which are denied by this process.

In fact, Mr. Macdonald summed up his role as a special advocate by saying that he was called to provide "a fig leaf of respectability and legitimacy to a process which I found odious". That is a very serious condemnation of that process.

This past July, the U.K. Parliamentary Joint Committee on Human Rights issued a strongly worded report, describing the U.K. special advocate system as "Kafkaesque or like the Star Chamber", nothing that we would want to emulate in this country.

If the government had been serious about the special advocate process, it would have taken very seriously a report last summer in our country by Lorne Waldman and Craig Forcese on the security certificate process. They made a very detailed set of recommendations about how that process might be used. In fact, they said that the Security Intelligence Review Committee, or SIRC process, might have more to recommend it than the U.K. special advocate process, which the government seems to have emulated.

I do not think the government has made a serious attempt to address the problems of the security certificate process because it did not take the recommendations of Messrs. Waldman and Forcese very seriously when coming up with this legislation.

Six people are still subject to security certificates in Canada. One is incarcerated still at the Kingston Immigration Holding Centre, Hassan Almrei, and five others, Adil Charkaoui, Mohamed Harkat, Mahmoud Jaballah, Mohammad Mahjoub and Manickavasagam Suresh, are all subject to very serious conditions of release related to the security certificate process. In my opinion, for the reasons I have discussed, none of this is justified.

● (1615)

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, the hon. member and I have had the opportunity to meet with the people who are held under security certificates. We also visited the Kingston Immigration Holding Centre. In talking with them, I did not detect any terrorist. All the people involved are very staunch defenders. It is a real crime that these people cannot clear their name or go to court and have the government prove its case. Rather they are cast under this shadow. That is one comment.

Could the member elaborate on some of the shortcomings of the people who are held in the detention facility in Kingston and does he thinks it is appropriate to have one person essentially in solitary confinement?

● (1620)

Mr. Bill Siksay: Mr. Speaker, I have very serious reservations about the continuing incarceration of Hassan Almrei at the Kingston Immigration Holding Centre, that special maximum security prison, within the walls of Millhaven maximum security prison which was built to house security certificate detainees. Mr. Almrei is the only prisoner left there and that raises very serious issues of solitary confinement.

It is not the kind of punitive solitary confinement that is undertaken for disciplinary action against a prisoner who has acted out in the correctional system. However, this system where there is only one person in prison in an institution is utterly inappropriate. It is something that should not be happening.

I know the member for Kitchener—Waterloo pointed this out earlier. I believe that Mr. Almrei remains the only prisoner in Kingston because he has no family members in Canada who can act as his jailers on behalf of the Government of Canada and the people of Canada.

That is what happened to the other five people who are out. They are out under such strict conditions of release that essentially their wives, in all cases, have been asked to be their jailers, to keep contact with them 24 hours a day, to be totally responsible for them on behalf of the Canadian people. That is in addition to ankle bracelets, security cameras and details of CBSA employees who follow them constantly on the very limited times they are allowed to leave their residences.

These kinds of conditions are extremely draconian and put incredible pressures on the relationships and the families of those people. Children are living under these kinds of circumstances in Canada, which is utterly inappropriate. Children who are Canadian citizens are subject to those kinds of conditions of house arrest because of the actions of their parents who have never been proven to be a threat against Canada. They have never been charged or convicted of any crime.

I have been very clear with Hassan Almrei and some of the others. I have said to Mr. Almrei in the number of times I have met with him personally at Kingston and when I talk to him on the phone that I have no way of knowing if he is the worst guy on the planet or somebody who is completely innocent and caught up in something in which he was not directly involved.

I also believe that no one else in the country knows that either. He has never been charged or convicted of any crime here, certainly any serious crime here. Until that is done, I will maintain that I do not know. All Mr. Almrei has ever said is if he has done those bad things, charge him so he can have a fair chance at proving him innocence and if he is not proven innocent, then he should do his time for serious crimes of this nature.

He is very clear about that. His supporters are very clear about that. I wish we in this place could be as clear about the importance of upholding our criminal justice system in this situation. When we compromise it for one person who we may have serious reservations about, we compromise our system completely.

As Representative Barbara Lee in the United States said when she voted against the American involvement in the war in Iraq, "Let's not become the evil that we so clearly deplore". I believe this is one way we do that in our circumstances here in Canada.

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): Mr. Speaker, I listened with intent to the member for Burnaby—Douglas. He served on the committee when I was a member of it, from 2004-06, and we dealt with this issue of security certificates at that time.

We heard from many witnesses at the time. The committee travelled across Canada, discussing this issue and other issues of citizenship and immigration. We could not believe there would be people in Canada who were not charged and imprisoned. They were simply held without charges for unspecified periods of time.

We also had some recommendations in the committee report to look at these people and have them either charged and processed through the criminal court or released and returned to a country that was safe, or look at a third country alternative.

Could the member explain to us how his constituents view this, not charging anyone and detaining them for unspecified periods of time serves democracy today?

● (1625)

Mr. Bill Siksay: Mr. Speaker, whenever I talk with people about what happens under the security certificate process, their first reaction is shock and horror that something such as this could happen in Canada, that people could be detained five, six or seven years, or subject to house arrest for that period of time, never having been charged or convicted of a serious crime in Canada.

I think everyone who hears about this is outraged that this kind of process could be used in Canada. It is high time we focused attention on what happens in this process.

There is no excuse for this. It has not been shown that we cannot deal with these serious crimes under the Criminal Code. We have not had unsuccessful prosecutions. In fact, we have Canadian citizens now being charged under the Criminal Code for similar serious activities and that process is going through the court system. We have not circumvented the whole process to deal with them. We should not be doing that to deal with people who have been granted permanent resident status in our country. They are entitled to the same protections that I receive as a Canadian citizen.

I do not believe there is any appetite among Canadians for upsetting that kind of legal process, upsetting our criminal justice system in the name of some abstract idea of Canadian security, when it has not been proven that these people are any threat to Canadian security at all.

We need to prove that and we need to prove it in a criminal court of law. In this case we could then take the serious action against any individual who has been convicted of such crime and for which they deserve. Until that time, there is no excuse for the indefinite detention, which goes on for years, for limitations on their freedom, which go on for years, for limitations on the freedom of their family, which go on for years on end. It is completely inappropriate and not seen as something that is the Canadian way and not representative of Canadian values.

Some people will say that it has only been used 28 times since it was set up and there are only six people now under a security certificate. In my opinion that is six people too many when we are dealing with such a fundamental disruption of our freedoms and that of our criminal justice system.

There is absolutely no excuse. There has been no proof that such a process is necessary. Until that time, I will continue to add my voice. I am very proud of the New Democrats who will stand and very clearly vote against the legislation. It does not meet our standards in terms of upholding basic values of the importance of our criminal justice system, basic values of human rights, which we have fought for time and time again. We cannot compromise those without a fight.

In this corner of the House we are prepared to mount that fight and speak clearly and passionately about the importance of the values of human rights to Canada, to Canadians and to people around the world. If we make these kinds of compromises, how can we hold others to account for the compromises they constantly make when it comes to human rights and the just process?

The Acting Speaker (Mr. Royal Galipeau): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Richmond Hill, Afghanistan; the hon. member for West Nova, Airbus.

● (1630)

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I am pleased to have the opportunity today to speak to Bill C-3, clearly a piece of legislation that is extremely important to all of us as parliamentarians but also very important for Canada.

It is an act to amend the Immigration and Refugee Protection Act, certificates and special advocates. Listening to my colleague from Burnaby and knowing how passionately he feels about this, I recognize and recall from some time past his opposition to these kinds of things. I must say I applaud his commitment but look at it from a very different point of view.

This bill that is before us will amend the Immigration and Refugee Protection Act to create the role of special advocate.

The very core role of the special advocate would be to protect the interests of the subject of a security certificate by challenging the public safety minister's claim to the confidentiality of information, as well as its relevance and the weight of the evidence, something that is important. We have been clearly pointing out that there were areas in the previous legislation that needed to be improved and this is a good beginning.

The special advocate may also make written and oral submissions to the court and cross-examine government witnesses. These responsibilities would have to be performed within closed court proceedings. It is quite similar to the British system, as my colleague from Burnaby pointed out.

The special advocate's responsibility though is to protect individuals interests in proceedings where evidence is heard in the absence of the public, and of the persons and their counsel. Clearly, these are areas of new jurisdiction for our country, but areas that have been necessary for us to go to make sure that Canadians in Canada are protected.

The bill also provides that any individuals detained under the certificate regime must have their detention reviewed by a judge of the Federal Court within 48 hours of the detention beginning. That is also a very important aspect of the legislation, to ensure that the adequate evidence is also there, and people are not just randomly held, as some people would like us to believe.

Any persons who are still detained six months after the conclusion of the first review may apply for another review of the very reasons for their continued detention. It is another avenue where it is not just a closed door. They will have an opportunity to provide evidence and to defend themselves.

The bill permits a challenge to the Federal Court of Appeal of reasonableness, and I think that is a key word throughout this legislation, of a security certificate, or the results of a review of a person's detention, or the release, should that happen, under conditions.

Again, as my colleague from Burnaby pointed out, some of those conditions may not be the best, but we are always having to keep in mind the safety of our country and security of Canadians, providing the appeal judge certifies that a serious question of general importance is involved.

It also permits a peace officer to arrest and detain persons who are subject to a security certificate if the officer has reasonable grounds to believe that the persons have contravened or are about to contravene their conditions of release. That is a very important part of this legislation as well because people will be given the opportunity, under certain conditions, to have a degree of freedom, but if for some reason or another a police officer or someone else has reason to believe that they may flee, then they may need take whatever steps are necessary to ensure that the individuals in question are where they needed to be.

Bill C-3 also enables the minister to apply for the non-disclosure of confidential information during a judicial review of a decision made under the act, and gives the judge discretion to appoint a special advocate to protect the interests of the person concerned.

Just to give some background to the many Canadians who are watching this debate, or we would like to think are watching this debate, the Supreme Court of Canada ruled unanimously on February 23 that the process for determining the reasonableness of security certificates violates section 7 of the Charter of Rights and Freedoms, hence the reason that we are currently dealing with this legislation.

● (1635)

I always believe that the more time we take to review something the better the legislation will come out and clearly the Supreme Court has point out some areas that needed to be looked at and reviewed. I believe, at the end of the day, it will only make it that much better, that much stronger, and that much more effective piece of legislation.

We also know that none of us want to see innocent people have their rights abused in Canada. I think that by the time the committee finishes studying the legislation, when it comes back to the House, it will be that much more effective, keeping in mind some of the comments that some of my colleagues have raised about their concerns about abuse of the process.

The Supreme Court was quite clear. The government does require a mechanism to remove individuals from Canada who pose a threat to national security. That clearly was a large part of that legislation that was introduced initially, that there did need to be some sort of mechanism so that people could be removed. I believe Canadians want that ability to do that.

However, the system as it is currently must be reformed. The court had particular concerns with respect to secrecy of the judicial review system which prevents individuals from knowing the case against them and hence impairs their ability to effectively challenge the government's case.

I think we can say that it was not just the court that had concerns about that particular area of it. It certainly goes against a lot of things that we believe in in Canada and keeping the secrecy issue is a very difficult thing.

It is all about a balance of being able to protect our country and to respect our security issues. At the same time we cannot disregard the fact that we have a charter in our country and we have human rights that we respect. We want to make sure that things are done properly and that we do not have to hide in shame because we did not do something properly when it comes to something as important as international or security issues.

We on this side of the House, as the official opposition, welcomed the decision of the Supreme Court on the security certificates in February which provided Parliament a year to address the issue. That year will soon be up and it is only now starting to be dealt with.

It is very unfortunate that the government took so long to come forward with replacement legislation that Parliament now may be rushed to ensure that legislation is in place before the one year timeline expires in February 2008. Add on to that, this is an important piece of legislation. We dealt with it before under strenuous difficult times. It is important that we do this right and that we make sure that we are going to maintain the safety our country, as well as not abusing human rights and stepping on other people's rights.

The Supreme Court agreed that the protection of Canada's national security and related intelligence sources does constitute a pressing and substantial objective, but it also found that the non-disclosure of evidence at certificate hearings is a significant infringement on the rights of the accused. I believe most Canadians and most of us as parliamentarians will have to admit that we had some concerns in that very area. Finding the right balance is the challenge.

In other words, the government must choose a less intrusive alternative, notably the use of a special advocate to act on behalf of the named persons while still protecting Canada's national security. I go back to the issue of a balance and how that important that balance is for all of us.

The immigration security certificate procedure still allows suspected terrorists as well as refugees and landed immigrants accused of human rights violations or serious criminality to be detained and deported from Canada. The safety of Canadians and Canada is a priority I know for all of us as parliamentarians.

The Liberal party will support the bill at second reading, voting in favour of sending the bill to committee for an in-depth study. We will take the time to study the new bill, to make the necessary improvements at the committee stage, and hopefully we will still be able to not be too far off from the timeline that we have been given to get this done.

It will mean a lot of work by a lot of parliamentarians in the House very quickly in order to ensure that we are following all of the obligations that Canada has when it comes to fighting terrorism. It is something that is extremely important for all of us and we want to ensure that we have covered all the bases that are necessary.

We do not want to have legislation that does not meet all of the requirements and that again would be challenged in the Supreme Court and possibly struck down. I think as we move forward to committee now many of us will work on this legislation to ensure that there is that balance that all Canadians will want to see.

● (1640)

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): Mr. Speaker, I heard the member eloquently explain the situation the way it is right now and what she is really looking at. It sounds like we are in favour of taking this bill to committee so we can further review it.

My concern lies with the time we have as of the ruling. The Supreme Court ruled in February 2007 and February 23, 2008 comes very quickly when we have a Christmas break and return near the end of January. In the hon. member's view, will we have substantial time to look at all the alternatives, amend the legislation, and bring it back for the final reading in the House?

Hon. Judy Sgro: Mr. Speaker, I know my colleague has a huge amount of interest in this issue. To answer his question, it will be difficult. There is a very short timeline. Possibly, parliamentarians will have to work over January if we are to meet that February 2008 date. However, I suspect it will not be the first time we have not met a date requirement and we will have to ask for an extension.

We should remember that while we are moving forward in all of this, many people around the world are watching Canada and how we will deal with the legislation. Will we make sure it is respectful of human rights, respectful of the charter and respectful of all of the things that matter so much to us as Canadians?

Listening to the concerns of my colleague from Burnaby, and I am sure there are concerns on all sides of the House, we are uncomfortable with the previous legislation. We are probably still uncomfortable with Bill C-3, while recognizing that fighting terrorism is something we all have to do. The government has to have the tools necessary to take whatever action is necessary to ensure we are safe as a country and that we are working with other countries around the world to prevent the continuation of terrorism.

It is critically important that we get the bill to committee. We hope this week it will go through and the committee can start work next week. Knowing the way parliamentarians feel, I expect they will put a lot of hours into looking at this on all sides of the discussions and arguments that no doubt will be there on behalf of many individuals.

Where we are going with it is an improvement to the process. A special advocate will be a good approach. We need to get the bill to committee, work on it, and get it back into the House to be approved. The sooner we do that the better for Canada.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I notice that in Bill C-3, one of the compromises, I suppose we could say, made by the Conservative government when it introduced the bill is that there will be special advocates as part of the security certificate process. It claims this will be enough to ensure that someone is representing the rights and the concerns of the accused and that at least the special advocate will be told the nature of the charges and why the person is being detained.

However, my colleague from Burnaby—Douglas points out that in the U.K. and New Zealand, where they do have special advocates for people being held, that it has been woefully inadequate. In the U. K., a special advocate in fact has resigned in protest recently, citing that he felt that his office was being used as an excuse to detain people unfairly. In other words, the special advocate did start advocating on behalf of the people detained and resigned.

Does the party of the hon. member agree that the special advocate is not an adequate compromise to ensure the rights of the detainees are being represented?

● (1645)

Hon. Judy Sgro: Mr. Speaker, I guess time will tell. I would like to think that we would look at and learn from the U.K. model and the New Zealand model. I would like to think that we would make sure that in one way or the other the rights of the individuals being detained are paramount.

This is not a question of government interference. There should be an arm's-length ability for a special advocate to have full access to whatever evidence is put forward to detain an individual. If the advocate does not feel that it meets the proper requirements, it should not just be an opportunity to detain somebody and throw away the key because we have questions about whether or not they are a threat to the country.

I would only assume that these things are not done lightly. I can assure my colleague, from some previous experience in life, that security certificates are not things that we sign off on easily. There is a huge amount of responsibility there.

I would hope that we would learn from the U.K. and New Zealand models to make sure that the role of special advocate proposed in this legislation includes the tools and the ability and the arm's-length firmness to be able to stand up to the government or to parliamentarians as a whole and say that there is not enough evidence and an individual's rights are being abused. I expect that we would all make human rights paramount. I am sure that we do not want our rights abused, nor should we be abusing anyone else's.

I would hope that we learn from the U.K. and New Zealand models and make our special advocate, as a result of this legislation, even better and that we continue to look at it and find ways to strengthen this legislation.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, there were a number of people in the Toronto locale, 18 in total, I believe, who were charged with terrorism. They were very sensational charges. The government did a lot to manage the news on them. Those folks were not charged under the security certificate section, but they are being charged with terrorist activities and under the Criminal Code.

Since this incident happened in the member's geographic district of the GTA, could she tell us anything about these 18 people?

Hon. Judy Sgro: Mr. Speaker, police in our major cities have a huge responsibility to do the right thing when they are dealing with crime and various other activities. When they have concerns about a particular group of people, they often will spend up to 18 months working on that group. Just because people are affiliated with a group, it does not mean they are necessarily part of that group or that they are terrorists.

The police have a difficult job. We have a difficult job. It is a question of finding balance and respecting an individual's rights.

Some of those people were detained and subsequently released, but I think that once people have been detained and have had that label put on them, it is very difficult to have it removed. I think that stigma would be with them forever. I think it is always a question of being cautious before laying charges and of making sure we have all the information we need.

As for Bill C-3, at committee we will have a chance to find out what we are talking about as far as reasons for detaining someone and taking away his or her liberties are concerned. Maybe we need to specify more clearly the reasons why someone should be detained. These are the kinds of things that we can talk about at committee to make sure that this legislation is vented properly and that it achieves what we want it to achieve, which is to ensure that we are all fighting terrorism together, that Canada remains a safe place, and that we are doing our part in the fight against terrorism around the world.

● (1650)

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I am pleased to speak today on Bill C-3. This is an interesting bill, because it highlights basic rights and sometimes pits them against each other. Rights come up against security, an increasingly important issue in Canada and elsewhere. When people can be deprived of their freedom and deported, we must always ask ourselves whether we are going too far at times. Of course, we live under the rule of law, in a free and democratic society.

Are these sorts of security certificates compatible with the concepts of a free and democratic society, with the rule of law, with the charters? Are they compatible? Having examined the bill, we support it, provided there is no abuse. We have seen that there has been no abuse to date. Since the terrorist attacks, only five or six certificates have been issued. Since 1991, 27 security certificates have been issued. No can say that Canada is going overboard. No one can say that Canada is issuing security certificates left and right. Deciding to deport someone is a serious matter, and I believe that the investigations that are conducted ensure that we do not make mistakes about these deportations.

We are in favour of security certificates. However, I think the bill can be improved and it is important that it is. In my opinion, it is the role of the opposition to ensure that a bill is perfectly suited to the situation. Not only must there be no mistakes, but these people need help ensuring that their basic rights of freedom and self-defence are defended.

The use of a security certificate is not that complicated and it is a rather quick measure. The Minister of Citizenship and Immigration and the Minister of Public Safety have to sign it. Then the whole matter is sent to the court for evaluation. When the court is considering a security certificate, it can hold in camera hearings because some of the information might compromise the security of Canada or endanger certain individuals.

However, the problem is that the security certificate is often issued in absentia. It is up to the court to decide whether or not the person—whom we could think of as the accused—will be issued a security certificate in absentia. In our opinion, some things need to be changed in order to provide not a full defence, but at least the assurance that there will not be any major assaults on democracy and the right to defend oneself.

There is another problem. Once the Federal Court agrees to issue a security certificate for an individual, there is no appeal process. Not only does the court often rule in the absence of the person concerned, but what is more, there is no appeal process. I will elaborate on this later because this is one area where we have some reservations about the whole issue of security certificates.

Finally, as soon as the Federal Court confirms that the security certificate can be issued, the person is automatically extradited. Again, we must remember that this specifically applies to permanent residents and foreign nationals. Canadian citizens could never be in the same boat because other types of rights apply to Canadian citizens.

There were some exceptions in the various cases heard by the courts, such as the fact that an individual cannot be extradited if it is certain that he will be tortured or that his life will be in danger in the country to which he is being extradited.

I think it is important to highlight the current procedure used with respect to security certificates. I would like to explain some amendments we are proposing.

● (1655)

Earlier, my colleague spoke about special advocates. Great Britain and other places have experience using special advocates. A special advocate is not a defence lawyer; it is someone who will guide the accused through the process and who will show him how to defend himself: are the facts true, is the evidence well-founded?

I think this support is important. It is something that should be in the law. An individual cannot be told that the Minister of Citizenship and Immigration and the Minister of Public Safety have just signed a security certificate concerning him, that it is being sent to the court, where the judge, sometimes without consulting the accused, decides it is over and he is being sent away, without any appeal process. This seems a bit quick and hasty.

We are making suggestions to ensure that there will be no mistakes. Even if we conceded that security certificates were not being abused, the bill should be fine-tuned.

We believe it is important to allow an advocate to defend the rights of an individual who is facing deportation. We also believe it is important to disclose all the evidence to this special advocate. To date, all the government has had to provide is a summary of the evidence, but we would like the full evidence to be disclosed.

We would not have a problem with that. Moreover, in the agencies that control CSIS and the RCMP, lawyers are also bound by solicitor-client privilege. I therefore do not see why we should not allow special advocates bound by solicitor-client privilege to have the full evidence, which would make them better able to defend the accused person facing extradition.

In our opinion, this is something the government should do. I hope that my opposition colleagues will support this approach, so that a full defence is possible.

The right to appeal poses another problem. Something seems to me to be a bit excessive. I am not questioning the Federal Court judge's suitability, integrity, IQ or anything else, but legal errors can occur. No one is infallible. It seems a bit much that one person can make this decision and that the decision cannot be appealed. We are playing with an individual's freedom here. We are sending him back to a country, refusing him access to Canada and telling him that that is the judge's decision and that it is final. It seems to me that we have proof that this does not always work.

With regard to the people who are in charge of immigration, I realized the other day that there is still no process for appealing an immigration judge's decision. There is also no appeal process for people who are told that they can no longer stay in Canada and must leave. And yet, such a process would protect against a potential unfortunate mistake. In the case of people who are to be extradited, it would be one mistake too many. The appeal process is important to us.

There is also another aspect. We would really like to put an end to indefinite detention. This also goes too far. People in such situations feel very insecure. Of course, serious suspicions may have been raised against them, but that does not mean it has to turn into long-term torture, either.

Someone is imprisoned and told that no one knows how long they will be there, and that evidence is being gathered. Delays can go on and on. Thus, we have certain reservations about indefinite detentions. However, no one yet seems to know if a definite period will be determined. In any case, we think the mere idea of indefinite timeframes for someone who is the subject of a security certificate is going too far. We hope our colleagues will follow our lead when we propose amendments to the legislation.

Furthermore, another serious issue for us is arrest without a warrant. I described the current procedure earlier today. Only the Minister of Citizenship and Immigration and the Minister of Public Safety need to sign. Next, it goes directly to court and the arrest is made without a warrant. However, the very important concept of the rule of law is at stake here. Normally, when someone is put in prison, there must be a warrant against that individual. The same thing should go for these people.

Obviously, there is some secrecy surrounding security certificates. Evidence cannot be made public if there are allegations of terrorist plots, for example. However, I think that a judge could examine the case before arresting the individual to ensure that there is sufficient evidence to justify the arrest and issue the warrant. It is not that complicated. If injunctions can be obtained within a few hours, I do not see why that process cannot apply to a case involving a security certificate. That is another thing we will propose.

We also want to change the burden of proof to ensure that the security certificate will remain in place only if the court is certain beyond a shadow of a doubt that the individual is a threat. The current standard is reasonable doubt. We have to go a little farther. Often, person's life is at stake, so it should be beyond a shadow of a doubt, which is more rigorous than deciding on the basis of reasonable doubt. We will probably make amendments at the report stage to that effect.

Having listened carefully to oral question period over the last two weeks, we feel that the bill must definitely make provisions that prohibit the extradition or deportation of individuals when we know that they will be tortured if sent to a country where torture is practised. Individuals could be incarcerated here in Canada. There are many solutions but we can definitely not permit the deportation of individuals if we are certain that they will be tortured or even killed. In some countries, under certain dictatorships, people do not last very long. These dictatorships often do not function according to the rule of law. A few people will decide the future of this individual who arrives at the airport.

Therefore it is important to examine the entire file and to ensure that no mistakes are made that could lead to the death or torture of individuals. I hope that my colleagues will acknowledge the Bloc Québécois for their contribution to this matter. Our colleague responsible for this file is a well-known lawyer. He has thought much about these matters. He is an excellent colleague who was formerly a minister of justice in Quebec. I always take what he has to say very seriously. Just now, he was explaining all of this in detail. He wanted me to speak and convinced me.

I will go back to my initial comments. We live in a free and democratic society. We live under the rule of law and we have charters. When we bend these rules, no matter how, we must be careful. Therefore, we are being reasonable and, above all, responsible. We are able to live in a free and democratic society under the rule of law.

● (1700)

We must ensure that when the House is considering bills, that they are not altered too much and that they do not become flawed.

Thank you for your attention. I will take questions.

● (1705)

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, in listening to my colleague from the Bloc Québécois, it would appear that the NDP is the only party in the House that is opposing Bill C-3 at this stage. The others seem willing at least to allow it to go to committee to chip away at anything they disagree with. I would like my colleague to share some of his rationale with us.

I am still struck by the controversial parts of Bill C-3 where, even after the old process was struck down by the courts, the current security certificate process as contemplated by Bill C-3 would still include secret hearings, unlimited detention without charge or conviction, detention without knowing the evidence against oneself, which offends natural justice in just about every developed nation that I know, and the lack of an appeal process.

Those are pretty compelling reasons to oppose the bill, I would think. My colleague from the Bloc, who is a reasonable and rational man and whose opinion I have come to respect over the years, does not seem troubled enough by those problems with the bill to vote against the bill. I would ask him to explain by what reasoning he could toss reason out the window and support Bill C-3.

[*Translation*]

Mr. Claude Bachand: Mr. Speaker, basically, the logic is simple. Earlier, I said that we can accept security certificates. It is a fact that sleeper cells are stationed in many countries waiting to commit terrorist attacks. We have to act on that at some point.

My colleague raised the same point I did, but the NDP's tactics are a little different. We accept the idea of security certificates, but we want to amend the bill itself. We want the opportunity to make those amendments in the standing committee. All of the points he raised will be discussed in the standing committee, so that we can produce a law that will both ensure public safety and protect the accused.

We are not happy about the absence of an appeal process, the fact that hearings can be held without the accused, and the fact that there are no special advocates to represent the accused. The member emphasized all of these things that we do not agree with.

Nevertheless, we want to pass this bill at second reading because we support it in principle. Then we want to take the time to thoroughly examine the controversial elements and make amendments to improve the bill. That will probably happen in the Standing Committee on Justice and Human Rights, in the Standing Committee on Public Safety and National Security, or in the Standing Committee on Citizenship and Immigration.

As such, the Bloc's position is a responsible one.

[*English*]

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): Mr. Speaker, I heard the member for Saint-Jean speak to Bill C-3 and I also heard the question posed by the member from the NDP.

I am led to believe that the NDP believes that amendments cannot be made at a committee meeting. I am very surprised because I know the member has participated in making amendments to bills at other committees. I am sure that he understands the process, that we are able to make amendments. The help of the opposition parties is needed in order to send this bill to committee so we can debate and fix the bill. We all agree that this bill is flawed and it needs a lot of help, especially the help of the NDP.

The member for Saint-Jean mentioned in his speech that he would not like to have people deported to some countries. Maybe I could jog his memory about the safe third country provision. If there is a difficulty in their country of origin, the country from where they came, we will send them to a country that is safe and that is not their country of origin. However, I also share the belief that people should not be deported to a country where they would be prosecuted, imprisoned or lose their life.

Perhaps the member could expand on this as well as the idea of amending the bill at committee stage.

● (1710)

[*Translation*]

Mr. Claude Bachand: Mr. Speaker, if it were up to me, I would allow my colleague from the NDP to respond, but I will instead.

I understand nonetheless that at a certain point, a political party can adopt positions that are inconsistent with or different than ours. This is a parliamentary democracy. If the NDP has such a big problem with this, then they are entitled to vote against the bill. However, we have taken a different approach and the hon. member is absolutely right.

In standing committee, at report stage, we often make amendments. If they are adopted in committee, they are sent for subsequent reading in the House. That is how the bill progresses and in my opinion, this is a good system.

As far as extraditions are concerned, or deportations to countries that practice torture, we have a typical and troubling example in Mr. Arar's case. Obviously if we are holding a Syrian foreign national in Canada and we decide they have to have a security certificate, I would have a problem deporting that person to Syria. I would have a big problem with that. Could we deport that person to a friendlier country? I am not sure whether that would get rid of the problem, or how a country could say it will welcome him.

I believe that the solution is to have prison terms served here, in Canada. However, we must ensure, before deporting an individual, that they will not be a victim of torture or run the risk of dying in the country to which they are being deported. Serving prison terms in Canada seems to be a solution that could be envisaged.

[*English*]

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I welcome the opportunity to speak to this important bill. As I was preparing for this a short time ago in my office, I was giving thought to the fact that when Canadians send us here and we gather in the House, one of the most fundamental things Canadians expect of us is for us to protect their freedoms, to ensure their lives are lived out in safety and dignity.

We can understand to some extent, following 9/11 the reactions that came out of our neighbour to the south. It was certainly a significant attack with horrendous outcomes. The reaction in the early days was something perhaps today in hindsight might not have moved as far. I suspect that even in this place some members would be concerned about the movements that took place here.

Today in the House, during question period, we heard the Minister of Justice talk about the fact that he would not apply for clemency in the case of a Canadian on death row in the U.S. Even though we had a debate previously in the House on the issue, we decided that it was not the place of government to be a party to the killing of a citizen.

When we look back a little and think in terms of the life of the minority government, we see times and places where it has adopted positions or has refused to follow the will of the House, and I am very concerned about that. We can see an almost Hollywood western "hang 'em high" attitude.

I stress the fact that we do have a minority government and the place for action is in the House, but with the votes of every member in the House. When we look at Bill C-3, from the perspective of the NDP, the bill has major flaws in the sense that it is an attempt to tinker with the problem when the certificates were overruled by the Supreme Court. We do not believe the government has gone anywhere near what needs to be done to address the concern of the Supreme Court.

Many Canadians are concerned about the erosion of rights in Canada, as I alluded to before, in a fashion similar to the erosion of rights that has taken place in the United States. They see Bill C-3 as undermining the balance between being free and being secure.

Security certificates fail in two significant ways in our opinion. First, they allow for detention and deportation of those suspected of terrorist activity, but fail to ensure suspected terrorists are prosecuted and if found guilty jailed for their crimes. We have a Criminal Code that will take care of such matters.

As a result though, if we assume here is some form of terrorist activity in Canada, then to remove suspects, without due process in our courts, means simply we have no guarantee that the suspected terrorist removed from Canada under a security certificate will cease to be a threat.

There also is a fundamental inequity in the law when we consider that security certificates can only be used to detain and deport permanent residents and foreign nationals, but if Canadians are accused of terrorism, they will be arrested, charged and punished under the Criminal Code of Canada.

Part of the Criminal Code of Canada, the due process, is intended to protect the rights and security of Canadians. Part of that is the ability for Canadians to look the person in the eye, their accuser, to see the evidence against that person. To be quite clear, security certificates certainly lack the depth of due process that resides in the Criminal Code.

Security certificates also fail to provide justice and the opportunity to scrutinize the suspected behaviour, to determine at what risk are Canadians? What is the real risk? It has to be substantiated, proven and laid out in a court of law to ensure that the rights of people are protected.

We believe the Criminal Code is the right vehicle for the protection of our national security, while ensuring our rights are also protected at the same time. With Bill C-3, the government is leaving us with the impression that it is throwing band-aid onto the problem simply to address the Supreme Court ruling, to which I referred earlier. We have confirmation from experts that the new proposal will also be struck down yet again by another Supreme Court challenge.

● (1715)

The tinkering by the government is not enough to save this legislation. We also believe, in fairness, that committee work cannot do it either because it is fundamentally flawed.

There is terrible potential in any legislation that impedes or opens the door to the violation of the rights people, which include loss of liberty, then a deportation order and the very serious possibility of being removed to torture. In the very name of human rights, such legislation like this should not move forward.

Imagine for a moment a person is detained and deported from Canada and that person may never ever know the reason why. Equally horrific is the fact the failure to have due process for those reasons will never be aired to the public. Canadians will never know if they were at risk or if the risk was real. Also, in the sense of pure justice, there is no opportunity for anyone to refute the charges against them.

In the name of fear we are prepared to sacrifice due process and the fundamental right of democracy for people to face their accusers and to examine and defend against the evidence against them. This is worse than a kangaroo court. At least a kangaroo court has the facade of due process. Bill C-3 has none of that.

The legislation tabled a special advocate as part of the security process. Special advocates are used in the United Kingdom and in New Zealand, but the process does not fix what is wrong with security certificates in either of those places. Hearings are still conducted in secret. Sources of information are still kept confidential. It is no surprise that a special advocate in the UK, with seven years' experience, recently resigned in protest.

The Criminal Code already has the tools that we need to protect our national security, while honouring the Charter of Rights and Freedoms.

We also believe that foreign nationals and permanent residents should face the same processes and the same punishments as Canadians.

We have two problems with security certificates. First, they violate the Charter of Rights and undermine our justice system. Second, they are not the right tool for protecting national security. Even if security certificates were found to be constitutional, they still would not be the right strategy for fighting terrorism. The Criminal Code is for that.

Again, to reiterate, security certificates are the wrong way to deal with national threats. People who plot a terrorist attack on Canada should be tried, convicted and punished, not simply deported to another country to either find their way back here or, if they are guilty of terrorism, to plot against other parts of the world and perhaps our allies.

Terrorism, espionage and organized crime are serious matters that should always be dealt with under our Criminal Code, not the Immigration and Refugee Protection Act.

Security certificate processes also violate rights and undermine the core values of our justice system. This is why they were struck down by the Supreme Court and this is why the people we have heard from, the experts in the field, say that this legislation will be struck down.

The public safety file is essentially about protecting the quality of life of Canadians. New Democrats, and members of the House as well, have always been very concerned about those balances between being free and being secure.

We not only oppose the legislation because of the major flaws I spoke to earlier, but we have no guarantee that suspected terrorists, removed under certificates, will not return to this country. The NDP believes clearly that the Criminal Code should be used to seek justice. That is a term that we do not hear when we look at the bill, justice.

We are asking to have the right to pick a person off the street, detain them, put them on a plane and send them off without having the right to seek justice, not having the right to stand before our courts, stand before their communities, stand before their families and argue in defence of themselves.

● (1720)

Today, of the five individuals who were detained, four are out. They wear ankle bracelets as they travel around. We should consider for a moment some of the restrictions they are living under, and this is supposed to be better than being housed and detained. With the ankle bracelet, if one of these people decides to leave the front room and go to the back of the house, that individual has to be accompanied by someone from the family. If the person goes into backyard, that person has to be accompanied by someone from the family.

If these people come to the House, they have to supply CSIS with exact routes, exact turns in the road, exact timing. Why in the world would we support anything that curtails the human rights of people, the rights of coming and going, to that degree? Why in the world would we ever consider putting ourselves in the position as a country to be party to the kind of thing that happened to Maher Arar?

We have Mr. Almalki who spent months, as Mr. Arar did, in a prison contained in a space the size of a coffin. That is how it has been described to me. When we deport people, what controls are put on that action? Where are the accountability lines that will come back to us to ensure we will have the kind of guarantees that people will not be subjected to torture?

We hear in this place every day about Afghanistan, the prisoners who are turned over to the Afghan authorities and questionable reports about the potential for abuse there. These are our allies in combat. We do not have a real report in the House that we can look at, what happened, who has followed up and where the lines of accountability are.

If we deport people to a country, if we literally put them on an airplane, send them to that country, how can we expect a line of accountability somehow in countries that torture individuals? It is not there. Every citizen in our country, every foreign national has a right to expect of our government and each of us here to ensure they are protected by every aspect of our freedoms in our country. One of the those freedoms is the freedom against torture.

As I have said repeatedly and have done so on purpose in my remarks today, the other expectation they have is their rights to face their accuser, to seek justice, to see the evidence against them. That right is something every Canadian holds dear. What has changed? I talk about how the mentality in the U.S. has changed and how that mentality has moved northward. Within governments it has changed. I spoke about the "hang 'em high" attitude.

Fairness and justice in the minds of Canadians has not changed. If we talk to Canadians in depth about this bill, they will say that they do not accept it and in fact they do not understand how we could even have come this far.

● (1725)

Mr. Lloyd St. Amand (Brant, Lib.): Mr. Speaker, I listened with interest to the speech of the hon. member for Hamilton East—Stoney Creek. Clearly he differs with our party. We are of the view that legislation of this type, or of this ilk, is needed in the national security interests.

With respect to the special advocates, the member made some comparison to the British model. I will concede there are some who have suggested that the special advocate system is basically paying mere lip service to the right of anyone detained to have effective representation. What is it about the special advocate system that troubles him so greatly?

Mr. Wayne Marston: Mr. Speaker, it is the fact that the advocate does not have the access to information to the degree that is necessary. Whatever access to information the advocate does receive is not in the public purvey. Clearly the certificates err in the fact that we do not have due process as contained in our Criminal Code where a person can publicly face the evidence against them and publicly react to it.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I am pleased with the comments that my colleague has made with respect to Bill C-3. I want to get at the sense he conveyed today about what is perhaps an overreaction by the Canadian government, and by that I mean both the previous Liberal government and the present Conservative government, to the situations around 9/11 and the threat of terrorism.

We are seeing a number of examples, in fact, of where the government of day seems to have had this knee-jerk response to a very difficult situation, and I am not diminishing the significance of that whatsoever, and it has put in place or proceeded with initiatives that create more problems than they set out to solve.

I guess today's example is last week's events around the taser incident in the Vancouver airport. It suggests to many that we have evolved into a society where we are quick to use tasers but could not put in place proper border services and translation services to help people coming from other countries.

As my colleagues from Windsor have pointed out, we cannot even put in place methods to ensure that paramedics and fire services can get across the border to help a community in peril because we are so focused on these knee-jerk, quick, easy, facile solutions that do not necessarily achieve what they set out to achieve and that create a lot of other problems in their wake. In this case, we are talking about interfering with people's civil rights and liberties.

I want to ask my colleague from Hamilton if he has any comments on that whole piece of the issue.

Mr. Wayne Marston: Mr. Speaker, this is exactly what the previous speaker has said. It is the erosion of fundamental rights that has taken place as a result of 9/11. Given the horrific nature of that incident, which we all saw on television as many Canadians died in those buildings, I am sure in my mind that the hearts of the people in this place ached as much at those events as those of people anywhere in the world. We could not turn away from those events.

On the other hand, literally hundreds of years of the evolution of law and the evolution of the Criminal Code were set aside in almost a casual way in the sense that it was so quick. I am very careful about the motivation in the hearts of the people at the time, but that does not make this setting aside right. This is the place where we have to defend the fundamental rights of Canadians. There is no other place to go to in this country.

When we have the Supreme Court striking down a piece of legislation, this place must consider it in more depth than this obviously has before this place moves forward on legislation of this nature.

● (1730)

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): Mr. Speaker, in his debate, the member for Hamilton East—Stoney Creek mentioned that deported persons will never know the reason why they are deported. He found that offensive. I would like to suggest to the member that every country actually has the right to refuse someone entry. I believe it is called persona non grata. Every country has that right in regard to entry into a country and it never has to give people a reason why they are refused entry into the country.

As well, he mentioned that Canadians will never know what threat they were under. Perhaps he can explain a little further along those lines about how we can sometimes suck and blow at the same time.

Mr. Wayne Marston: Mr. Speaker, it is a very difficult situation but it comes back to a very fundamental thing, which is the right of democracies worldwide to say that one has the right to face one's accuser and the right as a person to know the evidence against oneself.

I do not think Canadians want to be part of a country that picks people off the street, throws them in handcuffs and puts them in the back of a van so that then they are gone. There is the word "rendition", which is what happens in the United States. It is always very interesting to watch for and listen to the buzzwords of the day. Members should consider what rendition means. It is a code word for torture.

Very clearly, in a fragile democracy, and every democracy is fragile, when we start allowing people to decide who has more rights than others, then we are putting ourselves and our country at risk. The reality is very simple. We have a Criminal Code. The Criminal Code has the statutes. It is time for us to use those statutes.

[*Translation*]

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, I listened to my hon. colleague's speech and I would like to remind him that, based on the kind of debate we are having today, Bill C-3 seems to be enjoying the support of the other parties at this time and that this is all happening with the utmost respect for democratic debate.

I would also like to remind my colleague that Bill C-3 is a responsible answer to the requests of the Supreme Court. This expresses our government's desire to strike a balance between ensuring the safety of Canadians while upholding individual rights.

I did not hear my colleague suggest many solutions during his speech, although I felt here today that many members were looking for solutions and wanting to make suggestions to improve or amend the bill.

I want to ask the member what he thinks can be done to improve the bill.

● (1735)

[*English*]

Mr. Wayne Marston: Mr. Speaker, in the last minute or so of speaking time I have, let me say very clearly that this reaction on the part of the government is a very limited way to try to deal with a very serious situation that the Supreme Court of this country has struck down.

Many legal experts across this country are saying that this piece of legislation is flawed and will also be struck down. To be very clear, the government did not get the job done.

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I am pleased to rise in the House today to speak on Bill C-3, An Act to amend the Immigration and Refugee Protection Act, and in particular the use of security certificates.

I have listened to the debate. I suggest that this is a very important issue. What the House is attempting to do here today is to balance two fundamental issues. The first fundamental issue, of course, is the protection of citizens. The second is the protection of the fundamental civil liberties that have been given to citizens over the years.

To speak of this balance, let me say that there is nothing of greater importance to any government in any country in any part of the world than the protection of its citizens. In fact, that is the very reason why governments came to exist. Centuries ago, governments were not involved in roads, health, education or the issuing of drivers' licences. They were there basically to fund and maintain armies to protect their particular citizens.

However, we have evolved greatly from those days. Now we have a very fundamental principle of democracy that is with us: that a person who is charged with an offence has certain basic rights. I would suggest that these rights spring from the whole law of habeas corpus, which was adopted several centuries ago, that is, that no person can be detained unlawfully and that in fact the body is to be brought forward. That is the basic principle of habeas corpus.

That law has evolved over the years. It has basically evolved to a point where persons who are charged have to immediately be informed of why they have been detained. They have to be informed of what charges they are faced with. They have to be given the right to retain and instruct counsel, the right to be given bail immediately, and of course the right to obtain a speedy, fair and equitable trial as soon as possible.

Those are basic, fundamental principles that have evolved in society and that are with us. Every member of this House certainly agrees with them. No one would want, in any way, shape or form, to abrogate them.

Those are the balances that we are dealing with in this particular and unique situation where the Government of Canada is dealing with individuals. Thankfully we are not talking about a great number of individuals, but that is beside the fact. The Government of Canada has to be prepared to deal with these situations if and when they do arise.

That is the balance this House is trying to achieve. From the debate, the discussions, the questions and the comments we have heard, members can see that it is not a simple debate. There are strong views on each side of the equation. However, it is incumbent upon this House of Parliament to strike the right balance.

We did have the security certificates that were adopted in 2001 shortly after the incidents of September 11. They were with us for several years. In February of last year, they were struck down by the Supreme Court of Canada, which basically felt that they violated section 7 of the Canadian Charter of Rights and Freedoms.

The gist of the reasons behind striking down the security certificates was that there was an absence of defence counsel and an absence of any proper disclosure. That was totally fatal to any notion of fairness. In her remarks, Chief Justice Madam McLachlin stated:

> Without this information, the named person may not be in a person to contradict errors, identify omissions, challenge the credibility of informants or refute false allegations.

Therefore, the certificates were struck down. It was a very fair decision. Sometimes some of these court decisions are not totally fair because they throw the whole state of the law and legislation into chaos. In this particular case, the Supreme Court of Canada struck down the particular legislation, but gave the Government of Canada one year in which to correct it.

● (1740)

In its remarks, which I suppose would be *obiter dicta* to the main gist of the decision, the court pointed to other jurisdictions, and I believe it was referring to Great Britain, that might be used as a guide for Canada in the development of legislation which would be constitutional, and which would meet the parameters of the Canadian Charter of Rights and Freedoms. We have a five or six year history with this particular issue and it is still before us. It is still incumbent upon this institution to strike the right balance.

Some have argued that because the security certificates are infrequently used, we should not have them in our law. I disassociate myself totally with those remarks. I have a fire extinguisher and smoke detectors, which I have not used. I have a life insurance policy which has not been used, but just because I have not used those items does not give me any reason to do away with them. I totally disassociate myself with that kind of argument. We have to be prepared to deal with any exigencies that might come up, and there have been a number of instances in this country where we have had to deal with them. We are dealing with a balance situation.

I will be supporting sending the legislation to committee. Every one of us in the House, and I believe there are 304 of us right now, have different opinions, different views, and different ideologies. Bill C-3 is not a perfect piece of legislation. I probably would have done it differently in certain respects, but it is certainly an issue that I believe should go to committee, where a group of 12 parliamentarians can study it and hear from experts. If any improvements can be made, they can be made at committee and the bill can be brought back to the House for a final vote. I will be supporting sending the bill to committee for that reason.

I should point out that we are dealing with an issue of national security, and it is my premise that politics should have no part in this discussion. This is an important issue. We should all work collectively to get it right.

I thought the direction given by the court was very fair. I will read another quote. This is regarding other countries to which this country should look, which the legislation did in fact:

> It is clear from approaches adopted in other democracies, and in Canada itself in other security situations, that solutions can be devised that protect confidential security information and at the same time are less intrusive on that person's rights.

We are dealing with certificates that have been issued in very exceptional circumstances and deal with exceptional people who are inadmissible to this country under grounds of security, who allegedly have violated human and international rights, and are involved in serious criminality or organized criminality, which is certainly not that common.

We are dealing with situations where the person who signs the certificates cannot, for reasons of national security, divulge all the information to the person subject to the security certificate. If a person is charged with murder and is detained, that person is certainly informed of who the person has murdered and when, the circumstances of the murder, all the facts surrounding the charge. In this case that information—and everyone can appreciate the rationale behind it—cannot, should not, and I hope, will not be disclosed to that person. That is confidential information and if it ever did get into the public domain, it would certainly be problematic.

Bill C-3 requires a mandatory review within 48 hours, which is certainly very reasonable in my opinion. There would be another review within six months, should the detained person want that. These reviews are conducted by a federal court judge.

● (1745)

One of the fundamental changes in this legislation as opposed to the previous legislation is the appointment of a special advocate. That person has to be qualified. The special advocate has to be skilled and has to go through a security clearance himself or herself. The special advocate has access to some of the information that forms the government's opinion. It allows for an avenue of appeal. The special advocate has the opportunity to discuss the issue with the person that is the subject of the security certificate. It streamlines the proceedings. It confirms the use of what I would call appropriate and reliable evidence and does provide some detention review rights for foreign nationals.

This has been used in other countries. It is my opinion that again it is not a perfect situation because the special advocate will not be able to disclose all information to the person subject to the detention order, but certainly it attempts to strike the right balance that we need in order to move forward.

We have to appreciate that the people who are subject to this detention order would normally have the right to go back to their country. However, this leads to another very important issue that will have to be discussed by the committee. It has to be clearly stated in a way that is enforceable that the person cannot be sent back to a country where there is any risk that the person will be tortured in that particular country. We cannot rely on any diplomatic statements from certain countries that torture will not take place. That is a very important issue. It is another balancing issue that is out there. Again, we can see the complexities of this particular situation as we attempt to strike what I would consider and call a very, very reasonable balance.

As I said before, I will be supporting sending the legislation to committee. It is not perfect as I said before. It is a little disappointing in that this ruling came down in February 2007 and the ruling stated that we had one year to correct the legislation. We are dealing with it now in December, and we are referring it to a committee. The committee has to get back to the House. We really should have the legislation in place by February 2008, which anyone with a calendar knows is a very short period of time. It is late in the process. However, we have to move on it as quickly as possible.

If I were doing it myself, I would probably make some of the reviews after the 48 hour review. Instead of at the request of the person subject to the security clearance, I would make it mandatory at every three months or six months.

Another point that is in the bill that does add a certain amount of accountability, and the accountability is strengthened, is that the Minister of Citizenship and Immigration and the Minister of Public Safety sign the security certificates. If it ever happened that the terms of the act were not followed, certainly the ministers and their supporting departments would be held to account. I do believe that those provisions in the bill lend a certain amount of accountability to the whole situation.

That concludes my remarks. As I said before, I will be supporting the bill. I do hope that the committee will move on it as quickly as possible, if the bill passes this House, and will bring back the bill in its final form.

Again, we are under a very strict timetable with this legislation. We hope this will be put to bed by February 2008, which is not too far away.

● (1750)

Mr. Lloyd St. Amand (Brant, Lib.): Mr. Speaker, I listened with interest to the typically eloquent and thoughtful speech of my hon. colleague from Charlottetown. I think I express the hope of everyone here vis-à-vis the activation of his life insurance that it is 40 years or 50 years distant and not imminent.

With respect to special advocates and the suggestion in my colleague's speech that perhaps there are components of the bill that ideally would be buttressed, would his concerns with that portion of the bill be substantially alleviated if there were strict guarantees for adequate funding for the special advocates, and similarly, strict guarantees that any and all information required by the special advocate would be forthcoming within a 24 hour basis so that there would be some time for the advocate to properly represent the detainee?

Hon. Shawn Murphy: Mr. Speaker, it is not a perfect situation, but one has to bear in mind that the procedure we are dealing with in the legislation is basically foreign to our concept of how justice works. We do not work in normal criminal law or civil law under special advocates. People accused of an offence retain counsel. They do not deal with counsel who are obtaining the information from another source and counsel cannot disclose the information they receive to the person accused. This is a foreign concept but it is a balance. As I said before, it is not perfect.

To answer the member's question of whether there should be adequate funding, yes, there has to be adequate funding. If there is not adequate funding, the whole system will not work.

Also, and this is in the legislation, the way the system has been devised, the person subject to the security certificate will be given a list of special advocates, not a long list, I assume a very short list of advocates. That person will probably be given his or her choice as to the advocate to be used, although the person probably will not know it. That was the second part of the question. Yes, that has to be provided. If we do not have that, the whole thing is a sham. Hopefully that will be provided.

Again, funding, information and choice are all very important and fundamental principles to the concept.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I want to tell the member for Charlottetown that, quite frankly, we are shocked that the Liberals are prepared to support a bill like this on a wing and a prayer. What the member has just said in response to a question is that he is concerned about elements that are not part of this bill, but he is quite prepared to hope and pray that somehow goodness will prevail on this bill which has very serious flaws, without due regard for serious long term implications and ramifications for individual rights and freedoms, about which I thought the Liberals at one point felt fairly strongly. They were proud of their record with respect to the Charter of Rights.

I want to raise a few concerns about this bill and ask the member why he would support a bill that is so flawed. Perhaps he could give us some reassurance that we have missed something in the bill that addresses those concerns.

I acknowledge that the NDP is the only party in the House right now opposing Bill C-3. That does not mean that we are wrong and the rest of the House is right. There have been many occasions when three parties, the Conservatives, the Liberals and the Bloc, stood together on an issue and supported a position that was wrong. In this case, we are dealing with a similar situation, where in haste we are proceeding with a bill that is flawed and we are not thinking about the long term ramifications.

I understand that the Liberals brought this bill forward in the first place and did so in the heat of the moment after 9/11 when the government was so quick to come up with fast solutions without thinking through how they would affect other elements of our society. Now that they are in opposition, one would have thought the Liberals would be thinking very seriously about whether this is the right way to go, especially given the Supreme Court ruling and the concerns raised by numerous organizations at the committee hearings around this bill.

It has to be pointed out that Bill C-3 does not make Canadians any more secure, but it does undermine some very fundamental freedoms. That is why we are opposing this bill. These security certificates mean that people are going to be accused and deported without knowing the facts or without having the details presented to them. We do not believe that will address the fundamental issue of protecting Canadians in times of terrorism, but it will trample on rights and freedoms.

We do not believe that security certificates will deal with the very serious threat that we all acknowledge is around us. What we need is a government that is committed to putting in place proper border security services, proper training and education for our RCMP, proper information so that we can all be prepared to do our bit. To take a bill and trample on rights—

● (1755)

The Deputy Speaker: The hon. member for Charlottetown.

Hon. Shawn Murphy: Mr. Speaker, first of all, I do appreciate the comments from the member for Winnipeg North. We can see from her comments that she does not agree with what I have stated, but that is the benefit of this institution. We have different views and different comments.

In something like this perhaps we do not know who was right and who was wrong, and we will not know perhaps until some time in the future. The members talked about the 2001 act that was brought in in haste. Was it a perfect act? No, in fact it was set aside by our Supreme Court. But we are dealing with a six years later hindsight with 20:20 vision. When we look back at this, we could always make judgments and determinations on facts that perhaps were not available to the people who drafted the legislation at that particular time.

We are talking about a balance and the member across has certain views. One side of the equation would allow everyone in and not infringe on anybody's rights, no matter if they are proven to be a terrorist or involved in criminal activity, et cetera. On the other side of the equation, anybody the government is suspicious of in any way can be put in jail and have the key thrown away. Those are the two extremes. We are trying to bring them together with a piece of legislation that has built into it concepts that are somewhat foreign to what we have done in the past.

Again, it is a whole issue of trying to strike the right balance and that is why, speaking for myself, I think this matter should be sent to a committee. The committee should study it, although it does not have a lot of time, and come forward with the best bill possible for this institution. Hopefully it will pass.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I just have two quick questions. For those who are concerned about civil liberties, could you just outline how this bill is better than the original? Now that the government seems to have set a brand new big policy not to protect Canadians overseas from capital punishment, you talked about returning Canadians—

The Deputy Speaker: Order. I know the hon. member is sitting right beside the hon. member for Charlottetown, but it still does not give him the right to call him, "you". He has to ask questions of the hon. member and not questions of the Chair.

Hon. Larry Bagnell: Mr. Speaker, the member talked about returning Canadians to other countries and I would like to ask if this is a concern for him?

Hon. Shawn Murphy: Mr. Speaker, to answer the last part first, yes it is a concern of mine. I think it is a concern of most people who support this particular bill.

We have had a very well known incident where a Canadian citizen actually was sent to a country where there was torture. This hopefully will never happen again and this has to be one of the foremost considerations with the committee. There are certain provisions in there, but we have to look at it very carefully and ensure that no person is deported to any country where torture might take place, and also that we cannot rely on the diplomatic undertakings of certain countries on this particular issue.

On the whole civil liberties issue, the first part of the member's question, perhaps the most salient provision of the bill was the introduction of the special advocates. This is a concept that is somewhat foreign to most of us, but it is used in other countries, I understand successfully.

It is not a perfect provision, but I believe it is a step in the right direction. I believe it is an attempt to balance the fundamental principles with which we are dealing. There are certain issues of choice of advocates and the funding of advocates. The advocates have to be qualified and of course they have to go through their own security testing. But it is a step in the right direction.

When we read the decision of the Supreme Court of Canada, it would appear that we are never certain of course and a lot of experts have different opinions. Some experts have opined that this particular legislation, Bill C-3, will be struck down by the Supreme Court of Canada. Others have said it will not be, but if we read the decision of the court we are left with the impression that it will be acceptable.

● (1800)

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, Bill C-3 is really about how our society approaches an attack on our society. As a society it seems to me we always have the opportunity of making one of two decisions. We can respond to an attack in fear, in panic, or we can respond from a vantage point of strong belief in the essential values of our society and that those essential values will protect us and prevent further attack.

After 9/11 in particular, but at other times in our history, we as a country and as a society have all too often opted for the first alternative, that is, reacting in fear and in panic, and putting into place legislation rather than protecting our society as a whole. This has actually caused our society to become weaker. We saw that with regard to the security certificates.

Obviously, I will spend most of my time talking about them, but we saw it after 9/11 with the anti-terrorism legislation. Canada passed a law at that time that by any objective analysis was not necessary. We had provisions within our existing legislation, the criminal justice system, and our procedures under that system protected us. History has proven that true over the last five or six years, and in particular in the last year or two, as sections of the anti-terrorism legislation have been struck down.

We have a similar history with regard to the security certificate, although the security certificates when we study them have a bit of a twist that we have not yet seen with the anti-terrorism legislation.

Before I go on with that, we have historically made some very bad decisions. When we did that, oftentimes it was targeting specific communities within our overall society. We saw it in the first and second world wars against the Italian and German Canadian communities, where a large number of people were incarcerated for a good part of those wars. When we go back and look at it objectively in hindsight, we say that they were not a threat to us. They were not a security concern, but we imprisoned them and took them away from their families and put them into prison camps for both of those wars for extended periods of time.

Of course, the most tragic of all of those was what we did to the Japanese Canadian community in the second world war. We deprived them of their property and their liberty for the entire war, and not paying compensation after the war. This was a real stain on the history of this country.

As I go back and whenever we are looking at protecting our community and our country as a whole, I argue that we have to come from the vantage point of a sense of self-confidence that the society that we build, the criminal justice system that we build, and the security systems that we build are all more than adequate to protect us.

Then, when we are given that choice, we always hear that we have to balance it. When I hear those words, I always cringe because I know what is coming next. When people talk about balancing, what they are really talking about is taking away rights, taking away our civil liberties, acting out of fear and panic, as opposed to saying "we as a society over the last 135-plus years have built a system that generally will protect us".

● (1805)

I want to come back to the security certificates. Many people I know think that the security certificates were a product of the anti-terrorism legislation after 9/11. Of course that is not accurate. We have had security certificates for almost 30 years now.

To some degree when we look at them, their real abuse did come after 9/11. It came because to a great extent they have been used almost exclusively, with the exception of Mr. Zundel in that period of time, against people who are Muslim and who fit a stereotype of a terrorist. I emphasize stereotype of a terrorist because nothing of course is proven. No one is even charged. They are simply held.

I want to go back and cover the history. Prior to 9/11 we had a system where certificates were used. We only had a few cases, one that is still outstanding, where an individual was held for extended periods of time. In fact, that individual was released under conditions and is still in Canada because he cannot go back to his country without realistic apprehension of torture and probably death as a result of his conduct in the other country. So he is still here, in a case that went to the Supreme Court of Canada once and in a number of other appeals.

However, he is here. He has never been charged, never been convicted, and still is under control, although living in society. That case was reasonably abusive, but the cases that came after 9/11 are even more so.

I want to point out that the system changed after 9/11 because up to that point we had what I saw as somewhat greater protections against the abuse of the use of these certificates.

I must say at that time I was opposed to the use of these certificates because I felt our criminal justice system was more than adequate to deal with the problems we were finding and applying the certificates to.

However, it was certainly a safer system in terms of preventing abuse and in fact it did. It worked under what we call SIRC and it provided additional abilities for the person who was facing the condition of a security certificate to have some additional protection more closely in accordance with our traditional civil liberties and human rights in this country. It was far from perfect and in fact, again, it was not necessary.

After 9/11 though, it became very obvious that we were using them almost exclusively to target individuals who were Muslim and who fit a stereotype.

We have had five cases since 9/11 all very similar, people incarcerated for extended periods of time without charge, no prospect that they are ever going to be charged in this country and it always begs the question. If they are such violent people, if they are such a threat to our society, how dare we as a country send them back? Are they going to be terrorists in the other country, are they going to commit violent acts in the other country?

In a number of cases these people have been here for extended periods of time. We have a moral responsibility, if not a legal one, to keep them in this country and deal with them in this country in our traditional criminal justice system. That of course has not happened.

In addition, we have had these cases where the certificates were applied for and granted by our proper ministers who had signing authority to pursue these. Then there were very extensive legal battles to the Supreme Court, again most recently to the Federal Court at the trial level, and the Federal Court of Appeal level repeatedly and repeatedly.

● (1810)

What we have always been faced with in those five cases, without exception, is the reality that the certificates are useless when they come up against the practical fact that if we send these people back they again are facing torture or death in these countries. Our courts have repeatedly found that we are not prepared to do that. There is a sliver of a window that the Supreme Court left open with regard to cases where we might do that. However, in all five of these cases, our courts have said no, we cannot do that because of the fear of torture and/or death.

We are left with this conundrum. We have these people in the country. We are saying that we are never going to release them, but we are never going to charge them and we are never going to prosecute them. That so flies in the face of our traditional criminal justice system as to make a mockery of that criminal justice system.

Now, today, we are faced with this legislation that had been in effect a response to the Supreme Court of Canada decision of about 10 months ago. It was one of these cases that went to the Supreme Court. In that decision, the Supreme Court said, after analyzing the empowering legislation for the certificates, that we could not continue with the system as it is now, it being a clear breach of the Charter of Rights and Freedoms.

Also, as the court always has to go to that secondary stage of asking in a free and democratic society if this type of infringement on civil liberties and human rights is permissible, it said no to that as well. It said that the legislation as is, the practice as is, is unconstitutional. It is against the charter and it is not saved by the residual clause, section 1 of the charter, that allows in exceptional circumstances for breaches of fundamental rights.

The court said it is illegal, unconstitutional and against the charter, that there are no saving provisions in this legislation, and that we have to redo it, making it clear that it gave government 12 months to correct the legislation if it could. If not, then the security certificates are declared unconstitutional, as being against the charter.

We are approaching that timeframe. It runs out sometime in early March, I believe, so we have this response from the government. It was interesting to listen to some of the other speakers who have read the court case, as I have, but I come away with a different interpretation. What we hear is that in this legislation, in Bill C-3, we have cured the problem by introducing the concept of a special advocate.

If one not only read the decision by the Supreme Court but saw the arguments that went on in front of the Supreme Court by counsel from all sides, one would see, I believe, that the simple introduction of the special advocate, and the limited authority given to that special advocate, does not meet the requirements of the Supreme Court in that decision. I say that from two vantage points.

One is that although the concept was discussed and argued by various counsel before the Supreme Court, it was a fairly limited argument. There was not a great deal of evidence put in as to how the advocates function, particularly in the U.K., which is the model that has been fairly closely adhered to in Bill C-3, but there was information that went forward at that point. There were serious questions about its efficacy in the U.K., about whether in fact it was working, and I will come back to that in a minute.

So even though the Supreme Court heard a little about that, it was not extensively argued. Again, when we look at the wording that it actually used, we see that it simply said this may be one possible way of fixing the problem. I think that is a fair characterization of its wording. The court did not go all the way, by any stretch of the imagination, and say to put in special advocates and the problem would be corrected. It did not say that. In fact, the court left open quite clearly the point that this was only a possibility in regard to fixing the problem with the security certificates and the way they impinge on the charter.

● (1815)

When we actually look at the experience in the U.K., and I know that we have heard from other speakers about this but I want to emphasize it, we see that the lawyers in the U.K. who were special advocates have on a number of occasions resigned their positions and have gone public with the reasons for those resignations. Sir Ian Macdonald is probably the primary one that we refer to.

He wrote a very eloquent piece at the time of his resignation as to why he could no longer in good faith continue to act as a special advocate. He listed the problems that he had as a lawyer, as a barrister of much reputation. He is a very experienced lawyer. He is a very experienced barrister in the criminal justice system in the U.K.

His final conclusion was that in terms of being honest to himself, his profession and his professional role, he could not continue to do it because in fact he was not capable. As talented as he is, as experienced as he is in criminal law matters and in the criminal justice system, he could not provide protection that is anywhere near the standard that we should expect. He was speaking there of England, but this certainly would also be applicable here in Canada. He resigned.

I also want to point out that on a number of occasions the special advocates made representations to the government about the additional authority and mandate that they wanted in terms of being able to communicate with the individual who was the subject of that kind of system. It is different in the U.K., but there are basically security certificates there. They were wanting to play a much more traditional lawyer's role of protecting the person they were assigned to protect.

One of the things that happened midway through the process in the United Kingdom was that they actually established resources because they did not have many, both in terms of additional personnel to help the counsel and actually setting up an independent office so they could provide additional protection.

Even after they did that, Sir Ian Macdonald still said that they could not do it, that it is fundamentally flawed and fundamentally against the basic concepts of English common law, civil liberties and of human rights. "And if you want to set this up as a sham", he said, "I am no longer going to be part of it". He resigned.

I believe that is the same argument that the Supreme Court will see if this bill gets through. It sounds like it will get through, because the Liberals, as they have done so often lately, are siding with the government. It will probably get through.

We are going to be voting against it as a party, because I believe ultimately that when this gets back to the Supreme Court of Canada it will say that it has now seen how the system works, how the introduction of the special advocate does not meet the basic requirements of the charter and does not protect fundamental rights in this country, and the court is going to strike this one down too.

Quite frankly, I am proud to say that the NDP will continue its opposition to the use of the security certificates. We should get this out of our system completely. We should have the faith, the confidence and, yes, the courage in our belief that we can protect our citizens using our existing criminal justice system. All sorts of evidence says we are justified in that belief and that faith in our system. That is the way we should be going. This legislation should never be passed.

● (1820)

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): Mr. Speaker, I listened to the member for Windsor—Tecumseh speak about this. Obviously we do not agree on the outcome of the issue of Bill C-3. His party tends to believe that we should not go further into this and explore other avenues, even though the basic premise of the bill may be flawed, but we would like to take it to committee, where all party members will be able to contribute to this and amend it in such a way that it can be fixed to be applicable and can be applied in the future for those people who are detained.

I have a question for the member. Does he think there are sufficient instruments in place whereby applicants coming to Canada can be identified before they land in Canada as to whether they are terrorists or members of some war crime situation from other countries? Or should there be additional time taken prior to them having the right to come into Canada and then certificates issued for them subsequently?

Mr. Joe Comartin: Mr. Speaker, we can go back and analyze the process by which the 19 terrorists committed the atrocity of 9/11, as has been done very extensively, and look at the U.S. system, which is much more vigorous in checking out people before they come to the United States than the Canadian system, certainly at that time, although we have tightened up quite significantly since then.

I think it would be unfair of us as parliamentarians to convey to the Canadian citizenry that we could 100% guarantee that we could prevent a person bent on the terrorist type of activity, violent activity, from getting into this country. It would be foolhardy on our part to suggest that.

I would repeat that we have tightened up quite extensively what we do in terms of people coming into Canada compared to what it was like prior to 9/11. I think a number of those provisions have been useful. Others probably do not advance it at all.

I want to make one more point in response to the point the member made about us disagreeing over this. I practised law for 27 years, mostly in the courts, and a good deal of that was criminal law in the early part of my career. I can well understand the desire to do something like this, to have security certificates, but my legal practical experience says that I am never as a lawyer going to be able to make that system work and preserve our civil liberties and human rights.

● (1825)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, listening to the debate, now from the three opposition parties, I am a little surprised to learn, judging from the comments, that the NDP is the only party that will be opposing Bill C-3 at this stage.

I want to ask my colleague in the last minutes we have left in the debate on this subject today if my understanding is correct. Even though the Supreme Court overturned the security certificate provisions of the 1990s, when the Conservatives reintroduced Bill C-3, there were still the same controversial parts of this security certificate process, such as secret hearings, detention without charge or conviction, detention without knowing the evidence against a person, and a lack of an appeal process.

It seems to me, and I would ask my colleague to confirm this, that these are an affront to natural justice by anyone's definition and in any developed nation. Could he clarify that those are some of the reasons why the NDP cannot support this bill at this stage? Even if amendments may be possible at committee, these points alone are justifiable grounds to oppose this bill at second reading.

Mr. Joe Comartin: Mr. Speaker, my colleague from Winnipeg is very accurate in his assessment. Simply providing the band-aid of the special advocate will not deal with any of the other problems, such as incarceration without charge or conviction, and in many respects, even the right to remain silent. In order for people to find out why they are being held, they almost have to break their silence. It is an interesting twist. There is no question that Bill C-3 is a band-aid approach, and I want to make a comment in that regard.

I think it was the Department of Justice that commissioned a study by a law professor here in Ottawa and a private lawyer involved in a lot of citizenship and immigration files with respect to security certificates. They prepared a very extensive report, about 50 or 60 pages long. They analyzed what went on in the U.K., what went on here in Canada, and in Australia and New Zealand. In addition to the special advocate, they made a long list of steps that could be taken to perhaps make the security certificate system palatable. The only part of the report that the government took was to provide the band-aid of the special advocate. Specific references were also made to additional authorities to give to the special advocate, and hardly any of those were incorporated.

This goes back to why we are voting against this legislation. It is not going to survive the ultimate challenge when it gets back to the Supreme Court.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, why does the member believe that a special advocate would not protect civil liberties and why would it be unconstitutional?

Mr. Joe Comartin: Mr. Speaker, whatever time I have left is about what the question is worth, but that would be unfair to my friend from the Yukon.

The Deputy Speaker: Order. The time has expired.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

AFGHANISTAN

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Speaker, I rise tonight with regard to the issue of Afghanistan and a question I had posed in the House earlier this session which had to do with the issue of rotation.

The House adopted a motion which said that our combat role in Kandahar, Afghanistan would end in February 2009.

Clearly, the government has failed to notify our NATO partners about rotation. In 2003-04 we had a force in Afghanistan. We notified NATO and the Turks came in and replaced us. The government seems not to be willing to do just that. The defence minister is talking about maybe going until 2011. The chief of the defence staff talks about going as far as 2017.

Clearly, this is not a Canadian mission alone. It is a NATO mission. Of the 26 member countries, only six of them have taken an active combat role in Afghanistan.

The Liberal Party has made it very clear that as of February 2009, we believe that the military role should end. That does not preclude that we would not take on another role. Another role could be training of the Afghan national police, which is very much in need. We see issues of corruption, the failure to have security in local villages, et cetera. We can take on other important roles in Afghanistan, but not a combat mission.

By 2009 we will have had the longest combat mission abroad in Canadian history. We do not think it is realistic for us to continue past February 2009.

The essence of the question was to find out what is the position of the government.

Number one, the date that was originally proposed, by the way, was February 2009. Will the government stick to that?

Number two, when will the government inform NATO that our combat role will end in February 2009? The longer it waits, the more difficult it will be to get replacements.

Finally, who really speaks for the government? Is it the Minister of National Defence, the Minister of Foreign Affairs, or indeed, the Prime Minister? Or is it the chief of the defence staff who talks about staying there as far in time as 2017? Canadians need to know. Canadians want to hear the answer. They want to hear a definitive answer.

It is rather ironic that a government that proposed the date of February 2009 is running away from the very commitment which it had put forward in this House, which the majority of members had supported, and is now saying that it really may not be February 2009, that it may be 2011 or beyond. That is what is important. We need to know what are the realistic options.

This party is prepared to work with others on creative proposals for after February 2009. I do not want to hear from the government about cutting and running and all that nonsense. We are prepared to be in Afghanistan, but in a different role and certainly not in a combat role. We have made that very clear.

The government continues to come back. It does not want to tell us the facts about what happens to Taliban forces who are kidnapped. We have signed international protocols dealing with that issue. If we are to be there to talk about the rule of law, about human rights, et cetera, we need to practise that.

Certainly, we do not want anything to happen to our soldiers. We certainly want to convey our condolences, as we did earlier in the House today, to the families and friends of those two brave soldiers who lost their lives on the weekend.

The issue is very clear. We have a deadline of February 2009. The government has to inform NATO of the rotation. It has failed to do so. The question is, when will the government do so, so that this House knows and the public knows?

● (1830)

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, it is ironic that when members on the other side find an issue, they dither and go around in circles. They talk as if nothing happened in the past and everything started from that day forward.

I would like to tell the member that it was his government that sent the troops to Afghanistan. Today, he is standing up and saying that the Liberals had no role to play in sending the troops there. The Liberals are the ones who sent the troops to Afghanistan.

He stood up and said that he does not know what the government's plan is and what it is the government intends to do. I do not understand. We made it absolutely clear in the throne speech. Perhaps like the NDP, you rejected it before reading it, or maybe you did not even read the throne speech. In the throne speech it is absolutely clear what the government's intention is. Let me repeat that.

It is Parliament that will decide on the extension, should there be one, of our troops in Afghanistan. We are there until 2009. The Prime Minister made it very clear that the Parliament of Canada, of which you are members and have the right to vote, will decide if there is—

● (1835)

The Deputy Speaker: Order. The parliamentary secretary should know by now that he should not be referring to members across the way as "you" and that he should be trying to speak through the Chair.

Mr. Deepak Obhrai: Mr. Speaker, I will address my comments through you. Absolutely, there is no question. If the Liberals are confused because they cannot read a throne speech as clear as it is, that is not our problem. It is their problem.

In reference to telling NATO that we are going to withdraw, the Parliament of Canada has made a clear commitment until February 2009. NATO knows that. The Minister of National Defence repeats that every time he meets with NATO or speaks with the secretary general. He was there just three weeks ago and will be there again in December. NATO is very well aware of what our position is. As a matter of fact, constant dialogue is going on with other NATO members to ensure that the mission in Afghanistan is a success.

I do not understand how one can provide reconstruction when there is no security. Even Liberals understand that, but for some reason they seem to think we can do reconstruction there and leave security to somebody else. Why would we want to leave security to someone else?

We are a collective force. We are a member of NATO. A failure in Afghanistan will have ramifications right around the world. What would be NATO's role in the future? Who would trust NATO in the future? Who will trust Canada's commitment to NATO in the future, if we do not stick with our NATO commitment?

We must understand that Afghanistan is a UN mandated mission. That is what Canada has always done. I just came back from Korea. We went to war in Korea because of a UN request. We are in Afghanistan because of a UN request. The main purpose of our mission in Afghanistan is reconstruction.

I would like to tell my friend on the other side quite clearly that there is only one voice that speaks on behalf of the Government of Canada, and that is the Prime Minister or the Minister of National Defence and no one else.

Hon. Bryon Wilfert: Mr. Speaker, it is very clear from the parliamentary secretary's answer that the government was only kidding when it talked about February 2009. It intends to bring this House to a vote for beyond February 2009. It has no interest in getting other NATO members to do the heavy lifting.

This is not a Canadian mission. This is a NATO mission. We alone cannot be doing the heavy lifting along with the United States, Great Britain and the Netherlands. It is clear that the government believes that somehow we are totally responsible for what is going on in Afghanistan rather than saying we are overstretched as it is and that we need to bring in the rotation. It has been done before.

Again, we are looking at other options in Afghanistan. It is ludicrous, in fact completely unfathomable for me and the Liberal Party to accept the notion that somehow the Conservatives agreed to February 2009, which is what they brought in, and the House supported the motion, and in the end they now say that we need to be there longer—

The Deputy Speaker: The hon. Parliamentary Secretary to the Minister of Foreign Affairs.

Mr. Deepak Obhrai: Mr. Speaker, let me assure the member that we are talking with our NATO allies all the time to share the burden of reconstruction and security in Afghanistan. That has been a priority of the minister. He has been speaking with all of our NATO allies and they all understand that it is a NATO mission.

Let me remind my hon. friend again that the House, including him probably, voted for the extension until 2009. We stated prior to that we would seek unanimous consent of the House to extend should there be a need to extend, and he and his party would at that given time have an absolute right to vote for that mission.

AIRBUS

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, I have the pleasure to rise today to follow up on a question I asked in the House on November 1. I asked the Prime Minister to have a full inquiry into the Mulroney-Schreiber affair and the full Airbus affair. He adamantly refused, laughed it off and the government laughed it off as well. He did that for two weeks until Brian Mulroney himself ordered an investigation.

What concerns me is the management of the file by the current government. We know the Prime Minister received a letter from Karlheinz Schreiber seven months ago, indicating the dealings that he had with Brian Mulroney, the exchange of money, when the money was transferred and when the negotiation happened. For seven months there was no action by the Prime Minister, zero.

This is a letter that calls into question the following of Canadian laws, a letter that should have been transferred to the RCMP immediately. When the same letter was received many months later by the Leader of the Opposition, he transferred it to the RCMP, which opened an investigation within 14 days after it received that letter.

Karlheinz Schreiber said he sent that letter to Mr. Mulroney when Mr. Mulroney was seeking financial help. In the letter to Brian Mulroney he states:

> During the summer of 1993 when you were looking for financial help, I was there again. When we met on June 23, 1993 at Harrington Lake, you told me that you believe that Kim Campbell will win the next election....You also told me that...the Bear Head project [a business proposal] should be moved to the Province of Quebec, where you could be of great help to me. We agreed to work together and I arranged for some funds for you.

We have since found out that the funds were $300,000 given in cash, the first $100,000 of that while Mr. Mulroney was still a member of Parliament. Mr. Mulroney was still prime minister in June at that time, and Harrington Lake is an official government residence.

When this letter came into the correspondence unit in the government building, at Langevin Block presumably, it would have gone to PCO and then from PCO logically transferred to PMO. From PMO, logically when something is that sensitive, it would have gone directly to the Prime Minister or to very senior staff, who would have briefed the Prime Minister.

However, that is not what the Prime Minister would have us believe. He would have us believe that this correspondence with Schreiber was dealt with by junior officers at the Privy Council Office.

I invite you, Mr. Speaker, to speak with people who have at one time or another worked at the Prime Minister's Office or PCO. Ask them how a letter like that would be handled. I think they would tell you that they would not walk it across the hall. They would run it across the hall. That letter is very sensitive, very serious and there is no way it would be fluffed off by junior officers. There could be the chance of the Prime Minister being greatly embarrassed, as he did when he went to speak at the dinner honouring Brian Mulroney not too long after that. However, I do not think it was ever thought that this would become public.

If the Prime Minister did not get this information, I can only think of one reason. It would be that he asked not to receive such information for adoption of plausible deniability.

Now that we have all the information, I would ask the government to ensure that Professor Johnston is given the mandate to ensure his public inquiry includes all the activities by the current government in relationship to the Schreiber-Mulroney affair.

● (1840)

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, let me start by correcting a few factual errors. My hon. colleague and all of his colleagues on that side of the House continue to misrepresent the situation with respect to the letter sent by Mr. Schreiber.

My hon. friend has said, and I believe I am paraphrasing correctly, that Mr. Schreiber sent the letter and the Prime Minister received the letter. That is absolutely not true. Mr. Schreiber may have sent the letter, but the Prime Minister never received it and never read it.

Although my colleague seems to be incredulous as to how could this happen, how could a letter of such sensitivity not appear before the Prime Minister, I only point out the fact that the letter's author is someone who has been facing extradition proceedings in the country for eight years. He is facing extradition to Germany because of charges of tax evasion, fraud and forgery, to name only a few.

If that were the character of the author of this letter, why in the world would anyone in the PCO forward this on to the Prime Minister? It does not make any sense. That is why PCO officials have stated quite clearly and quite publicly that they did not forward the letter to the Prime Minister's Office.

When the Prime Minister says that he never received the letter, never read the letter, he is absolutely telling the truth. What my friend is trying to do is make this into some sort of a political witch hunt or a smear campaign to try to connect the dots between the current Prime Minister and the Schreiber-Mulroney affair, which is an affairs that stems back 15 years.

This was an alleged incident that occurred back in 1993 and 1994, around those dates. For my hon. friend to even suggest that this government or this Prime Minister is in any way, shape or form connected to that incident is absolute lunacy. There is no connection whatsoever.

I again point out for my hon. colleague that there is a reason why prime ministers do not see letters such as this. We have to consider the source. The source in this case is someone of very questionable character. This is why that letter never appeared before the Prime Minister.

● (1845)

Hon. Robert Thibault: Mr. Speaker, what is interesting is I read in the House of Commons not very long ago a letter sent by the same individual to the Prime Minister's Office and "un accusé de réception", a letter by the Prime Minister's Office stating that the letter by Mr. Schreiber had been received by the Prime Minister and copies of the documentation attached and the letter forwarded to the Minister of Justice. All of a sudden they tell us somehow this one did not get to the Prime Minister.

He started his comments by saying perhaps it was not sent, that Schreiber was lying. It is possible, but that is not what PCO tells us. It did not tell us that it did not receive the letter. The member said it was not forwarded to the Prime Minister.

If a letter of this sensitivity was not forwarded to the Prime Minister, it was because people were told not to forward it to the Prime Minister. They knew what could come in those letters. In my mind, unless proven otherwise, I see a full-fledged cover-up by the Prime Minister's Office.

Mr. Tom Lukiwski: Mr. Speaker, I rest my case when I say there is nothing more than a smear campaign being attempted by members of the opposition when we hear that type of rhetoric spouted off in this place.

I point out to my hon. colleague that members of the PCO have stated quite clearly and quite publicly that the letter in question was not forwarded to the Prime Minister. Is my hon. friend suggesting that officials, long-time civil servants, are lying or not telling the truth? Is that what he is contending?

It is obvious that Mr. Schreiber had eight years in which he could have brought some of this information forward. Why did he not? Why did he wait until literally days before his extradition hearings were to take place, when the final decision was supposed to be made, before this allegedly explosive, new political information was filed?

It was done so for one reason and one reason only. Mr. Schreiber is trying to do anything and everything in his power to stay in our country. That is the only reason he is making this case.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24 (1).

(The House adjourned at 6:48 p.m.)

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