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Monday, April 14, 2008

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, April 14, 2008

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1100)

[*English*]

TREATMENT OF RARE DISORDERS

Mr. Don Bell (North Vancouver, Lib.) moved:

That, in the opinion of the House, the government should respond specifically to the challenges faced by Canadians with rare diseases and disorders, and the initiative put forward by the Canadian Organization for Rare Disorders by: (a) establishing the definition for serious rare disorders as those with a prevalence of less than 1 in 2000 Canadians; (b) examining the feasibility of a national "Chance for Life Fund" equivalent to 2% of the total annual public drug expenditure to be designated for therapies for rare disorders; (c) considering the establishment of a multi-stakeholder advisory body, including treaters and patients, to recommend treatment access for life-threatening or serious rare disorders, based on scientific standards and social values; (d) considering the establishment of centres of reference for specific rare disorders, comprised of national and international experts, who will develop criteria for treating patients based on scientific evidence and patient impact and provide on-going surveillance into the real-world safety and effectiveness of these treatments on individual and group basis; (e) considering options to provide incentives through orphan drug regulation and policy, to assure Canadian organizations and researchers are motivated to conduct research and development into treatments for rare and neglected disorders; (f) supporting internationally accepted standards for conduct of clinical trials in rare disorders appropriate for the challenges inherent to very small patient populations; (g) considering ensuring that Health Canada's progressive licensing framework provide appropriate support to the design of clinical trials for very small patient populations and appropriate review of evidence submitted from these trials; and (h) reporting the progress accomplished to the House within six months.

He said: Mr. Speaker, I am pleased to rise today to begin debate on my private member's motion, Motion No. 426, which addresses the issue of rare disorders. If passed, Motion No. 426 will begin the process of bringing Canada into line with numerous other developed nations that have already implemented effective policies offering extensive support and treatment for citizens with severe and life threatening rare disorders.

More specifically, Motion No. 426 calls on the government, through Health Canada, to consider the policy proposals advanced by the Canadian Organization for Rare Disorders. I consider this motion a starting point and CORD's Chance for Life Fund an ideal framework in which to examine many of the challenges faced by Canadians living with rare disorders.

Based on experience and evidence, I hope to prove that proposals within Motion No. 426, if implemented in Canada, would be as effective here as they have been in other nations. I also believe that doing so would reflect not only the principles of universality as outlined in the Canada Health Act but also the compassionate approach that most Canadians feel is at the core of our public health care system.

I have been greatly encouraged by the support I have received from the other parties on this issue. As rare disorders affect thousands of Canadian families from all walks of life and backgrounds, so too has my family dealt personally with this issue, and I have been impressed by the spirit of cooperation and non-partisanship that has been constant in my discussions with my colleagues as I have moved this issue forward and developed the motion we are debating today.

There are some issues that are truly non-partisan, and this is one of them. In particular, I would like to thank the Parliamentary Secretary for Health, the member for Charleswood—St. James—Assiniboia, as well as the health critic from the NDP, the member for Winnipeg North, and the Bloc health critic, the member for the riding of Québec.

I have also worked closely with CORD as well as many of the organizations affiliated with it, such as the Pulmonary Hypertension Association of Canada and the Canadian MPS Society, and wish to thank their representatives for their continued support and diligent work in bringing this issue forward.

Before I continue, I will clarify that I will often refer to "rare disorders". Other nations have adopted similar language to describe these conditions, such as "orphan diseases, disorders or rare diseases", and I will refer to them all throughout my remarks, but for the purposes of today's debate, they mean the same.

February 29 of this year marked the first annual International Rare Disease Day. With 2008 being a leap year, "the rarest date on the calendar", February 29, was the perfect date to launch what will be an annual occurrence.

In the simplest possible terms, Motion No. 426 addresses the issues faced by Canadians who suffer from a wide range of rare diseases that affect very few people. At present, Canada does not have a definition of, or an official policy on, rare disorders and, as such, our health care system does not differentiate between someone who has a very common disease and one that is extremely rare. Essentially, the prevalence of their occurrence among Canadians is not considered.

In order to develop a comprehensive Canadian policy on rare disorders, it is necessary to establish a Canadian definition of rare disorder or, more specifically, what prevalence among Canadians a disorder should have to be considered rare. Motion No. 426 calls for the definition of rare disorders as those with a prevalence of less than 1 in 2,000 Canadians, and I will deal with this further in a moment.

The inspiration for Motion No. 426 is found in the Canadian Organization for Rare Disorders Chance for Life Fund, an action plan that CORD developed to address this issue and begin the process of establishing a made in Canada policy that will ensure patients with rare disorders have the exact same right and access to effective therapies, or the same "chance for life", as all Canadians.

A policy for rare disorders is based on the basic principle of the equitable provision of health care that many Canadians assume is an unshakable element of Canada's universal health care system, but in the case of rare disorders, this principle of universality is currently missing.

Rare disorders include such conditions as cystic fibrosis, Huntington's disease, legionnaires' disease, muscular dystrophy, thalassemia, MPS, pulmonary hypertension, Fabry disease, Gaucher disease, ALS, commonly known as Lou Gehrig's disease, Waldenstrom's anemia, AIDS, and acromegaly, to name a few.

● (1105)

Rare disorders can be acquired or genetic. It is also important to note that several rare disorders fall within more common conditions. For example, while cancer is obviously not considered a rare disorder because of its prevalence, kidney cancer is. Many of these rare disorders we may have heard of, because self-help groups have done a good job of public awareness.

From the brief list of rare disorders that I just named, I am sure many Canadians can already identify a family member or friend who suffers from a rare disorder. My grandson, Dylan Bell, was diagnosed at the age of 3 with a rare disorder, pulmonary hypertension, and passed away the day after his 12th birthday. In my own riding, young Nicolas Harkins has MPS 1, an enzyme deficiency disease that is also life threatening. Today's *Globe and Mail* article on page 3 by Lisa Priest refers to 11 year old Szymon Cajmer, who has MPS 2, otherwise known as Hunter syndrome.

However, that list of disorders is minuscule when compared to the complete list of approximately 7,000 rare disorders that are currently identified. Using the prevalence standard or definition of rare as being 1 in 2,000, it is estimated that 1 in 12 Canadians has been diagnosed as having, or being a carrier of, a rare disorder. That is over two and a half million Canadians who today are affected by a rare disorder.

Clearly the impact of rare disorders is much greater than most realize. While only a small number of Canadians may have a specific rare disorder, as a group Canadians with rare disorders are far from rare. It is for this reason that CORD, which is the only organization of its kind in Canada, plays such a vital role. By collecting information on rare disorders and raising awareness, CORD is developing networks for Canadians with rare disorders, networks that allow them to speak effectively with one voice and, most importantly, to realize they are not alone. Simply put, there is strength in numbers.

Not only does Canada not have an official definition of prevalence of rare disorders, which is critical in order to move forward on this issue, but it lags far behind most countries in the developed world when it comes to rare disorder policy. For a country that considers its health care system to be a badge of honour, the envy of the world, as it is often referred to, I believe the manner in which we deal with this issue would surprise most Canadians.

The United States was the first country to enact rare disorder legislation 25 years ago in 1983 and was quickly followed by Australia, Japan, Singapore, Taiwan and South Korea in the 1990s. In 2000 the European Union established its own orphan drug legislation.

Official definitions or prevalence of rare disorders vary in each country. In the U.S., a prevalence of less than 200,000 persons in the total population, which is approximately 1 in 1,300, is the official definition. On the other end of the spectrum is Australia, where "rare" is a prevalence of 1 in 15,000. Other nations generally fall somewhere in between. Establishing a definition, or prevalence, is only the starting point, and it is through that definition that other policies and changes to our system can flow.

Access to medication for Canadians with rare disorders has been described as "trying to untangle a Gordian knot" and is the greatest challenge faced by those with rare disorders. Because Canada does not have a rare disorders policy, medications and treatments available to a person with cystic fibrosis, for example, in the United States, South Korea or France may not be available to a Canadian or, worse, are available but not necessarily covered under all provincial health plans, and therefore weakens the aspect of universality.

Rare disorder policy, such as the orphan drug act in the United States, which, I would like to add, was the result of a bipartisan effort, has produced positive, tangible results; a key area of improvement being a dramatic increase in the number of innovative therapies in development due in part to economic and regulatory incentives included in rare disorder legislation. This has led directly to an exponential growth of the biotechnology industry and the development of more cutting edge technologies and treatments for those living with rare disorders.

● (1110)

Canada's policy void in this area has forced many Canadian biotech firms to offer free clinical trials to small groups of patients as the only way to give them access to life-saving therapies. In many cases these clinical trials have proven to be immensely successful. Unfortunately, such trials were limited to only a few individuals and participating in them often involved regular travel which can be too expensive or difficult for those with advanced conditions.

A Canadian rare disorder policy must view the biotechnology industry as a priority sector in a knowledge-driven economy that not only helps with the "brain gain", but can also produce life-saving technologies for those suffering from rare disorders.

Motion No. 426 asks the government to consider the establishment of centres of reference for clusters of rare disorders, comprised of national and international experts, who would develop criteria for treating patients based on scientific evidence and patient impact, and provide ongoing surveillance into the real world safety and effectiveness of these treatments on an individual and group basis.

Motion No. 426 also asks the government to consider options to provide incentives through orphan drug regulation and policy to ensure Canadian organizations and researchers are motivated to conduct research and development into treatments for rare and neglected disorders.

There is a tremendous pool of talent in Canada in the health research fields that we must encourage through a made in Canada policy on rare disorders. In the other countries I have mentioned, orphan drug legislation has provided incentives for the development and marketing of medicines for rare disorders that otherwise would not have gone forward.

Motion No. 426 can begin an evaluation of how this process could develop in Canada. Recent data reveals how effective such changes have been in helping those in need. For example, CORD reports that during the 2003 review of the U.S. orphan drug policy, it was found that 1,100 products received orphan drug designation, 231 were marketed, thereby impacting over 11 million patients. During the 2005 review of the European Union policy, 260 products received orphan drug designation, and 22 received market authorization, thereby impacting over 1 million EU patients.

Clearly, Canada has work to do to catch up to our friends to the south and in Europe. Perhaps the greatest roadblock for those with rare disorders accessing drugs and treatments is the common drug review process.

As part of the Canadian Agency for Drugs and Technologies in Health, the common drug review performs systematic reviews of clinical evidence, pharmacoeconomic information, and with detailed recommendations by the Canadian Expert Drug Advisory Committee, CEDAC, it provides evidence-based recommendations to provincial drug plans on which drugs should be covered under provincial health plans. All provincial drug plans, with the exception of Quebec, participate in this process and use CDR decisions as a starting point when deciding on funding.

While there are some provincial programs that do offer assistance for specific rare disorders, AIDS being one example, these programs can be temporary and only create a patchwork system. While the CDR provides a streamlined drug review process in Canada, it only accepts specific evidence-based data in its decision making process.

More simply put, stringent evidence, a mandatory requirement for a drug even getting to the starting point in the CDR process, must have been produced from a study with a minimum number of patients. Without a specific minimum number of patients enrolled in a study or trial, evidence is simply not considered to be of high enough quality to advance in the CDR process let alone be considered for approval.

We can imagine the frustration of researchers and doctors who are unable to find enough patients to participate in a process that they believe could result in life-saving treatments becoming available to those who so desperately need them.

Motion No. 426 calls on the government to consider supporting internationally accepted standards for conduct of clinical trials in rare disorders appropriate for the challenges inherent to very small patient populations and to consider ensuring that Health Canada's progressive licensing framework provides appropriate support to the design of clinical trials for very small patient populations and appropriate review of evidence submitted from these trials.

Some rare disorders are known to affect as few as 20 Canadians. One can only imagine the incredible challenge of not only attempting to identify enough cases for a clinical study, but the tremendous travel costs and other concerns such as work, family and health concerns of individuals who may be able to participate.

● (1115)

It is my hope that with the passage of Motion No. 426, we can begin the process to move Canada a little further down the road in developing a rare disorder policy and at the same time raise public awareness on this important issue.

As parliamentarians, I encourage all members to rise above partisanship and continue to work together to ensure that those Canadians with rare disorders are given a chance for life.

The Acting Speaker (Mr. Royal Galipeau): Questions and comments, the hon. Parliamentary Secretary for Health.

Mr. Steven Fletcher (Parliamentary Secretary for Health, CPC): Mr. Speaker, I would like to thank the member for bringing forward this very important motion.

The health minister and I have been following the progression of this motion very closely and empathize greatly with the people who are affected by rare diseases.

It might be of interest to Canadians, if the member does not mind, for the member to explain a little bit of his own life. Often when members bring motions such as this to the House, they have been touched in some way by a constituent or a family member. I wonder if the member would be willing to share with us his motivation, from a personal perspective, for bringing the motion forward.

● (1120)

Mr. Don Bell: Mr. Speaker, I would like to express my appreciation for the parliamentary secretary's support in bringing this motion forward.

As I mentioned, my first awareness was when my grandson, at age three, was diagnosed with what we found was in effect a terminal disease: pulmonary hypertension.

As any member who suddenly finds a family member with a rare disease or life threatening illness, after getting past the period of shock, I began to look into it. I found out more about the disease from a website and worked with my son and his wife to try to find out if there was a cure, if there was a way in which we could deal with it and to avoid what was obviously a life threatening consequence.

I can say that Dylan, at about age three, was treated; he was given a 24 hour intravenous pack which he wore for the last nine years of his life. He wore it when he went to bed. He wore it during the day time. His illness affected his ability to participate in regular life activities. He went to a regular school, but he could not perform any of the physical activities because he would be short of breath, part of the side effects of his condition.

One of the first drugs he was on had a life cycle of about 30 minutes. That means, if the alarm went off indicating his pump had failed, we had about 15 or 20 minutes to get him to a hospital, with the risk of him passing away at that moment. Hon. members can imagine the pressure that puts on a family.

Through that and through my son's involvement in the Pulmonary Hypertension Association of Canada, and he is now the president, I became aware that there were many other diseases, particularly by talking with people from CORD. I became aware that this was only one of many diseases that affects people in this way. I mentioned Nicolas Harkins in my own community. The story about another young man is in today's *Globe and Mail*.

One in twelve Canadians are either carriers of or affected by rare diseases. What I heard from CORD, and from the patients, the caregivers and the families was that the problems in the Canadian system that I have identified were access to treatment, therapies and the approvals.

I determined, as Dylan's legacy, that I would do what I could in my position as a member of Parliament to bring forward what I hope, with the help of the government, would be an effective way of addressing those problems.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, since they have recognized the Quebec nation in Parliament and boasted about having recognized it, it is now time to act. This morning marks a wonderful opportunity to do so. An amendment has been submitted and discussed for a week that would give Quebec the right to opt out with full compensation. In fact, the 10 year plan to strengthen health care, from 2004, gave Quebec the right to do just that.

Why is it taking the Conservative government and the Liberal Party so long to accept this type of amendment? Otherwise, we would be voting in favour of it this morning.

[*English*]

Mr. Don Bell: Mr. Speaker, I am aware of amendments that will be proposed by the parliamentary secretary on behalf of the government and the Bloc. Those issues will be discussed with my critic and with the government. I have indicated that we will consider that and I hope address those in the second hour of debate.

● (1125)

Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I would like to thank the hon. member for North Vancouver for raising this important issue and also to make members of this House aware that the government is interested in finding common ground on this important issue.

The subject the hon. member has raised is quite serious for many people, those diagnosed with these rare diseases, their families and loved ones, and Canadians across Canada who sympathize with their suffering.

Rare disorders affect people of all ages, races and ethnic backgrounds. Some disorders are genetic, for example, Tay-Sachs, Huntingdon's, or Sickle Cell disease. Some disorders are acquired, such as Legionnaires' disease. Other rare disorders can cause general health conditions, such as heart disease and cancer. Most have no known treatment.

A rare, or orphan, disease is one that affects fewer than 1 in 2,000 people. However, there are more than 6,000 rare disorders that, taken together, affect approximately 3 million Canadians. One in ten individuals in Canada has been diagnosed with a rare disorder. Many Canadians are affected, but very few with any one particular disorder. This is a serious issue for this government.

We recognize that Canadians who suffer from rare diseases have health needs that frequently are not met, particularly, in terms of access to needed treatments. Few therapies exist to treat these diseases.

The rapid advance in medical technologies and therapies has given many Canadians new hope, but developing and providing these medical techniques, such as genetic therapies, requires enormous resources. Potential treatments have often been considered too difficult and expensive to develop because of a very small patient population.

It is often difficult to conduct clinical trials and to demonstrate outcomes because the number of people suffering the disease is too small to allow the standard scientific techniques, like random sampling, control groups and so on. Nonetheless, we cannot ignore the suffering of Canadians with rare diseases.

Recently, new drugs for rare disease have become available in Canada, but evidence on whether they work is often weak and the costs of these drugs are beyond the budgets of most Canadians. Thus, important public policy regarding these drugs is essential.

[*Translation*]

This government has not been idle on this issue. My colleagues can attest to the fact that we have already taken many steps towards improving pharmaceutical management in this country, most notably in relation to drugs used to treat rare diseases.

We are improving the way we regulate drugs as part of the food and consumer safety action plan. This includes a life-cycle approach which goes beyond a simple decision on market access and also monitors drugs once they enter the market.

Along with our provincial and territorial partners, we have been working on improving the common drug review process.

[*English*]

We continue to work with the provinces and territories to improve drug management, including for rare diseases, as part of our collaboration under the national pharmaceutical strategy, a component of the 2004 health care accord.

As mentioned before, the government and the hon. member for North Vancouver have been working behind the scenes to find common ground so that this motion can pass this House. We have focused our discussions on several aspects of the motion and I am happy to outline these areas for my colleagues.

First, and foremost, the government believes the motion ought to take into account the roles played by the provinces and territories with this issue.

Our provincial and territorial counterparts are primarily responsible for deciding the extent of drug coverage for Canadians. Provincial and territorial governments determine who qualifies for public coverage within their jurisdictions, what drugs qualify for reimbursement, and what portion of the costs will be covered.

They also negotiate with drug manufacturers on the prices for the drugs they choose to reimburse, including prices for rare disease drugs. They regulate prescribing and dispensing of these drugs within their jurisdictions. This is an important element of this issue, given the key roles doctors play in determining appropriate prescribing and developing clinical practice guidelines.

As such, the government believes that we must include a reference in this motion to our provincial and territorial colleagues; a fact that the hon. member for North Vancouver has listened to and demonstrated a willingness to accept.

[*Translation*]

The government also believes that Motion M-426 should note the important role of the common drug review process—a productive collaboration between federal, provincial and territorial governments that assists them in their decisions about drug coverage.

The common drug review process evaluates the therapeutic benefits of drugs as well as their cost-effectiveness in comparison with existing therapies. It also provides recommendations such as if and under what circumstances drugs should be covered under government drug plans.

● (1130)

[*English*]

As the House is aware, the Standing Committee on Health undertook an examination of the common drug review and released a final report this past December. In that report, it recognized the importance of the role played by the common drug review and it made recommendations to improve it. One of those recommendations was the creation of a public advisory board for the common drug review.

The recommendation is quite similar to an element of this motion, which suggests that we consider establishing "a multi-stakeholder advisory body, including treaters and patients, to recommend treatment access for life-threatening or serious rare disorders".

This government believes that the common drug review should be included in any work on rare disease issues.

In our response to the committee's report, the government indicated its interest in pursuing discussions with participating provinces and territories on opportunities to appropriately involve the public in the common drug review process. Appropriate public involvement can lead to better decisions, as well as confidence in the fairness of the decision making process.

Adapting the common drug review approach to assessing drugs for rare diseases was also highlighted.

One of the more challenging aspects to the motion surrounds a reference to defining a "rare" disorder. While experts have focused their study on defining this issue, to date there is no common definition of a rare disease.

Determining what diseases count as rare and, therefore, who will benefit from any changes that governments might collectively or individually implement, is a vital step and not one to be taken lightly.

If governments adopt special approaches for rare diseases, how then do we deal with the almost rare?

For example, if diseases affecting fewer than 500 Canadians are considered rare and treated differently, what happens to the people suffering from diseases that affect slightly more than 500 Canadians?

The government feels that we need processes that can adapt to the needs of all Canadians and all diseases, and we thank the welcoming nature with which the sponsor of Motion No. 426 has received these comments.

We recognize that these diseases have few options for treatment and that available drug therapies are often extremely costly. However, in the absence of solid analysis of other ways in which we could address these challenges, we are not convinced that this motion's proposed fund is the best way to deal with this difficult issue.

The government recognizes the difficulties faced by Canadians suffering from rare diseases and acknowledges the spirit in which the motion was put forth. However, the hon. member's motion does not take into account the necessity of working with the provinces and territories and the government is also concerned that some elements of this motion are premature.

These are serious issues that need to be addressed but we must do so in way that is prudent and respects the roles of those involved.

I can identify personally in a very small way with those who suffer from rare diseases. When our son was born in Germany 34 years ago, he was initially diagnosed as having PKU disease. Although PKU disease is not that rare, it does involve severe lifelong dietary restrictions to prevent irreversible brain damage. The prospect for our son was scary but in the end the diagnosis, thankfully, proved to be inaccurate.

The motivation and intent of the motion are entirely honourable and worthy of very serious consideration. I know the hon. member for North Vancouver has a strong personal investment in this issue and that he is committed to doing the right thing. I and all members of this House applaud him for that.

We look forward to working with him and other colleagues to arrive at a positive course of action that will ease the load on families dealing with the impact of rare diseases, while still respecting the requirement for collaboration and cooperation with all levels of responsibility and authority in the delivery of effective and affordable health care to all Canadians.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, I rise today to speak to Motion No. M-426, which calls on the government to respond to the challenges faced by patients with rare diseases and disorders. I thank the member for North Vancouver for making us aware of this important issue today. The lives and quality of life of many young people—most of these patients are young people—are at stake today in this debate.

This is a very important motion that sheds light on a regulatory problem that limits access to drugs to treat rare diseases, either because they are not allowed on the market or because they are not covered by provincial drug insurance plans.

Before I address the issue that is at the heart of the motion we are debating today, I would like to say that the Bloc Québécois cannot vote for this motion as is, not because of the principle behind it, but for a very specific reason that I will explain. The Bloc Québécois is in favour of the motion, but it requires an amendment, which we proposed to the sponsor of the motion, concerning how this motion applies to Quebec.

Under the 2004 10-year plan to strengthen health care, Quebec is not subject to the common drug review or the national pharmaceutical strategy. The 10-year plan to strengthen health care recognized Quebec's right to withdraw unconditionally, with full financial compensation, from any national health initiative.

I would like to reiterate certain principles set out in the 10-year plan to strengthen health care. The plan clearly states that nothing shall be construed as derogating from Quebec's jurisdiction over health.

We would have liked the Conservatives and the Liberals to agree to this amendment this morning so that we could go ahead with this motion today. Quebec has already set up a committee to look at this issue. This committee has begun looking at another way to deal with rare diseases and verify the efficacy and safety of drugs, taking into account their cost. This is the role of the common drug review. Quebec has its own drug review program, known as the Conseil du médicament du Québec, and is therefore not subject to the federal program. We need no lessons from the federal government, because Quebec is completely independent in this regard.

As such, any national strategy or policy concerning rare disorders and governing access to drugs to treat those disorders cannot apply to Quebec.

The only recommendation in this motion that can apply in Quebec is (*g*), which is about the drug approval process and clinical trials, issues that clearly fall under Health Canada's jurisdiction. We may be able to build consensus on this motion based on the proposal in (*g*).

That being said, as everyone knows, in the spring of 2007, the federal Standing Committee on Health conducted an in-depth study of the CDR, the common drug review. The committee then submitted a report containing five recommendations. The Bloc drafted a dissenting opinion to reiterate its preference that the national strategies for rare disorders not apply to Quebec. Instead, we asked the federal government to establish a specific approach to the evaluation of drugs for the treatment of rare disorders.

Last week, we received the government's response to the report. Even the government was quite vague with respect to recommendation 5, which called for a real policy on rare disorders. We are very disappointed in the government's response.

● (1135)

Here is what the government said in its response to the committee's report on the common drug review.

The government supports the “idea of exploring options”. It also recognizes that there might be “merit in exploring approaches to assessing these drugs as one of the first steps”, and in the end, it said it was interested in “pursuing discussions”.

That gives us some idea as to whether the government will support this motion or not. The response is pretty lukewarm and bears little resemblance to the proposals in the member for North Vancouver's motion. It is highly unlikely that the government will support this motion. I would be very surprised and also very pleased if the government decided to move more quickly and make the rare disorders policy more proactive and more considerate of the circumstances surrounding rare disorders.

As I said earlier, the Conseil du médicament du Québec has already begun working on a draft of the evaluation criteria for drugs to treat rare disorders. There must be specific criteria because rare disorders are not like other, more common disorders.

We know that in the United Kingdom, for example, 1 in 50,000 inhabitants has a rare disease, while here it is 1.1 in 10,000 inhabitants. That is why, in the approach set out in the motion—and this is what Quebec focuses its research on—we have to take into account the fact that clinical trials have been conducted in other countries in addition to those done in Canada and Quebec. Then we could have a better sample from a larger population base, instead of basing research only on the population of Canada. In fact, as far as certain diseases in certain countries are concerned and other diseases in Canada and Quebec, we could have better sampling and a much broader assessment of the safety and effectiveness of the drugs. That information could be used in approving the cost of drugs.

That is where the CDR or common drug review comes in, since it could recommend that a drug be covered. Quebec is not subject to a national strategy because it has its own drug review program.

Often the reason provided for not covering the payment of a drug treatment for a rare disease is that it is too costly and the patient base suffering from the disease is too small. The cost is astronomical.

In my opinion, we have to look at the situation from a human perspective. When we can offer not only a better quality of life to people with rare diseases, but also greater longevity, this certainly touches us emotionally. By agreeing to pay for a drug, regardless the cost, we are offering patients a better quality of life.

I know the hon. member presented this motion because people very close to him have suffered from a very rare disease and access to drugs was not possible.

I know that the hon. member is doing a good job raising awareness within his party and that is why I sincerely hope the Bloc Québécois amendment will be accepted in order to exempt Quebec from the strategy we are debating this morning. Nonetheless, we could support a national strategy for all of Canada, except Quebec, just to show some openness.

In Quebec, I met with one of the members of the committee, and he was saying that this issue has to be addressed differently and there should perhaps be more progressive reviews that take into account different factors. Then we might be able to approve the drugs for rare diseases.

● (1140)

[*English*]

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I am pleased to participate in this very important debate on a motion submitted by my colleague from North Vancouver.

This motion represents an important discussion for the House of Commons and it is relevant for many Canadians. Although we are talking about rare diseases and treatment for such rare diseases, when we add up the numbers, in fact we are talking about a significant proportion of the Canadian population. Well over 10% of Canadians today are affected in one way or another by this issue and by the absence of adequate treatment and drug coverage for those who are affected by this very serious issue.

I want to thank the member for North Vancouver for bringing this issue to this House. It was inspired by his personal experience. His story of his grandchildren is tragic and devastating. We take courage in his ability to take some hope from these dire circumstances to change the world for others, to make this world a better place so that the kind of experience he and his family has had to endure will not have to be repeated by so many over and over again.

All of us bring our personal experiences to this House and they intersect here in the political world. It is here at that intersection where issues are most poignant and where they become relevant in a very deep, personal way for action.

I too bring to this House a personal experience on the issue of rare disorders. I have talked many times in this House about my son, Nicholas, who is now 23 and suffers from a very rare disorder. In fact there are only 11 boys in the world with his particular genetic disability or disorder. It is called band heterotopia, or double cortex syndrome. It causes uncontrollable seizures, profound intellectual disability, and of course many behavioural issues.

We became aware of this when Nick turned three. He started having seizures and he was diagnosed as simply having epilepsy. We were told not to worry, that everything would be okay. As the years passed and the drug trials continued and the tests persisted, we soon became aware that we were dealing with something very difficult. To this day we still struggle with drug therapies to bring his seizures under control. We keep hoping and praying that there will be a discovery that will help his particular situation.

In our case, we have been blessed with a wonderful medical system in Manitoba, with good access to neurologists. Obviously we have tried every drug in the world that exists. We have also used the exceptional drug program to access drugs that were not approved. We continue to be blessed by a system that is sensitive, insofar as it goes to the particular situation facing Nick.

However, we always hope that there will be the resources to find a cure, to find a solution, to find some remedy to help him, just as my colleague from North Vancouver hopes that something can be done to prevent the tragedy he has had to go through with the death of his grandchildren.

My other colleagues bring similar stories to this House. My colleague from Acadie—Bathurst is fighting for a family in his constituency. It is the case of a two year old girl in Paquetville, New Brunswick, suffering from xeroderma pigmentosum, a condition in which she cannot be exposed to sunlight. Cancer development is triggered by sun exposure and she has already recently suffered some new developments pertaining to cancer.

She lives in the dark all the time and can only go out at night after sundown. She requires special windows. She would need a special dome to protect her outside to play normally, and of course this is a very costly method of protection. Her parents have had to leave work to care for her. The family continues to struggle to ensure that this little girl has a future.

● (1145)

My colleague from Windsor—Tecumseh mentioned to me today that Szymon Cajmer, the little boy who is mentioned in the *Globe and Mail* story, is in his constituency of Windsor—Tecumseh. When this little boy was six years old, he was denied entry into a clinical trial to test the only drug to treat his rare disease because his lungs worked too well. Now at age 11 he suffers from severe hearing loss and easily loses his breath. The drug he did not qualify to receive years ago, idursulfase, has since been approved by Health Canada to treat his disease, Hunter syndrome, but now Szymon cannot obtain the enzyme replacement therapy for a different reason. It is funded in British Columbia and Alberta but not in Ontario.

With this range of personal stories we have a better understanding of the problems facing many Canadians. We need a strategy to help Canadians who are faced with rare disorders.

My colleague from North Vancouver has presented a comprehensive motion that does not prescribe exactly what the federal government ought to do, but recommends that the government consider various steps to ensure that a strategy is put in place. The first recommendation my colleague has made is that there be a strategy, that we define what rare disorders are, that we do what the United States has done at least, which is to give it a word, give it definition, give it meaning, and then develop a strategy to act on those issues.

I commend my colleague for that. I certainly support in general his motion. We can quibble with some of the aspects but that is for us to sort out as we move this along.

It is the responsibility of the federal government to take the wisdom of the experience of the member for North Vancouver and the personal experiences of so many in this House and build on them and come up with solutions. We do not want these rare disabilities and disorders to become a jurisdictional football, as is the case of the family living in Windsor—Tecumseh.

It is wrong that provinces with more wealth and ability to pay for expensive rare drugs can do so while others cannot. We need a national strategy.

The government could immediately recommit itself to a national pharmaceutical strategy which is sitting on a shelf somewhere gathering dust without action and without purpose. We need a minister of health and a Government of Canada that is prepared to get back to the drawing board and recognize that this country needs a national pharmaceutical strategy with a national formulary that would have a specific fund allocated for people suffering from rare diseases as a part of it. Otherwise, it will never be possible to address those particular conditions. They are too specific, too small, too narrow to be part of a common drug formulary. That is clear.

We are not suggesting that every province reinvent the wheel and come up with funds from scarce resources in order to cover these particular rare disabilities. We need a central clearinghouse. We need a place where those families with family members who suffer from rare disabilities, disorders and diseases can have some hope. These families are facing serious challenges in terms of drug coverage. Drugs may not be thoroughly clinically tested, may not be thoroughly without side effects, but might provide people facing these circumstances with some hope that they might be able to enhance the quality of their lives or even add to their lives. The government must recognize that and put a plan in place.

There is no excuse for the government not to recognize the importance of having a national drug coverage plan that would ensure that all Canadians would never have to make the difficult choice between paying for needed drugs or buying food for their family and paying the rent.

There needs to be a planned approach on all fronts. Serious discussions are needed with the brand name drug companies that are still spending very little of their profits on research and development which would help people with rare diseases and would be of significant benefit to Canadians in these circumstances.

We need to convince the drug companies that spending 90% of their budget on marketing and advertising does not make sense. They have to invest that money in helping Canadians, whether it is in terms of rare disorders and disabilities or whether it is in terms of a universal program that would help many across all jurisdictions in this country.

I commend the member for North Vancouver for bringing this motion to the House. I will support him in his efforts. We look forward to strategies and recommendations and courage from the federal government on this issue.

● (1150)

Mrs. Susan Kadis (Thornhill, Lib.): Mr. Speaker, I am very pleased to rise today to address and fully support Motion No. 426, a motion to address the lack of a rare disease drug policy in Canada.

Health care is always among the top concerns of residents in my community of Thornhill and, of course, all Canadians. From access to treatment to quality of care, residents in my community and all across Canada want a health care system that is there when they need it and that is inclusive.

I am very proud to speak in support of the motion by my colleague from North Vancouver, which has been very much inspired from his own very difficult, sad family experience and has been used in such a positive fashion to help others in the same predicament. I am very proud to support all of his efforts. We were all very moved today to hear the story that he shared, as well as other members' personal experiences.

His motion would move Canada toward a system where Canadians with rare disorders would receive the same standard of care as patients with more common disorders. As a breast cancer survivor for 16 years, if I had not had the drugs available to me at that time, I cannot imagine what would have happened to me. The same is true for many others. I can well understand all those who need to be part of our system. When we consider that other countries are doing so, it is vital that we move together. I am happy to see there is some consensus.

As a member of the health committee and part of the common drug review, it was very clear from the organizations and advocacy groups that this issue has not been adequately addressed. The time has come to do so now.

A telling example was brought to the committee's attention, and it was particularly disturbing. It revolved around Nexavar, a drug to treat kidney disorders. It was rejected by the CDR essentially because it was too effective. The interim data from clinical trials of Nexavar were producing stellar results and the U.S. Food and Drug Administration said that patients in the control arm of the study should be allowed to enter the treatment arm. It was the obvious ethical choice.

Many patients in the control arm of the study, obviously enthusiastically embraced the opportunity to receive this new, groundbreaking drug, but because most U.S. patients had left the control arm, there was not enough data left to satisfy CDR requirements. The placebo data was determined to be statistically insufficient and the drug was rejected on these grounds. Clearly, the placebo data would not be forthcoming and access to Nexavar, available to those suffering in the U.S. and Europe, was severely hampered in Canada.

There is not much motivation in these kinds of cases for Canadian biotech companies at this time to simply duplicate a clinical trial that has already proven to be successful elsewhere. That is one of the other dilemmas.

Because data from trials conducted in other countries is not accepted by the CDR process presently, patients are often forced to wait years for clinical trials to conclude in Canada while patients in other countries, as I have said, have already had access to the drugs being tested. In Canada, patients with rare disorders are forced to wait for no logical reason and to their detriment, except for the rigid requirements presently, in this case, in the CDR process.

Drugs that are often covered by private drug plans to treat conditions such as gigantism, Fabry disease, Fabrazyme, MPS, Gaucher disease and kidney cancer have been rejected by the CDR and are not accessible to those with public drug plans.

Who is being denied treatment the most often? The sad reality is that in many cases it is Canadian children who have rare childhood disorders. In fact, it is those children and their families who are being denied access to treatment. Even in cases where drugs for rare disorders have been approved through Health Canada's progressive licensing framework, often CDR will stand in isolation and essentially reject the conclusions of Health Canada and numerous international studies.

Motion No. 426 asks the government to consider the establishment, and rightly so, of centres of reference for specific rare disorders that would be comprised of national and international experts who would develop the criteria for treating patients based on scientific evidence and patient impact. They would provide ongoing surveillance into the real world safety and effectiveness of these treatments on individual and group bases so that we could consider supporting internationally accepted standards for the conduct of clinical trials in rare disorders appropriate for the challenges inherent to very small patient populations.

By expanding the CDR and developing a separate process for the consideration of rare disorder drugs, we can even the playing field as so many other countries have already done, be it in the U.K., the U.S. The examples are everywhere. It is time for Canada to follow their lead and embrace the international framework model that has proven to be so successful.

Many countries, such as France and the U.K., and others in the EU have successful models of separate bodies that consider treatments for rare disorders. Canada must take a hard look at the cooperation that is happening in these countries as there is much it can learn from their experiences. The time has come, again with our collective resolve, to do so.

● (1155)

It was suggested to our committee that changing the CDR process to allow for the pooling of limited Canadian data rejected by the CDR with rare disorder patient groups outside Canada would likely set the stage for more approvals of treatments of rare disorders, which is what is necessary.

The testimony the health committee heard on this issue was compelling. When our final report on the issue was tabled, included in it was the recommendation, as referenced today by the government, that the government look at options. We are happy to see the government has accepted that recommendation favourably. Again, we will very much be looking to see this is implemented and moved forward in a very expeditious fashion. Often we hear there is interest by a government, but it does not always moved on it. In this case there is no other acceptable option but to move on it.

Clearly there is consensus, as I have mentioned, including the government and the health committee, that a new approach is required and that the one currently taken by the Canadian Agency for Drugs and Technologies in Health in approving drugs for rare disorders is not yet there.

When the government tabled its response, I was pleased it was received well. I very much look to see that this has everyone's total support and that we will see action in this area, which is so vital. It is predominantly affecting children and other Canadians.

I fully support this, and again commend my colleague for moving on and taking leadership forward. We want to see this happen not in a long period of time, but in the very near future so those suffering currently will feel they are part of our health system in every fashion and that they do not have to look elsewhere.

● (1200)

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Cambridge has 10 minutes of which 4 minutes will be today.

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, I am pleased to stand in the House today on behalf of my riding of Cambridge and North Dumfries and speak to this very important motion.

The government understands the seriousness of the issues faced by Canadians who suffer rare diseases. We have taken action on these issues for this vulnerable population of Canadians and will continue to do just that.

These disorders affect a very small number of people, which is the good news, sometimes fewer than 100 people in the entire country, making them difficult to diagnose and even harder to treat. The government recognizes that Canadians who suffer from rare diseases can face unique challenges, due in part to the limited information available to doctors, hence making it even more difficult to diagnose and leaving treatment options restricted.

Rare diseases means just that. They are rare. Very few people get them, but that truth makes it a very tricky thing to develop drugs for them. Appropriate testing is difficult and the potential market is very small. Research and development is often prohibitively expense for drug companies.

Perhaps it might be useful to briefly explain the system and how it works and the roles of the different participants.

The federal government is responsible for deciding what products can be sold on the Canadian market, based on sound and practical assessment of the drugs benefits and its risks. We first must do no harm. This is done through a review of the safety and efficacy data from clinical trials conducted on patients. In fact, therein lies one of the problems.

Traditional clinical trials use hundreds and in some cases thousands of patients in a study. Clearly this is not an option for analyzing treatment protocols for rare diseases. This means that by making regulatory decisions about drugs for rare diseases, it is just that much more difficult and that much more challenging.

However, after all that has been done, after all the trials and the research, the drug is approved for sale in Canada. Now each public drug plan, provincial, territorial and in some cases the federal drug plan, for example with first nations or veterans, must decide whether to pay for the drug treatment in their respective jurisdiction.

The high per patient treatment cost means that there will almost never be considered a cost effectiveness using traditional measures and traditional methodologies. It is challenging to know where to draw the line or whether we should even apply different standards if we were to do so, considering only the rarity of a condition.

Physicians must make difficult decisions on how to prescribe these drug therapies or even if they should prescribe them at all based on limited data. Patients must make the ultimate choice of whether to use them and, sadly, sometimes there are no other alternatives.

The good news is the government is taking steps forward on a system meant to improve the health of Canadians, including those with rare diseases. Our recent investment of $113 million in the food and consumer safety action plan is evidence of this progress. The action plan includes a comprehensive set of measures to improve the safety of products that we use, including prescriptions drugs for rare diseases.

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.

When Motion No. 426 returns for study by the House, there will be six minutes left for the hon. member for Cambridge.

GOVERNMENT ORDERS

● (1205)

[*English*]

JUDGES ACT

The House resumed from March 14 consideration of the motion that Bill C-31, An Act to amend the Judges Act, be read the third time and passed.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rise today to speak to Bill C-31. It is a very short bill. It is a government bill that will have the effect of increasing the number of judges at our superior court levels across the country, from 30 currently to 50.

We have roughly 900 judges at that level across the country. These particular appointments are in a special category and they are as a result of an agreement that the federal government made with the provinces a number of years ago, which allowed us to manoeuvre around what was a constitutional problem and allowed for these appointments to be made at the request of the provinces.

That is what has happened in this case. A number of provinces have come forward and made requests to increase the number of judges, with the current federal government recommending to Parliament, in the form of this legislation, that the number be increased from 30 to 50.

It is important to note that we are at third reading and that we have had committee hearings in the justice committee. This is the committee that is no longer functioning, but it was at the time this bill went to it. We did take some hearings on it. They were quite brief because, as I said, the issue is a very narrow one.

Before we get to what happened at committee, I want to put in context what has happened with the workload of our judiciary at the superior court level across the country. That workload has been increasing dramatically as a result of a number of factors.

First, we simply have a growth in population. The last time the number of judges was increased across the country was almost 25 years ago. Therefore, in that period of time, we have had a substantial increase in our population, resulting inevitably in an increase in the number of cases coming before the courts.

I want to make the point that this level of court is not the court that deals with most of our criminal cases. Roughly 95% of all criminal cases and charges in the country are dealt with at the provincial court level and by judges appointed by provinces. However, what does happen at this level and what has happened more and more often is the number of trials that run on for extended periods of time have increased dramatically.

We have seen this under regular charges and the more serious charges under the Criminal Code. However, where we have particularly seen it, has been in the area of drug charges. Oftentimes there is an element of organized crime involved and the trials go on with multiple accused for extended periods of time, literally in some cases, for more than a year, but often for three to six months. This is almost becoming the norm when there are multiple defendants in these areas because of the amount of evidence to be put forward by the prosecutor and then the response from the defence. The length of the trials has increased dramatically therefore putting a burden on our courts in that regard.

The area where the workload has gone up dramatically has been in family law. Without any doubt, I think any observer of our courts would accept this is the reality, that the biggest workload increase by our judges at this level of courts has been in the family law area. It takes the form in two ways: huge increase in the number of motions brought prior to trial, which most of our judges at the superior court level sit on and try these motions; and then the actual trials.

Again, in the family law area well over 90% of all matrimonial breakdowns that result in any kind of litigation never gets to trial, but a good deal of it does get dealt with at the motions level, and those numbers have gone up dramatically.

● (1210)

There were a series of articles in the Toronto area at the end of last year, early part of this year, showing the number of times cases at the motion level had to be adjourned simply because there were not enough judges available to hear them. This makes it much more expensive for the claimants in those cases, whether they are the plaintiffs or the defendants. Lawyers attend, wait for their turn on the motions and then, at the end of the day, time runs out and they have to come back another day. They end up charging their clients for their time in court even though they were not able to argue the case.

This happens repeatedly. I certainly know in my home community of Windsor that it is happening. I know it is happening in Toronto because of those articles. It is my understanding it is happening across the country in greater numbers.

Because of the costs, we find more claimants who end up in front of the courts at the trial stage unrepresented. This puts an additional heavy burden on our judiciary to ensure the trial is conducted properly and fairly for both sides. Even when one side is not represented by counsel, it requires additional time for the judge to ensure there is a fair trial, thereby lengthening the trial. Therefore, that has increased the workload and the time allocated.

We can look as well in the civil litigation area around personal injuries files. I can remember when I first started to practise a long time ago, those trials would take on average two to three days. Now, often two to three weeks is pretty well the average, and it is not usual for them to take over a month's time. Again, for most of that period of time, the number of judges in Canada has not been increased at all.

Having set that context, I want move to what happened at the committee. I had expressed in my speech at second reading, as did other members of the House, concern as to whether the increase in the number of judges, from 30 to 50, would be adequate to meet the growth in demand for services by our judiciary.

I want to then put in context and make it clear what came out of the committee, and I think a number of us knew in any event. The way the system works is the additional judges who will be appointed will be paid out of funds from the federal level of government. However, all the services that go with the additional judicial appointments are paid out of provincial funds, and that is all the staff. For those people who have not been in court very often, that is a very significant number of people. There are court reporters. There are usually one or two people providing security. On average, at this level of court, between six and ten people have to be there for that courtroom to function. In addition, there is the capital outlay for the building space so there are sufficient courtrooms available for the judiciary to perform their functions.

Therefore, the tab, if I can use that colloquialism, at the provincial level is substantially higher than the wages of the judicial person on a ratio of about 3:1 people, on average, across the country.

During the course of the committee hearings, there was a strong feeling that additional judges were needed, and we heard this from the bar associations, the law societies, the judicial councils, the senior judges who provide the administration for our courts. However, and I do not want to overplay this evidence, it was quite clear, from what we heard from the justice minister, that there would have been, if it had been left up to the judicial councils, the bar associations and the law societies, a significantly greater number of judges, on top of the 20 judges, being sought by the provinces. However, because the provinces were not in a financial position to cover those added expenses, this was in effect to what they agreed.

● (1215)

Even the wealthier provinces like Ontario were not prepared to seek additional judicial appointments at this time because of the costs that were attended thereto.

With regard to the bill, I have to think that sometime in the next few years we will again be faced with another request from the provincial level to make additional appointments. I believe this simply will not be sufficient.

I want to make one final point that came out in the course of our debate around the bill. Of the 20 judges, 6 judges' time will be allocated to the land claims tribunal. All of that other work that needs to be done, whether it is in the criminal law area, the family law area, the area of personal injury or other general civil litigation, we are only getting the time of 14 additional judges, not 20.

We also heard a concern from a number of the first nations communities as to whether the six judges appointed to the tribunal on a periodic basis would be sufficient, in addition to the ones who were already allocated. We may, in the next few years, be hearing from the first nations community, which is dealing with a huge number of land claim applications, that it may require additional judicial appointment time in order to get through a huge backlog in that area.

I want to make the point that all political parties and all sectors of the community are adamant that we deal fairly but in an expeditious way with those claims. However, we will not be able to do that without having a sufficient number of judges. I expect that at some point in the next few years there will be a request for additional judges to cover this off and another government will be back asking for additional appointments.

Although we have grave concerns about the adequacy, there is no doubt that we need at least these 20 judges and probably many more. The NDP will be supporting the legislation on third reading but with the caution that at some point in the near future we will probably be back before the House asking for additional judges.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I thank the hon. member for his always wise input to brief but important legislation.

I took the opportunity to look at the government's representations with regard to Bill C-31 before it went to committee. It laid out very clearly many of the facts of which the member had advised the House in his speech, particularly about the concentration of the family issues in Ontario and the Atlantic provinces, as well as the pressures in the aboriginal communities.

One of the things I do not hear is that the case was made that these were existing and projected demands on the judicial system.

Second reading of Bill C-31 started on January 28, two years after the government took office. It makes me wonder where the accountability is of appointing sufficient judges to ensure we do not run into a situation where someone could say that justice delayed is justice denied. From a lay perspective, if we cannot have our courts operating in an efficient fashion there will be consequential implications to that.

I do recall what we went through in the first session when a myriad of bills were thrown at the justice committee. I think there were 10 or 12 bills at one point in time. The government was saying that somebody was delaying these things but Bill C-31 was not among them.

When we came back in the second session, rather than reintroduce most of those bills at the same point in the legislative process, many of them were rolled into an omnibus bill, which meant that we had to restart most of the work on a lot of these bill that already had been done.

Accountability is the concern I want to raise with the member. This is a very straightforward priority. The justice department was clearly aware of it and it briefed the government and the minister at the outset. However, the government did not get the job done.

I wonder if the member could help us understand why it is that we are faced with a significant and tragic backlog at a time when the government had the opportunity to address it very quickly in a straightforward bill.

● (1220)

Mr. Joe Comartin: Mr. Speaker, there were two points to which I want to respond.

First, there is no doubt in my mind, from watching the government function, both in the public safety arena and in the justice arena, that it is not paying significant attention to the consequences of some of the criminal laws and amendments that are being passed as it affects the provincial level of government. We have seen that with some of the criminal law bills, one of which, I am proud to say, we were able to fix to such a degree that it would not have a major economic consequence on the provinces, which would have been the result had the bill gone through as first drafted by the government.

However, when both those ministers were in front of the justice committee and when I was sitting on the public safety committee, there is no doubt that the government does not do an analysis of the consequences of its legislation, whether it is on the judiciary, the police services or the prosecutors. It is not doing that analysis and it is being dumped over onto the provinces.

Second, when the provinces come back to say that they have these needs, they are not given any kind of affirmative response from the government in saying that it will figure out some way, in the transfer of payments or in some other fashion, to provide them with the necessary resources. We are seeing that with regards to not getting enough police officers on the street, not getting enough prosecutors into our court and, as we are seeing now in this bill, not getting enough judges into our courts.

Mr. Paul Szabo: Mr. Speaker, it is helpful to know the two areas. It is easy to make laws at the federal level but when they need to be enforced and applied at the provincial and territorial levels and they do not have the resources to enforce them, then we have a situation where the laws are ineffective. In fact, there may be some unintended consequences.

The question I want to ask the hon. member has to do with a concern I have with regard to the independence of the judiciary. This has come up from time to time. We now have a situation where the bill would provide additional salaries for up to 20 more judges. However, there has been some evidence of partisan appointments. Even the Supreme Court justice had expressed some concern about claims matters at the tribunal.

I would ask the hon. member for his opinion. How do parliamentarians approach this? When we make the argument in this place about the need that we are fulfilling on behalf of Canadians in the judiciary, the police, et cetera, how do we do it in a way that is open, transparent and does not involve the appointment of people who have some connection or political involvement that may undermine the independence of the judiciary?

Mr. Joe Comartin: Mr. Speaker, from the comments made to me by the Law Society's Bar Association and the legal profession generally, there is no doubt that since the Conservatives took power the judiciary has a great deal of concern over their drive to ideologically frame the courts.

I have worked, as have a number of other members, on various committees that have been attempting to review appointments. I was involved in some of the Supreme Court of Canada appointments and came forward with suggestions on how the appointment system should be changed to not only make it as accountable and transparent as possible, but to guarantee that there will not be a partisan nature to those appointments in terms of absolute party politics. The criteria should always be the most qualified person to fill the opening.

We continue to have that problem. We saw the government change the committees that screen the appointments at the provincial level, which had nothing to do with merit. I think the number of committees was up to 15 across the country. The government changed the composition of that, which was clearly an attempt to ideologically imprint a Conservative bent on the appointment.

I do not think it will work. I have much more respect for our police officers who were added. I do not think they will fall into that trap set by the government. We badly need a process that is much more transparent and much clearer, where the only criteria for our judicial appointments has nothing to do with what political party one belongs to or the political spectrum one is on. It must be the absolute best candidate for that position available at the time.

A lot of work has been done on this internationally. I have sat on committees where we have reviewed all of that, but the government, since it has been in power, has not done anything about changing the appointment process, except that one change to the current committees, which was clearly to imprint a right wing ideology on our judges.

● (1225)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to participate in the debate on Bill C-31. Members will know that this bill is simply a one paragraph bill to amend the Judges Act.

Yet after reading the debates at second reading and hearing about the discussions at justice committee, as well as hearing the member who just spoke, it is clear that the bill would have some fundamental implications for all Canadians with regard to providing the kinds of services we require in our judicial system at both the federal and provincial levels.

As well, there was some discussion about the federal government making new laws that have to be in force at the provincial and territorial levels, but we have not taken into account the resources necessary for the provinces and territories to be able to enforce those laws. Passing laws that cannot be properly enforced across the country is a bit of a nil process. We have heard this time and time again.

I want to reflect on some of the comments made by the Parliamentary Secretary to the Minister of Justice when this bill was first debated on January 28, about two years after the government took office.

It would be a tough sell to convince Canadians of this significant, emerging and terrible situation that we have with not enough judges to hear the various cases in various jurisdictions. If this is such a priority, what happened during the last two years?

Members will recall that the member for Windsor—Tecumseh referred to the activity within the justice committee. Members also may recall that during the first session of this Parliament there were 10 or 12 bills, all pretty well straightforward, all pretty well involving many of the same witnesses, and yet those bills were not introduced as is normally the case. Normally where there is a broad range or potpourri of items to amend the Criminal Code, they all would be included in an omnibus bill which we would then be able to deal with in a more productive fashion. Many of those bills were very straightforward and, quite frankly, were not contested by anybody in this place.

However, this process dragged on for a bit. As a matter of fact, instead of using an omnibus bill, the government introduced each bill one at a time. It was done that way for political purposes. The government was trying to paint a picture. It was trying to say that because somebody else had done a bad job many changes needed to be made to the Criminal Code. The Conservatives said they were going to be tough on crime. All that really did was delay the processing of important legislation.

The justice committee is one of the busiest committees, if not the busiest, and cannot deal with 10 bills all at once. It has to deal with them one at a time. The committee has to decide the priorities. If the committee streams to them sequentially, it is very difficult to do anything other than the next one coming at it.

The House also may recall that when the parliamentary session came to an end a number of those bills were at various stages. I think one or two were already in the Senate. After the throne speech, when the second session started, the government reinstated some of those bills at the same point they were at when the House was prorogued, but most of them were then put into an omnibus bill and we had to start right at the very beginning again.

● (1230)

Again, I suggest that this had to do more with trying to get political points for reintroducing or repackaging legislation that had already been in the House for over a year, simply for the government to be able to say, “Look at how busy we are on justice issues and there are a lot of things we have to change”. All that it really did was delay the passage of important legislation and amendments to the Criminal Code.

When I saw the timeline on Bill C-31 and read the speech of the parliamentary secretary from January 28, it laid out a case that clearly there was a problem, that there were not enough judges to handle the cases in Ontario and Atlantic Canada, particularly in family law cases, and in the north, aboriginal land claims items were being delayed.

One starts asking oneself questions if a backlog has been built up, if there are projections of population increases that are going to require certain things, and if more and more people have less and less money to be able to defend themselves and hire lawyers. People are going to court without being represented by counsel, which means that suddenly judges have longer trials. It was well laid out by the member for Windsor—Tecumseh.

Is it not a priority? If it was a priority and if it is a priority today, and I think it is, why was it not introduced earlier in Parliament? We are talking about two years after a government takes office. The justice department clearly is aware of it, because it is the continuity. Politicians come and go, but the people in the various departments are the continuity and they know what the priorities are.

Why is this so? The member for Windsor—Tecumseh had some thoughts about it, and it had to do with basically setting up some things for appointments of judges. This is another area of concern. I do not think there is a party that is going to oppose this bill with regard to providing the legislation that is necessary to amend the Judges Act to pay salaries for up to 20 additional judges.

There are two issues that remain. First, how are we going to prevent the same circumstances from occurring in the future? The country is growing. The litigious nature of our population is increasing. The courts are backlogged. This is going to continue. What is the plan to make sure that we do not find ourselves in the same situation of the courts not being able to respond, where instead of the average case taking three to six months, it is taking a year? Suddenly that involves a lot more time, a lot more money, a lot more delay and a lot less justice. There has to be a commitment.

Second, the other point raised by both the parliamentary secretary and the previous speaker in questioning was with regard to the independence of the judiciary. The previous speaker was very diplomatic in suggesting that the questioning of judicial independence was a cloak for ideological preferences for people. However, there is some evidence that what has happened already has in fact shown that there can be some partisan influence, which I do not think is very appropriate. As has been stated, it causes some concern to the Law Society, the Bar Association and those who have a stake in making sure the judicial system operates efficiently and effectively.

There have been such cases. For instance, the Prime Minister's former campaign manager in New Brunswick was appointed as a judge, a former president of the Conservative Party in Quebec was appointed as a judge, and the party's former chief money raiser in Alberta was appointed as a judge. I do not know what signal that gives to people, but I am not sure that it is a good signal to be giving to Canadians.

With regard to ideological side, even the Chief Justice of the Supreme Court of Canada has had reason to be critical of the government for its attacks on judicial independence. We have seen a number of examples of that as well.

● (1235)

Thus, the bill may be only a paragraph long, but it is a proxy for looking at the bigger picture with regard to the condition the courts are in, why they are in that shape, and why the government has not been accountable and responsible for making sure that this situation was not exacerbated. Delaying the appointment of qualified, properly recruited judges for our various levels of the courts is an ongoing and very important process, and it was ignored. I think that speaks volumes.

As has been indicated, the bill amends one paragraph, paragraph 24(3)(b), of the Judges Act. It authorizes salaries to be paid for up to an additional 20 new judges in provincial and territorial superior trial courts.

I found it interesting to hear about the demographics and the needs of Ontario and Atlantic Canada, particularly in the family court side, and the fact that 90% of these cases never do get to trial. In fact, now we have this other operation, where trials are pending and suddenly go to motions, and the judges are more engaged now in this.

The whole nature of the operation of the judicial system is starting to morph itself into something a little different than Canadians might realize. It is taking our judges a lot longer to do cases simply because they are more complex. As was laid out in debate, we have a lot of cases that have more serious problems to deal with, such as issues of drugs, organized crime or gang violence, and so on.

As this changes, Canadians need to have the assurance from the government that when we deal with legislation like this there is in fact an accountability as to the progress being made. Have we taken sufficient steps to make sure that not only can these backlogs be dealt with but so can the projected growth? Have we ensured that we have a mechanism and a plan in place so the courts continue to be responsive to the needs of our judicial system?

The other important part has to do with some of the other legislation and the consequences of passing federal legislation when the responsibility for the enforcement is at the provincial level. If we do not have the resources at the policing levels to enforce the laws that the federal government passes, there really is a question that comes up. How effective are our laws if they cannot be enforced? What about plea bargains and the number of cases that are just not heard in time so charges are dropped and justice is not seen to be done?

These are the kinds of questions that lay people ask. The lawyers can deal with the details and some of the more profession-specific issues, but I wanted to speak on this simply from the standpoint of a lay Canadian. In terms of the Canadian justice system, the operation of the courts, my observations, what I hear from debate and what I hear from the bar associations or the legal community itself, is that there are some concerns. There is a lack of confidence in the ability of the federal government to be responsive to the needs of Canadians and to make sure that the judicial system is operating efficiently.

Those are significant indictments of our federal system: to make laws but not have the resources to follow them. It is easy to do laws, but where is that partnership in terms of making sure that we have the enforcement side of the equation taken care of?

● (1240)

This is where it would be good to see the Government of Canada coming to this better arrangement with the provinces and the territories to ensure that those resources are going to be there. There has to be a proper analysis of the implications of our federal legislation.

From time to time there is gender analysis that is required in certain cases, but in this particular case, what we are talking about is to demonstrate that if we do this, here are the consequences, to say we understand what the consequences are going to be. We understand where the financial burden is going to be and we understand there is a plan to make it happen.

Parliamentarians ought to know whether there is a plan, whether there is that certitude that if we were to pass a law, that it would really happen, that it would be enforced, it would do the right things, it would deal with backlogs, and would ensure that the increasing demands on our judicial system would be met in a timely manner.

Those things have not happened. Parliamentarians have not been given those assurances by the government. We have just simply been told there is a backlog and so we have to have 20 more judges, but that is only a small part of it. I just cannot imagine why we cannot have a responsible government being open and transparent with Parliament and with Canadians, because that is who we represent, to say we have done the work, we know what has happened.

Those were the two concerns I wanted to raise today. First, that I did not see the analysis of the implications of passing this legislation to the consequences of those who must enforce the legislation. The second one has to do with the plan to ensure that, at the federal level, we continue to monitor this and that the priorities are there. It was clear to me, by reading the speeches and from the committee work, that the priority is clear and uncontested, and this bill will be supported by all parties.

However, the problem is it took two years before a one paragraph bill came before this place. That is unacceptable to Canadians. It is unacceptable to Parliament. I ask the government to ensure that these kinds of priorities are not simply put off to the side only from the standpoint that they are not as spicy and interesting to the public for partisan purposes. The real implications are that the courts are backlogged; the courts are jammed. They are affecting people's lives and delaying justice, and that means that justice is denied.

● (1245)

[*Translation*]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, I am very pleased to rise today to speak to the debate on Bill C-31, An Act to amend the Judges Act, at third reading.

Bill C-31, if passed as is, would make it possible to appoint more judges to the provincial superior courts. This would mean 20 judges more than the current limit.

The purpose of increasing the number of judges is to improve the flexibility of the legal system so that superior courts can handle the many cases for which they are responsible, as quickly and efficiently as possible. Moreover, it would allow judges from superior courts to be assigned to the new specific claims tribunal, which was created by the Specific Claims Tribunal Act.

Bill C-31 is necessary because the number of judges provided for under the Judges Act has not changed for years. Accordingly, the act does not take into account the population increase and the resulting new social realities, including divorce, and the increasing complexity of some cases. These factors have caused delays in the legal system that penalize citizens.

This bill is a necessary update to accelerate and improve provincial legal systems. It makes sense, which is why this bill was recommended without amendment by the Standing Committee on Justice and Human Rights.

That being said, beyond good intentions, it is important to point out that Bill C-31 will never successfully cover up two major problems concerning justice that are of grave concern to me, that is, the judicial appointment process and the elimination of the court challenges program. Any citizen who cares about having an impartial, efficient judicial system deserves to know about this government's questionable intentions on these two issues.

Regarding my first concern, I would like to emphasize the subjective nature of the judicial appointment process. I have talked about it on several occasions during past speeches. It is such a major problem that it could compromise the desired effects of Bill C-31. I would remind the House that, since being elected, this government has always said it would rather get tough on crime than prevent it. Bill C-31 is nothing more than a slight blip in an ideology that advocates penalizing and imprisoning as many people as possible as the only way to reduce crime.

First of all, I will provide some context by saying that judges are appointed by the government from a list made by a judicial advisory committee whose members voted for the candidate they deem best qualified.

Before the changes made by the Conservatives, the advisory committees had seven members. Out of seven evaluators, four members were politically independent, in other words, there was a representative from the Canadian Bar Association, another from the bar of the province concerned, a representative of the provincial department and, finally, someone to represent the judges. The three other members, appointed by the federal Department of Justice, came from the public. These individuals frequently subscribed to the ideas of the government of the day.

It is important to realize that, as it turned out, the federal government was in the minority on that committee and therefore could not impose a candidate. Nevertheless, the Conservative government was not happy about this situation because it would have had a hard time passing its political "law and order" agenda for justice. So without consulting the legal community, this government unilaterally decided to change the makeup of the advisory committees in the following manner.

First, in addition to the three members of the public, it decided to appoint a police officer, thereby ensuring that four members would be government supporters. Then the judges' representative was denied the right to vote except to break a tie. This means that the government has a majority on these committees and is able to impose its repressive law and order ideology with ease. I believe this is blatant disregard for the entire legal community and clearly shows a shocking lack of faith in the judicial system and the recognized professionalism of judges.

● (1250)

I would like to draw to my distinguished colleagues' attention to the results of *The Globe and Mail* 's investigation into the matter, published on February 12, 2007, which showed that, apart from the police officers, no fewer than 16 of the 33 individuals appointed to 12 advisory committees were connected in some way to the Conservative Party. This is not a mistake; we are talking about half the candidates. Coincidence? Unlikely. The newspaper revealed a number of cases where the connection was extremely clear.

The members of the Bloc have been saying for a long time that we can hardly wait for the day when partisanship no longer plays a role in judicial appointments and independent committees will choose the most competent judges.

As for my second concern, the government used the excuse of budget cuts to government operations—even though they had a $10 billion surplus—to eliminate the court challenges program, which was cherished by minorities that wished to defend their fundamental rights. That program was created to put individuals and citizens' groups on a level playing field when going to court against a government they felt was is interfering with one or several of their constitutional rights.

When citizens must take the government to court to seek justice, the latter has a slew of lawyers at its service, while ordinary citizens must use their own savings to defend themselves. Since court costs are huge, these people could rely on the court challenges program to balance things out.

With this completely unjustifiable budget cut, the government is showing us, yet again, that its vision on legal matters is narrow and shortsighted and has nothing to do with the word "efficiency". One thing is certain: the abolition of the court challenges program violates at least five laws or provisions of the Constitution. Before making such a huge decision, the federal government should have consulted with the interested parties, the minorities affected.

But, as is the case with the judicial appointment process, the Conservative government did not consult anyone before shamefully eliminating a program that had proven effective, all to save a mere $5.6 million out of an annual budget of $283 billion. Many organizations have harshly criticized this cut, and rightfully so.

It is clear that the court challenges program was abolished for purely ideological reasons. I think that the Conservatives do not care one bit about minority rights. I feel strongly about this because I am a staunch defender of human rights, as shown by my Bill C-384, which will soon be debated in this House.

It seems as though the Conservatives are discomfited by minority groups such as disabled persons and gays, and by immigrants' rights organizations, women's rights organizations, and all organizations that defend minority groups.

I stated that the court challenges program has proven its effectiveness not only by defending minority rights, but also in the context of common law, by providing jurisprudence. I will provide a recent example of its effectiveness so that everyone will understand how important this program is.

On April 11, the Supreme Court ruled in favour of Marie-Claire Paulin and the Société des Acadiens et Acadiennes du Nouveau-Brunswick, stating that the Royal Canadian Mounted Police must offer its services in both official languages across the entire province of New Brunswick. The RCMP, as a federal institution, was only required to provide services in the minority language in areas where numbers warrant. In her comments about her lawsuit, which has taken eight years, Mrs. Paulin clearly stated that she would not have been able to take her case all the way to the Supreme Court without the help of the court challenges program.

This is the program that the Conservatives have eliminated. Without this opportunity, this woman would have had to have been content with unilingual English service in her own province. This is the sad vision being offered to us today, which greatly concerns me. But the people can always rely on the vigilance and efforts of the Bloc Québécois to make the government understand that this situation is wrong and that they should reverse their decision.

● (1255)

I would like to conclude by saying that if one puts the aforementioned concerns into perspective—the political machinations involved in appointing judges and the elimination of a program as important to minorities as the court challenges program—one cannot help but question this government's real intentions when it comes to justice.

Exactly how will Bill C-31 be able to meet the demand when the intent is to punish rather than prevent? On the one hand, we can expect the legal system to become overburdened very quickly. On the other hand, having more judges will not make a difference if citizens do not have the means to exercise their rights. In my opinion, Bill C-31 is nothing but a drop of good intention and effort in an ocean of ill-conceived punitive approaches.

Nevertheless, the Bloc Québécois will support Bill C-31 so that it can go through the legislative process. All the same, the problem remains: partisanship will always play a major role in the selection of judges regardless of the total number of judges on a superior court.

The Bloc Québécois will always continue the fight to eliminate partisan appointments to the bench. It will do all it can to help the people get truly independent committees whose judge appointment processes ensure that the most competent people are chosen. The Bloc Québécois has also always been extremely supportive of the court challenges program. The government's lack of sensitivity on this issue is inconceivable, as is the fact that it is so out of touch with the needs of our community.

We will do everything in our power to ensure that the government understands that when it comes to justice, it is headed the wrong way. It is even contradicting Quebec's approach, which has often put the lie to the Conservatives' ideological shortcuts and preconceived notions.

We will always be there for Quebec.

[*English*]

Mr. John Maloney (Welland, Lib.): Mr. Speaker, I stand today to address the act to amend our Judges Act, proposed by the hon. Minister of Justice and Attorney General of Canada.

From the outset, I would certainly put on the record that our party supports efforts to appoint additional judges to deal with the increasing backlog in our superior court system. As we have heard many times today, justice delayed is justice denied, and we see examples of this all too frequently.

When there is a backlog, judges' schedules are overcrowded and they also suffer from the stress of the overcrowding, as do their staffs. It is not only the litigants to the process who are concerned and are impacted, but the judges themselves, and all that that means. Sometimes certain judges may become ill as a result, and that only compounds the necessity of increasing the number of appointments.

This bill, however, does nothing to address our party's concerns about the Conservative government's attack on judicial independence. This is so important and at the same time, the Conservative government, I respectfully suggest, has stacked the Judicial Advisory Committee to ensure that the justice minister's chosen representatives have a majority voice on every provincial judiciary advisory board.

This partisan tone certainly will not fare well in the future and I think we need independent individuals who are not swayed by a certain political ideology in order to improve and preserve the independence of our judiciary.

Actually, this is the same government that went out of its way to make a large number of patronage appointments to Canada's judiciary, including the Prime Minister's own former campaign manager in New Brunswick, the former president of the Conservative Party in Quebec, and the party's former chief money-raiser in Alberta.

There was much to-do in the previous Parliament about partisanship and when the members opposite were in opposition, they were vehement in their opposition with such suggestions of partisanship. What happens when they get in the government? They ignore that.

I would also point out that even the chief justices of the Supreme Court, like Beverley McLachlin, have also had a reason to criticize the government for its attacks on judicial independence.

The Conservative government claims that this legislation is being introduced to help alleviate the backlog in the provincial superior court system and to help provide justices to the independent tribunals which are being set up to adjudicate first nations specific land claims. Certainly, this has not been addressed for a considerable period of time, and we need additional judges to deal with some of these land claims that have existed for too long. It is important to move forward with additional judges to help get these out of the way.

The bill amends paragraph 24(3)(b) of the Judges Act to create the authority to appoint 20 new judges to the provincial and territorial superior trial courts. In particular, the superior courts in Ontario, Quebec, Newfoundland and Labrador, Nova Scotia, New Brunswick and Nunavut are experiencing serious and growing backlogs and delays. Nunavut, in particular, faces severe challenges in providing access to justice for its aboriginal communities. Certainly, we look forward to more aboriginal judges too in our territories.

The remaining provinces are experiencing significant strains, particularly in the family court branches of the courts, as a result of population growth. As of January of this year, there were currently 31 judicial vacancies that the Minister of Justice is responsible for filling, so if we add that 31 with the additional 20, we still have a significant backlog in judicial vacancies. There are also 10 vacancies in the provincial Court of Appeal and the provincial Supreme Court.

● (1300)

The specific claims tribunal, which I mentioned briefly, will have the authority to make binding decisions where specific claims brought forward by first nations are rejected for negotiation, or where negotiations failed. Based on the federal government's analysis of the specific claims workload, it has been estimated that the new tribunal will require the equivalent of six full time judges to manage approximately 40 claims per year. These claims are dispersed across the country, some in my area of Ontario, with the greatest number arising in British Columbia, and some of the most complex cases originate in Ontario and Quebec.

It is anticipated that six new judges will be appointed to the superior court of these provinces in proportion to their respective share of the specific claims caseload. It is intended that this infusion of new judicial resources will allow a number of the superior courts to free up their experienced judges, so that they may be appointed to a specific claims tribunal roster.

The roster will consist of up to 18 judges who will be appointed as tribunal members by the governor in council on the recommendation of the Minister of Justice. These judges would be assigned, likely on a part-time basis to specific matters by the tribunal chairs in consultation with the chief justice of the affected court.

To support these additional requests for judges, the provincial and territorial courts have provided the federal government with detailed proposals containing statistical data and information on relevant geographical and cultural factors that impact judicial resource needs.

They have made their case and it is time to proceed with this legislation with all due dispatch. As I indicated, the government and courts of the jurisdictions provided statistical data and information with respect to the average sitting hours or days per judge, evidence of trends in case volumes, backlogs and delays, and information on relevant geographical and cultural factors that impact judicial resource needs.

There is a perception that perhaps the judiciary is a position that people would aspire to because of perhaps an easy workload. I suggest this is very wrong. Our judiciary is very diligent and it works very hard, has long hours and certainly is most deserving of the compensation it receives.

There is currently no authority under the Judges Act to appoint new judges to any of the provincial superior trial courts and this amendment would provide the government with that flexibility, to respond to objectively substantiated requests for new provincial superior trial court judges at present. It would also address the new demands of the specific claims tribunal.

I suppose my only complaint is that we should have moved forward on these some time ago, months ago, perhaps as soon as the new government took office. In the previous Parliament similar legislation was before the House and when the House fell of course, because of the intervening election call, the legislation died. It could have been immediately introduced and it could have in fact been law today.

We have been well aware of the backlog and the government should certainly have moved forward much sooner to respond to it. The delay has not only exacerbated the situation of backlogs, but also it has exacerbated the conflicting situations of the trials and the litigants who are in the system waiting for their day in court.

In moving forward with the appointments, I urge the government to be aware of the need for francophone judges who are fluently bilingual. This would be especially important in my region of Niagara, in Ontario and certainly in my constituency of Welland.

The appointments process will no doubt come under scrutiny and perhaps the partisan flavour of appointments may become a concern once again. In the previous Parliament, and at the urging of the members opposite who were then in opposition, the appointments process was certainly reviewed and alternative suggestions were made. In fact, there was a review of the proposed applicants. This was done to advance the idea that capable, qualified applicants be considered for these positions.

Heretofore, the vast majority of our judicial appointments have been excellent with men and women, I would say, of the highest quality. In fact, Canada is known throughout the world for the quality and expertise of its judiciary and we hope this phenomenon, this policy and practice will continue.

● (1305)

I did question the inclusion of police officers in the evaluation of applicants when the Conservatives introduced some new changes. It certainly feeds into their law and order agenda, but it takes away from the independence and impartiality of the selection board. I would encourage my friends opposite to revisit that situation. Certainly, judicial appointments should be independent of any type of influence and made objectively of the highest quality individuals.

Soon we will also have to deal with the question of compensation for our judges. I respect it is just as important that they be well compensated and earn good salaries for the very serious work they do, the long hours they put in and the importance of making impartial judgments. It is a difficult task and they should be compensated for the hours that they put in.

That is about the end of my comments on the Judges Act. I would hope that we move forward on this legislation and pass it. It is important and necessary, and it is needed now. I would hope that there would be all party support for this; I would see no reason why there would not be. I certainly will be standing in favour of this bill.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I too am pleased to see Bill C-31 move forward. I listened to my colleague's comments on the various issues of concern that he has. I have to ask why he thinks it has taken so long to deal with an issue of such importance as ensuring we have sufficient judges across the land to deal with the variety of issues that are currently out there. Is there any particular reason he thinks that this has taken a while for this to come forward?

Mr. John Maloney: Mr. Speaker, I think the answer lies in the agenda of the justice minister as to which legislation he wanted to bring forward. This would have been very simple to reintroduce and get through the House. As I indicated in my address, this bill could be law today and we could be addressing the backlog. This has not happened and it is disappointing. What can I say? We are here now. It is disappointing that we did not do this two years ago, but it could now move forward quickly and become law.

● (1310)

Hon. Judy Sgro: Mr. Speaker, there are 31 judicial vacancies to be filled. British Columbia currently has the highest number of vacancies, with 10 vacancies between the provincial Court of Appeal and the provincial Supreme Court. We are only dealing with 20 vacancies.

Does the member have any comments as to why he thinks the government has decided to deal with only 20 vacancies rather than the 31, given the fact that it seems to take quite a long time to get these bills prepared and forwarded and given, we also understand, the amount of legislation the justice minister has been responsible for?

As the member said, there are only so many things that can be dealt with at a particular time, but there are 31 vacancies. Does he have any suggestion as to why we are not dealing with 31 vacancies rather than the 20 vacancies that are currently part of the bill?

Mr. John Maloney: Mr. Speaker, as I understand it, those 31 vacancies exist today and the 20 new positions that we are creating would be in addition to them. If my understanding is correct, that would give us a total of 51 vacancies that would have to be addressed. Those positions are not filled at the snap of a finger. People apply for the positions. The applications are vetted. It is a long process. It will take the government some time to fill not only the existing vacancies but certainly the additional positions that are being created by this law.

The member's concerns are compounded by the situation. The sooner we address this, the better.

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I am pleased to rise today to say a few words on this legislation.

I will be supporting the bill. In my view it is not controversial. It raises by the number of 20, the judges the government is authorized to appoint at the trial level. This is a good move. It is beneficial to our justice system, specifically for those vulnerable to injustice and especially aboriginal populations in certain areas of this country.

I support the legislation as it will provide increased support for jurisdictions which I consider to be presently under-represented. There is no guarantee, and there never is any guarantee that anything will happen, but hopefully it will resolve some of the specific claims that have been kicking around for generations involving aboriginal populations. Also, it will hopefully decrease some of the backlog that has been experienced in our court system in certain areas of the country.

This is an extremely important issue. There is nothing more fundamental to a properly run democracy than access to an efficient and equitable justice system. It is the right of all Canadians.

I should point out that there have been tremendous improvements over the last 15 to 20 years in the management of our judicial system, mainly in the area of case management. It was felt the system did not lend itself to management and it was basically up to the litigants and their lawyers to manage when the case came before the court. There were all types of delays and confusion in some of the pleadings.

Now there seems to be a much more aggressive stand taken by court administrators and judges in bringing these things forward. They make sure that the lawyers comply with the time limits and the rules of court, and that there is early and full disclosure of documents and other testimony both in civil and criminal cases. At the earliest opportunity the parties are brought before a judge, but not the judge hearing the case, to try and resolve how things are going, where they are going, if it is moving on a timely basis and also to encourage, in some cases aggressively, people to settle a case so that it does not add to the backlog in the judicial system.

There have been substantial improvements in the system over the last 15 or 20 years. Also, there have been improvements in the specialty of law, whether it is family, criminal, or commercial. Some of the commercial cases are extremely complex. There is a specialization within the system which has helped tremendously in the administration of justice.

It has been pointed out that we are debating the authorization to appoint 20 additional judges. Right now there are 31 vacancies. Those could be filled tomorrow, assuming the proper preliminary procedures had been done, but they are not being filled. One wonders why that is the case. The government will have authorization to appoint up to 50 new judges once this bill becomes legislation. Having said that, I do support this particular piece of legislation.

With respect to the judicial advisory councils, there has been what I consider to be fundamental changes made to the provincial judicial advisory councils over the past year or two. It is my understanding that the Minister of Justice makes the majority of appointments to these judicial councils.

● (1315)

It just defeats the very principle upon which these judicial councils were established in the first place, to take away not only patronage, but the perception of patronage. Sometimes highly qualified people are appointed as judges, but if they happen to be close to one particular party, they get stamped with a judicial advisory council, they get appointed by the judge, and sometimes people just shake their heads as to how the system operates. The changes that were made in the provincial judicial councils, I submit, were a step in the wrong direction.

I do hope that the new members of the court, whether they are filling one of the 31 vacancies or one of the 20 additional spaces, will study and analyze exactly why there is a backlog and what is causing it. Is it a certain particular case? Is it a certain particular group of lawyers? Is it a specialty? Some of the commercial cases go on for six to eight months. Are they causing some problems?

I understand from some of the reading I have been doing that the backlogs are concentrated in central Canada, Quebec and Ontario, and some of the Atlantic Canada provinces, Newfoundland, Nova Scotia and New Brunswick. There is also a situation in Nunavut that requires some attention from the judicial system, probably judges who come from that area who can speak the local language and of course are familiar with the local culture. We hope with the new judges some of those issues can be resolved and we can move forward.

Other members spoke of the court challenges program. I cannot overstate how important that was to the efficient and equitable operation of the justice system right across the country.

In my own province of Prince Edward Island we had an issue regarding the funding of French language schooling. Because of budgetary constraints, this request from the francophone population in our province was denied and denied and denied. Some of the parents, to their great credit, took the matter to court and a decision was rendered. It set parameters as to when and under what circumstances a group of parents would have access to French language education for their children.

Let me say that those parents, and there was not a great number but they did show leadership, did not have the resources to take this matter to the Supreme Court of Canada. They sought and were successful in receiving funding from the court challenges program. That case served as a precedent for other provinces to set the parameters and guidelines as to when a certain community within Canada should have education for children who come from French Canadian families. If that funding had not been available under the court challenges program, that case would not have seen the light of day. It would not have gone anywhere. It would not have gone to court and we would have been a lesser country as a result of that particular situation.

Sometimes there are abuses. Sometimes there are problems, but when we see how important cases like that are to this country, we have to shake our heads and wonder why that particular program was totally eliminated by this particular government—

● (1320)

Mr. Gary Goodyear: On a point of order, Mr. Speaker. My apologies, but I have been listening to the member for quite a while and he is speaking about the court challenges program. I wonder if the member could be reminded that we are not dealing with that program right now, that according to the orders of the House, we are dealing with Bill C-31.

The Acting Speaker (Mr. Andrew Scheer): I thank the hon. member for his point of order. Perhaps the hon. member for Charlottetown could make his way back to the bill before the House.

Hon. Shawn Murphy: Mr. Speaker, I think they are very much related. We are talking about the administration of the judicial system in Canada, the number of judges, where they are placed and the other tools that are available to judges so that we have an equitable functioning judicial system. That was just one point that I raised, one among many.

We need to bear in mind that this all comes back to the basic statement that access to justice is a right of all Canadians, regardless of where they live or the type of people they are, and we cannot just use one particular tool.

Even if we had 1,000 new judges, there will be certain situations where those judges will not help a particular situation. It depends where we put these judges. Of course the court challengers program is very much, I submit, related to the discussion that the chamber is having today.

I hope that with the new judges, if they are directed in a certain manner, it will help to resolve the situation that we now see in Nunavut. This is a complex situation. It is an extremely large area. I certainly do not stand here today and suggest that I have all the answers. I probably do not have any of the answers but I hope, from what I read in the legislation and in some of the background material, that it is somewhat directed to that particular issue. I hope that it resolves itself, which will not be immediately but over time.

In this legislation, I hope we are seeing some steps with a commitment to resolving specific claims with the aboriginal communities. One branch of these judges, I believe it is six, would be designated for that particular purpose. It is needed and I hope it works. I hope these judges will be sufficiently trained and committed to this particular process. I hope we see some progress in resolving some of these disputes that have been unresolved for generations now.

Above and beyond the appointment of the 20 new judges, I also hope the government sees fit to provide the resources. I am talking about this specific tribunal. It is one thing to have the six or seven new judges but we need administrators, court managers, administrative staff, research staff and a whole host of other resources to see that this issue gets off the ground in the right manner and hopefully we will see the results coming forward.

On this side of the House, we are hoping that those judges appointed to that particular tribunal, which will not be an easy challenge, will have sufficient background on aboriginal history and be sensitive to the unique understanding that will be required of them when they take their positions. We all hope to see that happen. I think it is a step in the right direction but it probably will not be resolved overnight. However, I do support the way it is going.

As I said when I started, I will be supporting the legislation and I hope it passes the House as soon as possible and is enacted into law.

● (1325)

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I found it quite interesting to hear the comments from my hon. colleague, in particular, the ones on the issue of the court challenges program. The importance of the program has been discussed a lot in the House and it is sad that we no longer have that program to offer to Canadians.

I want to ask the hon. member specifically about the claims tribunal that would have the authority to make binding decisions where there are specific claims brought forward by first nations and that have been rejected when it comes to the whole issue of negotiation.

Based on the government's analysis of the specific claims workload, it has been estimated that the new tribunal will require the equivalent of 6 full time judges to manage the approximately 40 claims per year. Quite clearly, these are very complex issues that will require judges and individuals to have a lot of knowledge of the cultural challenges facing specific communities in the aboriginal community specifically.

Could the hon. member comment on what he sees as the challenges for these judges and just what he thinks they will need to do to resolve some of the outstanding issues?

Hon. Shawn Murphy: Mr. Speaker, it is my submission that this is a step in the right direction. The member stated that this was a very complex issue. She is quite right. I do not know whether six or eight judges will be sufficient but I will point out that the judges alone are not the total answer. A whole host of back office resources will be required to operate this tribunal efficiently so that it functions.

Some of the narrative dealing with this act talks about trying to appoint judges who are culturally sensitive to the area and maybe speak the language. Again, that may be a very simple statement, but whether judges are available and meet the minimum qualifications for the Superior Court remains to be seen.

This is a situation that is very much a step in the right direction and I support it, but it probably will not happen overnight.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member is quite right. The Government of Canada can pass legislation but if it does not have the resources behind it, then the effectiveness of legislation comes into question.

My question has to do with preparing for tomorrow. It has been laid out by all speakers, I believe, that there has been a trend line that has put greater demands on the judiciary and that it has been a long time since there have been increases. However, we did not see any analysis come out of all of this work about the projections for how many judges will be needed down the road.

What are the criteria? What is the timeline? The member will know that it has taken two years since the government took office before it even brought this bill forward for debate in the House. It does not seem to be a priority to the government and yet we need to ensure the backlog in the courts is dealt with and the land claims, the family law claims, the drug and organized crime cases are dealt with on a timely basis. If they are not, justice is delayed, which the member knows is justice denied.

I wonder if the member knows how we determine the capacity that we will need to meet in the future, what criteria we might want to expect from the government and the Department of Justice to alert us so that we do not get into the same problem in the future and also to ensure that the resources will be available downstream to enforce this legislation.

● (1330)

Hon. Shawn Murphy: Mr. Speaker, the member raises a good point. I have never seen anything come from the government or the Department of Justice regarding projections into the future as to where we are going or what sorts of caseloads are increasing or decreasing. We have had no analysis as to what we may be looking at five or ten years down the road, whether we are talking about commercial law, family law or criminal law.

I know in certain areas of the country litigation is actually going down, and there is no question about that. The courts are doing a better job of managing their caseloads and are having cases settled at an earlier time. That is probably in the civil end of it. In criminal law, there is more pretrial disclosure. It is not trial by ambush any more. Some good steps have been taken. This has not happened in the last year or two but over the last twenty years.

I have seen no projections as to exactly where we are going nor have I seen projections on what the judicial system may look like five or ten years down the road.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I would like the member to comment on the government's treatment of judges in general. Being a lawyer, I think he has seen some unprecedented actions, which I will comment on later. I know he has a lot of experience in the area of the cutting of judges' wages, the reduction of their powers and the political appointment process of them, all tremendous steps backward.

Hon. Shawn Murphy: Mr. Speaker, there is no shortage of lawyers who want to be judges, so we are not at that stage at all.

By and large, my biggest concern is about some of the changes that were made to the Canadian provincial and judicial councils. It is my belief that they are driven by ideology and that it is a step in the wrong direction.

However, having said that, Canada and the people who live here are well-served by the judges we have right across the country. They are, by and large, well-trained, hard-working and they do a good job.

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, I appreciate the many comments, including some from that member's colleagues on the other side, about the government's move forward on a number of different programs. It is a great thing for Canadians to see progress on the justice file.

I wonder if the member would comment on the fact that sometimes it takes a little while to research and find qualified individuals who will serve Canadians properly. It has taken a while to get this legislation forward because sometimes it takes time to find good qualified people.

I noticed that an agreement was reached among parties that since this legislation was agreed upon only one speaker would be put up by the Liberal Party and then we could move forward on this initiative. However, I see that a number of members on the opposite side want to get up and speak. That, in itself, is fodder for that party as those members continue to delay things.

I wonder if the member could comment on why the Liberals are delaying this legislation.

Hon. Shawn Murphy: Mr. Speaker, neither I nor anyone else is delaying this legislation. I wanted to speak to it and I am speaking to it. I am privileged to have been given the opportunity to speak to it. If the member across does not want to speak to the legislation that is his prerogative.

The member talked about it taking a long period of time to find qualified individuals but he is not quite correct in that assertion. The way the system works is that each province has a standing provincial judicial appointments commission. At one time there were appointments from the Canadian Bar Association and other interested groups, such as provincial attorneys general and the federal minister of justice who would bring forward to the minister of justice the names of individuals who were qualified to be a Superior Federal Court judge.

The Conservative government changed that system. There has been a change in the focus of the composition of each provincial judicial council. Different individuals are there now.

This is an ever-evolving process. People who want to apply can apply. Their resume and their application is adjudicated upon reasonably quickly by these councils. There are always names of qualified applicants available for disposal by the Minister of Justice. Therefore, there really is no reason for any type of delay and certainly no reason for having 31 vacancies presently in our Superior Courts right across Canada.

● (1335)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I am sorry for being late. I wanted to be here earlier to speak in this debate but I was attending an emergency meeting about rice prices having gone up three times and that over the next two months people in Burmese refugee camps will be starving unless we come up with a solution. I had to attend that important meeting.

I did want to speak to this bill in support of more judges. More judges are needed in family court, youth court and for the specific claims tribunal, which I will talk to at length when we get to the specific claims tribunal.

As I mentioned in my question to the previous member, there have been all sorts of problems in the treatment of judges, reducing their pay, making the way we choose them more political and reducing their options for sentencing. All of these things happened in this Parliament.

However, because this bill is specifically about increasing the number of judges for the tribunal and for family courts, with which I think everyone agrees, I move that the bill be now passed.

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

An. hon. member: Agreed.

An. hon. member: No.

Mr. Gary Goodyear: Mr. Speaker, I have to congratulate the member for attempting to move a motion even though it is not parliamentary procedure to do such a thing.

The Acting Speaker (Mr. Andrew Scheer): I do not want to interrupt the hon. member for Cambridge, but the hon. member does have the ability to finish his speech within his time slot. If he has more to say on the subject, I will allow him to finish and then we will move on to questions and comments afterward.

The hon. member for Yukon.

Hon. Larry Bagnell: Mr. Speaker, I hope you will allow that member to have the first question.

I would like to talk about the treatment of judges in general in Parliament, which has been totally unfair. I will go into the specifics of the bill and talk about a number of items that I support, but I have some questions about its implementation.

First, as people know, the last Parliament judges were afforded a pay raise. The final signatures had not come through. As part of a very unfair and backward treatment of judges, that pay raise was denied by the government and was not allowed to go forward.

The next item was the change in the selection of judges. In our system the fundamental basis of our democratic system is the general separation of the judiciary, the executive branch and Parliament. The people are convinced there is a good separation and that there is a good process for the recommendation of judges. The executive branch still has the authority and approves the actual judges. However, the judicial councils, which have various expertise from the various groups on them, had suggested that they should make recommendations to the government, although the government could still decide who it wanted.

The minister added another government member to that body, which was a horrendous change. Now there is a majority of government members on that selection committee. Not only does the minister get to make the final decision, but he also gets to have a majority of people appointed on the committee that makes the recommendations to him. What faith will people have that the judges appointed are independent? This has already led to some very questionable appointments, which I might get to later.

I also want to comment on a third backward step in treating our judiciary. The government has taken away the discretion of judges in a number of the bills brought before Parliament. Judges have a lifetime of expertise. The judges see all the evidence, hear all the cases and sit through the entire procedure. They have research and all the precedents to make the most reasonable decisions on the punishment someone should receive and the type of remediation so society will be as safe as possible and the person is least likely to reoffend.

People are different and different punishment and rehabilitation would apply. However, unfortunately, we have been presented with a number of bills that would reduce the discretion of judges, and not to increase the maximum penalties, which people might want, to deal with offenders, which could make them more safe.

A perfect example was Bill C-23, which would have reduced a whole number of relatively successful remedies. To a large extent, the criminal justice system has failed for the last thousand years. Huge numbers of criminals who go to prison come out and reoffend.

A number of community type justices, as the chief police of Ottawa can tell us, have a much better success rate than what has been done traditionally. Up to only 30% or 40% of youth going through those types of rehabilitation are likely to reoffend, as opposed to 50%, 60% or 70% under the traditional system.

● (1340)

We had an innovative, successful type of approach in some cases and we had a bill that would take away from the judges their ability to use that type of tool. Fortunately the opposition parties fixed that bill and reinstated those successful remedies in a vast majority of cases.

I want to compliment the minister on looking at a point related to judge. It was related to the chief justices in the three territories. By an anomaly of the system, back in history there was a reason, because of function, to separate the title of the chief justices of the territories. I believe they were called head judges. Now the judicial councils and everyone who deals with judges understand that their roles are identical to chief justices in the provinces and therefore the names should change.

I appreciate the minister looking into that for the last six months or so. Hopefully he will soon provide me a written outline of what the exact issue is, if there is still an issue, or if the government could make that change. I know there were some thoughts that it might be different responsibilities, but the Judicial Council basically has said that they are identical.

The last point in the whole area of the background for the bill is related to the lack of analysis done and the unpreparedness of the justice system for the huge agenda. As I think everyone in Parliament knows, there has been a massive agenda on justice. There have been more bills through the justice committee than probably all the other committees put together, which is fine if work needs to be done there. However, an analysis of the repercussions has to been if those bills are to become law. What effect will they have on government? What effect will they have on prisons? What effect will they have on the budgets of the provincial and territorial governments? On the bill before us, what effect will it have on judges?

Time and time again in committee we asked about the analyses and about the preparation that had been done. It was very limited, if any. No planning had been done on the effects on an already overcrowded jail system. More important, on the resources in that jail system, the teachers, the anger managers, all the supports that go with the jail system and the parole system, no analysis had been done on the extra cost to the provincial governments or who would pay for them. No analysis had been done on the extra procedures that police may have had to undertake or whether it would take more time for them to go through these procedures and therefore more time in the courts.

Therefore, it is surprising that if there were these new types of increases in the justice system, that there would not be a need for more judges to deal with these situations, especially in the sense where it becomes harder to get a rehabilitative sentence and someone has to face a sentence that could be far longer and more severe than actually a natural justice would suggest. Therefore, it may not even stand up to a constitutional challenge. However, because of these limited stiffer sentences, then more defendants would have to go to court. They would not have the other options where they could make a deal, where they could get rehabilitation, which would make them less dangerous to society. Therefore, this would increase the number of people in the system, the court time and the number of court cases, and therefore the need for judges.

● (1345)

We may get this bill through and have to do another bill right away. We are so far behind because there has not been any analysis done in this area. I hope the government has listened to this and does an analysis of the whole system and the ramifications of the many bills that we have passed in Parliament and the impact they would have on the rest of the justice system.

With regard to this bill, as I said earlier, it involves increasing the number of judges by 20 judges, of who 6 equivalent full time judges would be for the specific claims process, which I will comment on a bit later.

These additional judges would deal with the increasing backlogs in the superior court system in six particular areas of the country, including Nunavut and New Brunswick. About four or five other jurisdictions have outlined their backlogs, especially in family court and youth related matters.

When cases come forward related to child custody cases or different types of family court cases, they have to be dealt with quickly. They usually involve serious issues, such as the conditions under which a child might live, or the parent with whom the child might live and there has been a crisis, as can be seen lately.

Ontario, Quebec, Newfoundland and Labrador and Nova Scotia are other areas where there have been delays. Nunavut, in particular, has problem providing justices to their far-flung aboriginal communities. As we know, it is very difficult to get anywhere in Nunavut. On a per capita basis, we certainly need a good number of judges. New Brunswick has had problems recently about the appointment of unilingual judges who replace bilingual judges when they retire. They are unable to carry the same workload or cover the same number of people with whom they need to deal.

As of January 24, there are currently 31 judicial vacancies that the Minister of Justice and Attorney General of Canada is responsible for filling. Even by filling the existing vacancies, the minister could appoint more judges than this entire bill would allow. The largest number of vacancies is in British Columbia between the provincial Court of Appeal of and the provincial Supreme Court.

We support the increase in the number of judges and we strongly support any appropriate amendments made by the committee related to the specific claims tribunals, which we worked on when we were in government. These are much needed changes, although there are questions about exactly how that and the appointments would work, et cetera. I will talk about that in a moment.

● (1350)

[*Translation*]

Yet, unfortunately, the government continues to put forward measures that are unsuitable and insufficient. Even though I agree that Bill C-31 should pass and that we need to increase the number of judges, I do not approve of the implementation of this bill. Perhaps this is because I worked so much in the field and saw first hand that there are not enough judges, especially in New Brunswick, as I said earlier.

[*English*]

Just before I get on to the specific claims tribunals, I want to talk about what the government was questioned on previously relating to the bill. I hope that there is a plan in place and that it is related to the regional distribution of the judges.

There are some very distinct challenges in New Brunswick, Nunavut, Quebec and Ontario related to language as well as getting judges out to difficult locations. I wonder if the government has indeed, based on questions from the opposition, come up with a plan for that type of distribution.

Just so that there is no misunderstanding, I want to say once again how hard-working, experienced, thoughtful and independent the judges are and we certainly appreciate them.

In relation to the specific claims tribunal, how is the government going to ensure that the judges are fully knowledgeable about aboriginal affairs? The aboriginal people want to ensure that they certainly have a full and fair hearing. What is a little worrisome is that there is no way for appeals. There are very few things in our society where there is not a possibility of appeal.

I am very supportive of items in the bill, but I am not so happy with the way judges have been treated throughout this Parliament in other ways.

● (1355)

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, we appreciate the member's support for the government's agenda, particularly on the crime initiatives and the jurisdiction of justice.

I have listened all morning to a number of members opposite. They continually say that they support the bill and that the government maybe should move a little faster on it. I want to thank the members for their support, but my question actually leads to what happened a few minutes ago.

I asked if there was consensus that only one speaker by the Liberals would be put up and we could move on with this issue. They have put up a number of speakers and when the member himself put forward a motion to have the bill now passed, members from his own party ran out and said no. Is this a flip-flop or just a lack of communication on the part of the opposition?

Hon. Larry Bagnell: Mr. Speaker, I think the member is going to be sad that he asked about democratic procedures and the small little point he is making about an extra speaker when the government has been so bad, anti-democratic and so disastrous in its process.

I recall in the justice committee what a lack of justice there was in the process. Witness after witness would come to committee and say that a bill did not make any sense, that it had no foundation in law, would make Canada a more dangerous place, and yet the government would not even accept any of this advice. We might as well not have had committees.

I do not know if this is because they have a book that explains for their members how to stop committees. In the last couple of weeks, we have had discussions about the Conservatives and how they have cost Canadians hundreds of thousands of dollars. They have been stonewalling committees by going on and on. They have illegally walked out of committees to stop them just so they could not be investigated.

The Acting Speaker (Mr. Andrew Scheer): The hon. member will still have eight minutes left for his questions and comments period.

We will now move on to statements by members. The hon. member for Edmonton East.

STATEMENTS BY MEMBERS

[*English*]

RICHARD PARÉ

Mr. Peter Goldring (Edmonton East, CPC): Mr. Speaker, I rise in the House today to honour the life and service of a proud Canadian, Mr. Richard Paré, retired Parliamentary Librarian, who passed away last Thursday at the age of 70.

I join with my fellow members of Parliament to acknowledge what Mr. Paré did to contribute to Canadian parliamentary democracy.

After serving as Associate Parliamentary Librarian for 14 years, Mr. Paré was appointed Parliamentary Librarian by the Prime Minister of Canada in 1994, serving in that position until his retirement in 2005. His extensive expertise in library information systems and services was a benefit to us all. He was the first francophone Chief Parliamentary Librarian, a fact in which he took great pride.

More than just a librarian, Mr. Paré was known throughout Parliament as a true gentleman. Today the library continues to impress with its tremendous services and efficiency, a true testament to Richard Paré's life's work.

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VERNA BRUCE

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, this Friday Verna Bruce, a long serving and well respected federal public servant, will be retiring after 34 years of public service.

Ms. Bruce began her public service career with the government of Prince Edward Island in 1994. Competently rising through the ranks, Ms. Bruce had an impressive career with the provincial government including deputy Minister of Health and Social Services, Treasury, Intergovernmental Affairs and Clerk of the Executive Council.

After 24 years with the province, Ms. Bruce joined Veterans Affairs Canada as associate deputy minister and served in the position of acting deputy minister. During the past 10 years, Ms. Bruce has provided impressive leadership to the many challenging and evolving issues facing Canada's veterans. Important veterans' policy issues did not get lost in changes of deputy ministers and ministers as Ms. Bruce provided continuity and leadership in the department.

Along with the demands and commitment required of her public service life, Ms. Bruce always found time to lend her talents to the volunteer community, especially those dedicated to the social welfare of children.

On behalf of all members, I wish to congratulate and thank Ms. Bruce for her dedication and commitment to public service, and wish her every success in her future endeavours.

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● (1400)

[*Translation*]

CLOS SARAGNAT

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I would like to congratulate Christian Barthomeuf and Louise Dupuis, cider producers from Frelighsburg in my riding.

The Clos Saragnat cider mill tied for this year's prize from Spain's Asturian cider foundation. The award is presented to individuals or businesses whose personal or commercial contribution has contributed to the evolution and promotion of cider in all its forms worldwide.

In 1989, Mr. Barthomeuf created and perfected the process involved in producing ice cider. He also planted the first vineyard in Dunham in 1979, and later those in Sutton and Frelighsburg.

Clos Saragnat decided to pursue an ecological, natural cultivation process, one that is adapted to the soil, environment and climate of the region.

Congratulations to these entrepreneurs from my riding.

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[*English*]

NORTHWEST BRITISH COLUMBIA

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the northwest of British Columbia is a land of partnership and a deep collective spirit. For millennia people have worked with the environment and continue to hold true to that value today.

A coalition of first nations, commercial fishermen and sport fishermen, municipal and environment groups, and every day citizens joined together to fight the provincial and federal governments' plans for open net fish farms at the mouth of the Skeena. Friends of Wild Salmon fought alongside northerners and we won.

Even as we celebrate this victory, we must turn our attention to another threat. Shell's plans to drill for coal bed methane in the Sacred Headwaters bringing the threat of irreparable damage.

We are a hunting and fishing people. We work to be stewards of the land. Northerners will work with those companies willing to work with us, like Galore Creek and Blue Pearl Mining.

If not, we will unify. We will organize and we will defend our rivers and our way of life for future generations to come.

CFB TRENTON

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, Northumberland—Quinte West is the proud home of Canadian Forces Base Trenton, the hub of Canada's air force. Since the Conservative Party became the government there has been an unprecedented amount of investment at the base in Trenton. The frequent flights of Canada's new C-17s are a visual reminder of this.

Over the next 10 years the government will invest many millions of dollars into the base. The economic spinoffs are and will continue to be an economic boon for the entire region. Contracts have been let to businesses in Cobourg, Colborne, Trenton, Brighton, and there will be more to come.

CFB Trenton is a vital part of the community, and the thousands of military families and support staff are the backbone of our community. I am proud to represent them and all of the people of Northumberland—Quinte West, and proud to be a member of a government that recognizes the importance of protecting our sovereignty. We have placed a priority in rebuilding the Canadian Armed Forces which were shamefully neglected for far too long.

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GEOFFREY PEARSON

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, on Saturday hundreds of people gathered here in Ottawa to celebrate the life of Geoffrey Pearson.

A career diplomat and recipient of the Order of Canada, Geoffrey Pearson held many key posts at the Department of External Affairs, including ambassador to the Soviet Union during the height of the Cold War and special representative for arms control under Prime Minister Pierre Trudeau.

As the son of Nobel prize winning Prime Minister Lester B. Pearson, Geoffrey Pearson established his own brand of diplomacy with an ambitious view of the role Canada plays in the international community. He served as the first executive director of the Canadian Institute for International Peace and Security and later as president of the United Nations Association of Canada.

A loving father and grandfather, Geoffrey Pearson leaves behind his wife, retired Senator Landon Pearson, his beloved children and grandchildren and, ultimately, a legacy that serves every Canadian around the world today.

* * *

NATIONAL VICTIMS OF CRIME AWARENESS WEEK

Mr. Rob Moore (Fundy Royal, CPC): Mr. Speaker, today marks the beginning of National Victims of Crime Awareness Week. This year's events revolve around the theme “Finding the Way Together”, a very appropriate theme which acknowledges that it takes the efforts of many people from all walks of life and throughout our communities to address victims issues.

During National Victims of Crime Awareness Week, people in communities across Canada will be getting out the message about what crime does to victims and what all of us can do to help victims more effectively.

Our government is committed to protecting Canada's citizens, but we cannot do it alone. Clearly, all of us must work together to help victims and to prevent crime and that is what National Victims of Crime Awareness Week is all about.

I would also like to recognize that this year marks the 20th anniversary of the signing of the first Canadian Statement of Basic Principles of Justice for Victims of Crime.

Canadians now have a government that cares about victims issues. This government will continue to stand up for the victims of crime and for their families.

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● (1405)

[*Translation*]

STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, last Thursday, to undermine opposition efforts to get things moving in the Standing Committee on Procedure and House Affairs, the member for Elgin—Middlesex—London finally resigned as chair of the committee.

In his letter of resignation, he goes on at length about a supposed “tyranny of the majority”, which he seems to be confusing with the democratic expression of the will of the majority of elected members of this House.

However, when the Chief Government Whip tells us to buckle under or else the Prime Minister will go to see the Governor General, that is tyranny. When the chair of the Standing Committee on Justice and Human Rights vacates his chair to avoid holding a vote on a motion on the Cadman affair that is embarrassing to the government, that is tyranny. When the chair of the Standing Committee on Procedure and House Affairs resigns to avoid calling meetings and prevent us from shedding light on the Conservatives' irregular election spending, that is tyranny. When the Parliamentary Secretary to the Leader of the Government in the House of Commons makes barely veiled threats that “there will be consequences”, that is tyranny.

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BLOC QUÉBÉCOIS

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Mr. Speaker, the Bloc is trying every way possible to take credit for the Conservative government's accomplishments. The Bloc's inconsistency is certainly not in the interest of Quebec. In fact, at 18 years of age, when it should be mature, the Bloc is still going through adolescence: it yells, it contradicts itself and it tries to advance its own agenda when it is in fact at the mercy of its head office. The Bloc would like to prove its relevance here, in Ottawa, but it will never have significant influence.

Our Conservative government recognizes the nation of Quebec within a strong and united Canada. The Conservative caucus of Quebec has been working day after day, month after month, for over two years now, on such things as respect for Quebec, UNESCO, the fiscal imbalance, providing $350 million for Quebec's green plan, resolving the softwood lumber dispute, support for farmers, support for supply management and the reopening of the military college in Saint Jean.

The Bloc Québécois is as powerless as ever on its perpetual opposition benches. In the next election, Quebeckers will choose the winning team: the Conservative team.

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[*English*]

MUNICIPAL PROPERTY TAXES

Hon. Albina Guarnieri (Mississauga East—Cooksville, Lib.): Mr. Speaker, homeowners in Mississauga and around the country are bracing for massive property tax increases as the federal government continues to shortchange the future of Canada's cities.

The latest estimates show that homeowners will pay thousands more in property taxes over the next decade to rebuild roads, transit, waste management, and other municipal infrastructure that are the essential bodily functions of a growing economy.

In Mississauga the bill will work out to $100 per resident per year, adding over $300 to the average property tax bill. This is the end of the road for Canada's cities. Property taxes will have to rise unless the federal government rises to the occasion and finally commits to funding the infrastructure our economy is built on.

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LIBERAL PARTY OF CANADA

Mr. Patrick Brown (Barrie, CPC): Mr. Speaker, the Liberal Party's inability to articulate clear policy on virtually any issue is evident by the number of flip-flops made by the leader and his party.

The Liberals' pattern of behaviour is becoming all too familiar. First, they criticize the government's policy initiatives, and then they turn around and support the good work of our government.

The Liberals have criticized a number of our government's policy initiatives, too many to name, but I will showcase a few.

During the Afghanistan debate on extending the mission, the Liberal leader changed his mind as often as he changed his shirt. On the important issue of the budget, the Liberals attacked it, only to turn around and let it pass. Just recently on immigration reforms, after a few days of criticizing our initiatives, the Liberals voted in favour of them.

With the number of flip-flops reaching close to 100, it is no surprise Canadians are confused about where the Liberals stand.

Our government was elected to stand up for Canada and that is what we are doing.

● (1410)

HOMELESSNESS

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, last week the Social Planning and Research Council released the homeless count for metro Vancouver.

To say that the results were devastating is an understatement. Across the Lower Mainland, homelessness increased by 19% over the last three years, in New Westminster, 53%, in the tri-cities, a whopping 157%.

There is something fundamentally wrong with this picture. The numbers have increased in B.C. since 2001 and continue to rise. Not since the Great Depression have we seen a crisis like this.

The Conservative government is failing its people. There was a lot of back-slapping in Ottawa over the announcement of $148,000 for a homelessness strategy. Yet the reality for ordinary folks in B.C. is that this money is less than one-quarter of the cost of a family home in Coquitlam.

We do not need more strategies. We need housing. The government is failing, and we see the results of that failure under every bridge and on every street corner in metro Vancouver.

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LOUISE ARBOUR

Mr. Omar Alghabra (Mississauga—Erindale, Lib.): Mr. Speaker, it is my honour to rise in the House to recognize an extraordinary Canadian. Louise Arbour was the first francophone ever appointed to the Ontario Court of Appeal.

Renowned for her courage, she relentlessly pursued justice and dignity as chief prosecutor for both Rwanda's and Yugoslavia's international tribunals.

In 1999 Louise Arbour was appointed to the Supreme Court of Canada. In 2004 Ms. Arbour became the UN High Commissioner for Human Rights.

During her tenure she spoke with clarity about the responsibilities governments have toward their citizens. She has always been a strong advocate for civil and political rights and did not spare despots or democracies when making her point.

Ms. Arbour led the world in exposing problematic practices in Darfur, Zimbabwe, China, Sri Lanka, the Middle East and the United States, to name a few.

Louise Arbour has shown the world the best of what Canada stands for. We hope that we will see even more from her.

On behalf of all Canadians, I want to thank Ms. Arbour for her brilliant record of public service to Canada and the world.

[*Translation*]

"THERE FOR QUEBEC"

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, "There for Quebec", the Bloc Québécois' new slogan unveiled yesterday, reiterates our commitment and will guide the Bloc's actions until the national convention in October 2008.

"There for Quebec" expresses the commitment and leadership of the Bloc Québécois, the only political force on which Quebeckers can count here in Ottawa.

"There for Quebec" also conveys the Bloc's determination to ensure that recognition of the Quebec nation is more than just talk and that the federal government will take concrete action that respects the foundations of the Quebec nation, namely its language, culture and identity.

"There for Quebec" recognizes that, for the Bloc Québécois, gains made on a day-to-day basis in the name of Quebec strengthen the Quebec nation and takes it one step closer to full sovereignty.

* * *

[*English*]

ABORIGINAL AFFAIRS

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, this meanspirited government shows no respect. Last week the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians and his parliamentary secretary shamefully attacked the former prime minister, the member for LaSalle—Émard.

By attacking the former prime minister and the Kelowna accord, they show a lack of respect for the prime minister's office, provincial and territorial governments and all aboriginal Canadians.

If they thought undermining the member for LaSalle—Émard would bring honour to their government, the members were mistaken. Their attacks confirmed why, under the Conservatives, relations with aboriginals have gone from an all-time high in 2005 to a second day of action planned for next month.

When the minister and his parliamentary secretary stand in the House and scurrilously attack the former prime minister and his accomplishments, they attempt to deflect criticism of their own lack of progress for aboriginal Canadians and their opposition to the UN Declaration on the Rights of Indigenous Peoples.

Instead of tossing around cheap shots and partisan rhetoric, why will they not listen to the words of their former minister, who acknowledged Kelowna—

The Speaker: The hon. member for Abbotsford.

* * *

LIBERAL PARTY OF CANADA

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, with spring finally here, fishing season is fast approaching. True to form, the Liberal leader continues to perform like a fish out of water.

First, he wanted troops out of Afghanistan by 2009. Then, lured by the deputy Liberal leader and his motley crew, he took the bait and supported our motion to continue the mission until 2011.

This month, as he angled foreign issues to divide Canadians, he promised to defeat our efforts to make positive changes to our immigration system. Then in midstream he flipped and flopped and finally allowed our budget to pass.

Desperately dodging to find another wedge issue, he and his Liberal cronies told Canadians a whopper by promising to abolish the GST. Yet, recently he suggested that he will increase the GST back to 7%.

Ever since the Liberal Party swallowed his leadership hook, line and sinker, the Liberal leader, like a fish out of water, has been left gasping for air on issue after issue. It is no wonder that he and his Liberal Party continue to flounder.

ORAL QUESTIONS

● (1415)

[*English*]

AFGHANISTAN

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the motion we passed in this House about our mission in Afghanistan called for much more transparency by the government, but just look at what it is trying to do to the Military Police Complaints Commission. The government is trying to shut down an investigation into allegations of torture.

Why is there this persistent lack of transparency about an issue as serious as torture? Why is the Prime Minister trying to go to court to shut down this investigation?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, that is simply not the case. In fact what we are doing is supporting the Military Police Complaints Commission.

On this particular issue, however, there is a question of jurisdiction. For that reason the Department of Justice, on behalf of the Department of National Defence, is looking for clarification on the jurisdiction and the mandate of the military police. However, we have provided incredible disclosure. We continue to work with this commission on a range of subjects. On this particular mandate subject, we believe the commission is outside its jurisdiction.

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the truth is that the Conservatives are shutting down this investigation.

[*Translation*]

The government's lack of transparency has consequences for detainees who might be tortured, and also for our troops. At the Standing Committee on Foreign Affairs and International Development last Thursday, General Hillier said that the government knew for two years that we were short 1,000 soldiers for the mission in Kandahar. The government only revealed that information a few months ago.

Why hide that information from this House and Canadians for two years? Why put our troops at greater risk that way?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, again there has been a tremendous amount of transparency. With respect to the disclosure on this particular case, there have been over 1,300 documents that have been turned over. There have been 38 witnesses whom the police commission have been allowed to interview. This is the type of disclosure that we believe is in keeping with the mandate.

However, we believe that when it comes to this subject, it is outside the current jurisdiction of the mandate. We will have a judicial clarification on the matter, despite the righteous indignation from the member opposite.

[*Translation*]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, that was not even the question. The question was about why the Conservatives hid the fact that we needed another 1,000 troops for two years.

Some hon. members: Oh, oh!

Hon. Stéphane Dion: I will tell you why they showed such a lack of transparency: because they want to hide their incompetence and their contradictions.

Not so long ago, the Minister of National Defence supported General Hillier by saying that the governor of Kandahar was doing phenomenal work. Yesterday, the Minister of Foreign Affairs asked that the governor be replaced. Today, the Minister of Foreign Affairs is telling us to forget what he said yesterday.

Who are we to believe: the Minister of National Defence, yesterday's Minister of Foreign Affairs or today's Minister of Foreign Affairs, or none of them?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, Afghanistan is—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. Leader of the Government in the House of Commons has the floor to answer the question. Let us listen to his answer.

Hon. Peter Van Loan: Mr. Speaker, Afghanistan is a sovereign state that makes its own decisions on government appointments. Canada fully respects that fact and is not suggesting any changes to the Afghan government.

[*English*]

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, when the House renewed the Afghan mission, it was on the explicit condition that the government would be more open about the mission and about detainee transfers. Late on Friday, when the government thought no one would notice, it began challenging the jurisdiction of this commission.

The point is the government did not challenge the commission's jurisdiction for over a year and the question is, why has it suddenly begun to do so now? What is it about the detainee issue that makes it impossible for the government to tell the truth?

● (1420)

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, the truth is that there have been over 17 technical briefings. There have been 20-odd appearances before committee. There have been two debates in the House of Commons which resulted in a vote, something the previous government never did with respect to the Afghanistan mission. With respect to the particular issue that the Military Police Complaints Commission is looking at, this subject matter of a public hearing only was voiced last month, not a year ago. The member should get his truth in order before he starts throwing stones.

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, if that is the answer, then the House would want to know what he has against public hearings. I simply do not understand the answer that the minister has offered.

[*Translation*]

Again, on March 13, in this House, the Minister of National Defence said, "We are in compliance. We will continue to cooperate with the commission. We fully intend to." I fear the minister misled the House.

What is happening now? What do they have to hide in this detainee affair?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, to be clear, I will repeat that we are not challenging the general mandate of the Military Police Complaints Commission. It is this specific subject matter.

There are three separate investigations going on. There have been volumes of information turned over by the Department of National Defence. It is the mandate with respect to operations going on in Afghanistan with respect to today that we are suggesting is outside the mandate, and we will have a judicial ruling on that in the near future.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister of Foreign Affairs suggested that the Karzai government replace the governor of Kandahar, mainly because of the corruption in that region of Afghanistan. This statement by the minister is especially surprising given that the Government of Canada has been telling us for months that major progress has been made in Afghanistan and ministers have boasted about the work this governor has done.

Why did the government conceal this situation during the debates on extending the mission beyond 2009?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, as I have already said, Afghanistan is a sovereign country that makes its own decisions about government appointments. Our main goal is to promote Afghanistan's self-sufficiency in all aspects of its nationhood, including development, security and governance.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, this is all well and good, but we heard the Minister of Foreign Affairs on television, just like we saw him handing out Jos Louis. This time, he made a more serious mistake than he did with the Jos Louis. The minister should not just tell us any old story. The government has told us plenty of stories here and has hidden the truth from us, just as General Hillier hid the truth.

Is this not one more reason to leave Afghanistan in 2009, because the time has come to stop playing fast and loose with the truth?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I understand that the leader of the Bloc Québécois has problems with the concept of sovereignty, but we believe that Afghanistan is a sovereign country that makes it own decisions about government appointments.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, over the past few months, the government has repeatedly told the House that it was collaborating fully with the inquiry being conducted by the Military Police Complaints Commission concerning the torture of detainees in Afghanistan. This morning, we were all stunned to hear that the government wants to halt the inquiry because—it claims—the commission lacks the necessary jurisdiction.

Why did the Prime Minister decide to question the commission's jurisdiction now, when he promised to cooperate fully with the inquiry just a few months ago?

[*English*]

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, to be clear, the government is not challenging the Military Police Complaints Commission on its general mandate. This deals specifically with what was announced just a month ago: that it was having public hearings. We believe this is outside the jurisdiction and outside its mandate. This matter will be clarified by the courts. Subject to that, there is not much more that can be said about it.

● (1425)

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, a few months ago, the government said it intended to cooperate. So why is it challenging the commission's jurisdiction now? The Manley report recommended transparency in the Afghan detainees file, but the Prime Minister seems to have forgotten that recommendation.

Will he admit that, once again, he is trying to hide the truth about a potentially explosive issue that has already tarnished his image considerably? When can we expect to see the transparency his government promised?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, that is incorrect. There are now three inquiries into this issue. The member knows that there is a lot of documentation before the court, a lot of information, many revelations concerning this file.

[*English*]

We have had 17 different briefings with respect to Afghanistan. We have had debates in the House of Commons. We have had numerous ministers appear before committee. We answer questions daily. There have been numerous documentaries and questions by the press.

What is happening in Afghanistan is hardly a secret despite the attempt by members opposite to suggest so.

[*Translation*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, last year, the government was already trying to stop this inquiry from happening. In March, it said that the inquiry was finally under way.

But one year later, because of delays, I had to ask the Prime Minister why he was refusing to cooperate. He responded that he was not refusing and that the ministers had received clear instructions. However, the government's lawyers are now doing everything they can to stop this inquiry.

If this is not a lie, then what is it?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, there is a lot of cooperation between the Department of Foreign Affairs and the other departments, such as the Department of National Defence.

[*English*]

We have disclosed 1,300 documents. Thirty-eight witnesses have made themselves available to the military complaints commission.

With respect to the public hearings suggested by the commissioner, we are saying it is outside his mandate. There will be a court hearing with respect to that jurisdictional issue. We will await the outcome of that court hearing.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, this makes absolutely no sense. The minister is saying that the government is throwing all kinds of paper at the inquiry, while at the same time it is going to the courts to try to stop the inquiry from taking place using some argument about jurisdiction.

Did the government not know about this before or is this just the latest technique the PMO has come up with to figure out how to shut the door to the public, which wants to know what happened to the prisoners who were detained and the allegations of torture? It looks to us like another step in a cover-up that—

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, it may look like that to the leader of the NDP, but he would know, and he should know, having followed this, that there has been a court application that was heard by the Federal Court, which in fact turned down the application of the B.C. Civil Liberties Association. The court turned down the argument that the Canadian Charter of Rights applied in Afghanistan. That matter is now under appeal.

With respect to the public hearings, as I have said before, we have cooperated thus far for disclosures. We do not believe that this is within the jurisdiction of the commissioner and for that reason we will hear from the court on the matter of jurisdiction.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, a few weeks ago the Minister of National Defence said the government was not going to interfere in the internal affairs of Kandahar. A few days ago General Hillier was praising the governor and said he was doing phenomenal work. Yesterday the Minister of Foreign Affairs contradicted that statement and said that it was the government's view that the governor of Kandahar should be removed.

I would like to ask somebody over there who can clear up this confusion, what does the government really think of the governor of Kandahar?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, our position is quite clear. I am sure it is the same position that any reasonable person would come to a conclusion about, which is that the affairs of the Afghan government are the affairs of the Afghan government. It is a sovereign country. It is responsible for its own nominations and its own appointments. We do not make those decisions for the people of Kandahar.

Our focus, however, is on assisting the Afghan people to build the strength of their state and to build their capacity, and to assist in their development. We are having considerable success on these projects.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, there is a problem. What the minister has just said completely contradicts what his government's Minister of Foreign Affairs said yesterday.

How can he explain that his government is in complete disarray?

● (1430)

[*English*]

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, our position is quite clear. What is difficult to understand is any position on almost any issue coming from the Liberal Party. We understand that because often there are many different groups and many different factions within the party that have different positions.

What is more remarkable is that it is also the leader of the Liberal Party who can take one position on issues of foreign policy one day, and then two weeks later take an entirely different position. Those members did the same thing on the tax bill, Bill C-10. They did the same thing on the immigration bill last week. It is the Liberal Party that has trouble sorting out its policies. That party has no policy, no vision and no leadership. It is all over here.

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Speaker, transparency and accountability are alien to the Conservative government. Last week General Hillier revealed that both Canada and NATO knew two years ago that we needed at least 1,000 troops to do the job effectively.

Why did the government wait until after January, after the Manley report, to announce that it needed the 1,000 troops, two years after this was already known?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, I know the member opposite is new to his critic's portfolio, but giving him that, where has he been?

The Government of Canada and the Department of National Defence have been asking NATO and our allies for additional troops in Afghanistan certainly since we came to office. I do not know what he did under his time, but the reality is that we have been encouraging other countries to contribute to the south, to that region. Despite the apoplectic discussion coming from the former defence minister, that is the reality, and I know he does not like reality because it hurts.

As for disclosure, let us talk about the sponsorship scandal.

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Speaker, setting aside that vindictive nonsense, the government does not seem to know who is on first and what is on second when it comes to Afghanistan.

The question remains. Two years ago, the government knew we needed more reinforcements and it chose to do nothing. So much for transparency and accountability. Why does it not simply answer the question? Why did the government not tell Canadians two years ago that our troops were significantly under-resourced? Why did the government wait? The trouble with the government is that it never wants to tell us the facts.

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, it is not vindictive to talk about the Gomery inquiry or the sponsorship scandal. That is part of Canadian history. It is part of the Liberal Party's history.

The reality, while the member may have been hiding under his desk during this time, is that this government, previous ministers of defence and I have been engaged with our NATO allies, requesting further support, whether it be troops, equipment or all efforts to secure Afghanistan to help it build its security forces and to help with humanitarian aid and development work.

We have been on the job, doing the job. Those members have been missing in action.

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[*Translation*]

HERITAGE BUILDINGS

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the mayor of Quebec City, Régis Labeaume, asked the Prime Minister once again yesterday to make a clear commitment to the reconstruction of the Quebec City Armoury. He said that it is not enough for the government to state its intentions and that he wants a firm commitment. Mayor Labeaume believes that the actions of the federal government are the responsibility of the Prime Minister and not of its officials or its ministers.

Will the Prime Minister make a firm and straightforward commitment to rebuilding the armoury?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, we have made a firm commitment. The Prime Minister responded 72 hours after the fire. Departmental experts are investigating the causes of the fire. It is too early to discuss the details of the investigation. It is clear that the government has committed to working with the other levels of government, provincial and municipal, to deal with the armoury.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, citizens and organizers of celebrations to mark the 400th anniversary of Quebec City need to know what the government is going to do with the site this summer.

How does the government plan to ensure that fitting celebrations take place at the site? The question is clear.

● (1435)

Hon. Josée Verner (Minister of Canadian Heritage, Status of Women and Official Languages, CPC): Mr. Speaker, the departmental officials and all organizations involved are working with the Société du 400e anniversaire de Québec. They will ensure that the site is properly cleared and that the celebrations take place as planned.

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SECURITIES

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, the Minister of Finance said the commercial paper crisis was only further proof of the need for a single securities regulator. The Parliamentary Secretary to the Minister of Finance went even further. It is sheer hypocrisy, considering that the banks, which are responsible for this crisis, are already under his responsibility and that of the Office of the Superintendent of Financial Institutions.

Instead of seeking false pretenses for his plans, which no one except Ontario wants, should the minister not admit that he and his Superintendent of Financial Institutions are the ones who abdicated their responsibilities in the commercial paper crisis?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, Ontario is de facto regulating securities in Canada, since over 80% of all transactions take place there.

We believe that the constitutional jurisdictions of each level of government must be respected. We are aiming to establish a common securities regulator that will work with the provinces and territories, not a federal agency.

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, instead of blaming the securities commissions in Quebec and the provinces, the Minister of Finance would be better off to clean up his own backyard. He is the one responsible for banks, yet he is doing nothing about the situation at this time.

How can the Minister of Finance explain that neither he nor the Office of the Superintendent of Financial Institutions have taken any action with the banks to prevent the commercial paper crisis and therefore protect investors? Why did he decide to leave them to fend for themselves?

[*English*]

Hon. Jim Flaherty (Minister of Finance, CPC): The member opposite is mistaken, Mr. Speaker. Most of the entities who were selling the non-bank, asset-backed commercial paper were under the jurisdiction of the provincial securities regulators. This is a serious problem. It is a gap in dealing with this issue and the solution has to come from the Government of Canada and the Bank of Canada. It is we who had to create the Montreal table, create a forum to resolve this issue, and hopefully it will be resolved. The provinces were not there.

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WORLD FOOD PROGRAM

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, people in developing countries are struggling to deal with much higher food costs. Swelling global population, soaring energy prices and increased competition for scarce supplies have raised the possibility of food riots in some countries.

Without harming the farmers, as it is not their fault, what is the government doing to ensure that the world supply of food grains is not out of reach for people in developing nations, particularly the bottom billion?

[*Translation*]

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, I find it ironic to hear this from the opposition, since we know that my colleague from Calgary East proposed that we study this issue, and they were opposed to it.

[*English*]

We are number two in our support of the world food program of all the countries in the world. We will maintain our level of support. We will ensure that we study this crisis and work with our partners to address the issue.

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, I am glad other people are raising it.

Under the UN Food Aid Convention, Canada says that it will supply 420,000 ton of food aid this year. CIDA has estimated that current prices for food grains will soar by 20% or more. This will necessitate a substantial budget increase.

Will the Minister of International Cooperation confirm that she has obtained the necessary budget increase so that the volumes shipped to the poorest of the poor will go up, not down?

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, as I said, I wonder where he was when we were debating this in committee. Now, because the Liberals have no policy, they want to raise it in question period.

As I said, Canada is the second highest supporter of food aid in the world. We will continue to ensure that the demands that are needed will be supported.

I find it ironic that the opposition consistently makes commitments. I was just in Washington. I was in Tokyo with my colleagues. I indicated that when Canada and this government make commitments—

● (1440)

The Speaker: The hon. member for Nunavut.

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THE ENVIRONMENT

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, global warming continues to harm Canada's north at alarming rates. The largest ice shelf in Canada has split into three pieces. The Arctic ice is melting faster than anyone's prediction but the government refuses to take the advice of its scientists and set aggressive targets for greenhouse gas emission reductions.

When will the government start taking global warming seriously and implement stricter targets?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, inaction is not an option. That has been the Canadian policy for 10 long years.

We are taking aggressive action to respond to global warming. It will require real action to take on the big polluters, something that was absent in the recent regime. It will also be expanding support to the province to help in the construction of a hydrogen highway in British Columbia and to help with adaptation initiatives up north.

We are working hard for an absolute 20% reduction in our greenhouse gas emissions. We are committed, we are acting and we are getting the job done.

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, every scientist, environmentalist and economist who has studied the government's plan has said that it is too weak and doomed to fail.

Why does the government refuse to listen to them? When will it actually care?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, global warming will be a top challenge for a generation of Parliaments. We are taking real action. We will be judged by our action just as the previous Liberal government will be judged harshly by its inaction.

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ABORIGINAL AFFAIRS

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Mr. Speaker, Bill C-21 is our government's commitment to deliver protection under the Canadian Human Rights Act to first nations people living on reserve.

The Liberals should be ashamed that their reaction to the bill was to stall and delay it for a year.

On first nations, many Canadians do not realize that first nations people living on reserve do not have the same protection as other Canadians and that the same issue has been studied for 30 years.

Attempting to change the channel on their internal problems and horrible record on aboriginal issues, the Liberals say that we may not move forward on Bill C-21.

Could the Minister of Indian Affairs set the record straight.

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, our government believes that first nations deserve the same protection that all other Canadians enjoy on a daily basis, which is why we introduced the bill to cover first nations under the Canadian Human Rights Act.

First nations should have received this protection years ago. The Liberals did nothing on this for 13 years. They have stalled, amended and done everything they can to stop it ever since.

The Liberal member for Winnipeg South Centre said:

> If we've waited 30 years, what difference does a number of months more make... Six months, ten months, a year, I don't see what the difference is....

First nations deserve coverage under the Canadian Human Rights Act. They deserve it soon and we will get it for them.

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THE SENATE

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, once again the unelected and unaccountable Senate shows breath-taking audacity in its willingness to burn through taxpayer dollars. We are learning now about $3 million in travel and hospitality for what has become a perpetual road show.

We have single source contracts to high priced consultants, hotel rooms at $450 a night and a $60,000 promotional budget to sell the boondoggle back to the taxpayers.

When will the government show some sober second thought and turn off the taps on Senator Kenny and his high-flying, unaccountable gang?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, the government agrees entirely with the comments of the member for Timmins—James Bay.

We are very concerned about the waste of taxpayer dollars and the lack of respect over there by some of them, but that is why we are proposing changes to make the Senate more accountable, by giving Canadians a say in who they would have representing them in the Senate and reducing senators' terms from the current 45 years to 8 years. Both of those would be strong improvements to help democratize our Parliament.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, the unfortunate thing, when it comes to the democratic reform of the Senate, is that the Conservative Party has left out the democratic and is sticking the taxpayer with a lot of cost for the reform rhetoric.

What we are seeing is that Elections Canada has been scathing in its denunciation of the selection Senate bill. One hundred and fifty million dollars will be spent on this farce, which, at the end of the day, the Prime Minister would not even obligated to accept the democratic will of the Canadian people.

When will the government get really serious about the democratic reform of the Senate and put the question to the Canadian people about abolishing this high priced, political fossil?

● (1445)

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, we are not yet convinced that abolition is the appropriate solution. We would prefer to see if it is possible to reform the Senate. However, we will acknowledge that if the Liberal dominated Senate and the Liberals in the House prove so resistant to not allow any reasonable propositions for reform to come forward, that day may one day come.

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INFRASTRUCTURE

Ms. Martha Hall Findlay (Willowdale, Lib.): Mr. Speaker, we Liberals tried to persuade the finance minister to allocate $7 billion to much needed infrastructure but he did not. Instead, the finance minister is trying to buy himself a multi-million dollar train through his riding without any costing or due diligence. He just recently announced a $45 million disability fund, the criteria for which only an entity in his riding can meet.

When will the finance minister stop dishing from the pork barrel and start spending Canadians' money where it is really needed?

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we Conservatives have put $33 billion on the table. We are getting the job done.

An hon. member: In your dreams.

An hon. member: It's a bare-faced falsehood.

Some hon. members: More.

The Speaker: Order, please. There seem to be a lot of calls for more. There will be more but we need to have silence so we can hear it.

The hon. member for Willowdale has the floor.

Ms. Martha Hall Findlay (Willowdale, Lib.): Mr. Speaker, that was a brave attempt to avoid the question.

The only centre capable of meeting this funds criteria has on its board of directors the finance minister's wife, his executive assistant and, formerly, the finance minister himself.

The only consultation that HRSDC did for this fund occurred in Whitby and the national Office for Disability Issues was not even aware of it. Is that a coincidence? The wording of the criteria is directly drawn from the material of the Whitby group. Is that a coincidence?

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, the member is completely wrong in her assertions. The fact is that all proposals for the enabling accessibility fund will have the exact same terms and conditions.

However, it is very low when members on the other side stoop and start to attack a world-class facility that supports people with disabilities simply because it is in a member's riding.

[*Translation*]

ETHICS

Hon. Diane Marleau (Sudbury, Lib.): Mr. Speaker, tapes seem to be the Conservatives' nemesis. The Secretary of State (Multiculturalism and Canadian Identity) was taped speaking about the Sikh community. Senator Angus was taped speaking about Bill C-10. The Parliamentary Secretary to the Leader of the Government in the House of Commons was taped speaking about homosexuals. The Prime Minister was taped speaking about the Cadman affair.

Why do they say one thing in private and another in public?

[*English*]

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, that is not the case at all. What is being referred to, by and large, are imaginary scandals that the Liberals conjure up for one very simple reason: they do not have any policy to talk about. When they do have a policy to talk about, they change their position on it the next week. Then, when they change their position on it, they do not even bother to show up to vote on it the next week. Sometimes they even walk out of this House.

All of those things are shown on videotapes that Canadians see, which is why Canadians have no confidence in a Liberal Party with no leadership, no vision, no policies and taking Canada nowhere.

Hon. Diane Marleau (Sudbury, Lib.): Mr. Speaker, the Cadman affair has caused problems for the Prime Minister but the problems are of his own making. If the Prime Minister had simply put a stop to Conservative attempts to offer Mr. Cadman a bribe, he would not be facing these repeated questions.

What were those financial considerations for Mr. Cadman, which the Prime Minister referred to explicitly on the tape?

● (1450)

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): Mr. Speaker, as we have said a number of times, the only offer we made to Chuck Cadman on May 19, 2005, was to rejoin the Conservative caucus, run for us as a candidate and get re-elected as a Conservative.

However, as the House leader has said, we know why the Liberals are repeatedly asking these questions. It is, frankly, because they have run out of steam. They have run out of steam on their own policy and on their own leader. It is evidenced every day here in the House of Commons.

We have spoken the truth on this issue. The Liberals continue asking these questions and we know why. It is because, frankly, they have nothing else to do.

[*Translation*]

BROADCASTING INDUSTRY

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, there is still disagreement between Paris and its francophone partners regarding the appropriate place for the multilateral channel TV5 Monde. Belgium is threatening to withdraw, as did the Swiss government last week, if France continues with its plans to integrate the francophone television channel into the proposed France Monde.

What pressure is the Canadian government putting on France to ensure that TV5 remains a multilateral resource for francophone countries?

Hon. Josée Verner (Minister of Canadian Heritage, Status of Women and Official Languages, CPC): Mr. Speaker, for several months now, government officials have been in talks with the various partners, including French officials, and we will continue to work together.

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, in response to the British Prime Minister's proposal to include the food crisis on the agenda for the next G-8, will the government take the initiative to put this subject on the agenda of the Sommet de la Francophonie, since a number of Francophonie countries are seriously affected by this crisis?

[*English*]

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, this is a question that has been having intensive discussion, not only domestically in Canada but internationally. We continue to have discussions and I know there are important conferences coming up over the next few months.

Canada will be fully engaged and work with its partners around the world to address the situation as it develops.

* * *

[*Translation*]

COURT CHALLENGES PROGRAM

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, now more than ever, it is clear that the court challenges program is vital to this country's minorities.

Marie-Claire Paulin, who just won a long and important battle against the RCMP to uphold linguistic minority rights, said that without this program, she never could have defended her rights all the way to the Supreme Court.

Why is this government refusing so stubbornly to reinstate the court challenges program? This is a simple question. Why go against the will of the linguistic minorities?

Hon. Josée Verner (Minister of Canadian Heritage, Status of Women and Official Languages, CPC): Mr. Speaker, as we have said many times, the case is currently before the courts. Our government has made its submissions, but no judgment has yet been handed down.

[*English*]

SEALING INDUSTRY

Mr. Mike Allen (Tobique—Mactaquac, CPC): Mr. Speaker, the Minister of Fisheries and Oceans promised to ensure the safety of our Canadian sealers. He stood in the House a week ago and told us charges would be pursued against the Sea Shepherd Conservation Society and that our government would not tolerate the reckless antics of these money-sucking manipulators who threaten the safety of Canadians while posing as conservationist.

Over the weekend the government did the right thing and the vessel, the *Farley Mowat*, was seized and brought to port.

Would the Minister of Fisheries and Oceans please provide an update?

Hon. Loyola Hearn (Minister of Fisheries and Oceans, CPC): Mr. Speaker, Canada has laws in place to ensure the safety of our citizens. The Sea Shepherd Conservation Society broke those laws and in so doing, put the lives of our sealers at risk. Laws have broken. Action has been taken. A boat has been seized. Charges have been laid. It is that simple.

Paul Watson can continue with his PR exercise to siphon more money from the unsuspecting public. In the meantime, I will stand up for our sealers and our laws.

* * *

HEALTH

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, Canada's only safe injection site does not lead to crime or increased drug use, but in fact reduces health risk, saves health care costs and, most important, saves lives. Those are the findings from the minister's own hand-picked advisory committee. It cannot find anything wrong with Insite. To the contrary, all indications point to its success, including the city of Vancouver and the B.C. government.

It is time for the minister to honour and support the extensive research that has been done. Will he commit today to keep Insite open, to make the downtown east side a safer and healthier place.

● (1455)

Mr. Steven Fletcher (Parliamentary Secretary for Health, CPC): Mr. Speaker, on October 2, the minister advised Vancouver Coastal Health Authority that its exemption under section 56 of the Controlled Drugs and Substances Act would be extended until June 30.

The exemption is for the purpose of research into the impact of such sites on prevention, treatment and crime. Our government will review the research very carefully. No decision has been made.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, how much more research can be done? It is all out there, all the scientific and medical evidence. In fact, we have concerns regarding the editing of the minister's own expert panel report.

The NDP obtained an internal copy of the report prior to its release and it appears that changes were made. The original text stated, "Insite may have prevented about nine cases of HIV", but the edited version removed that text for no apparent reason.

Will the minister investigate this substantive edit, which covers up concrete conclusions, and report back to the House?

Mr. Steven Fletcher (Parliamentary Secretary for Health, CPC): As I mentioned, Mr. Speaker, our government will review the research very carefully. No decision has been made.

However, as I have the floor, I am reminded that the Liberal Party and its leader have no policy, no leadership and no vision for the country. That is why the people said "no" to a Liberal government.

* * *

FOREIGN AFFAIRS

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, this is a critical week for Brenda Martin as the Mexican legal system rules on her freedom. To date she has received indifference and incompetence from the government.

For the Minister of Foreign Affairs who has had to take over this file from his inept Secretary of State: What is Ms. Martin's current condition and what is the government doing to bring her back home, now?

Hon. Jason Kenney (Secretary of State (Multiculturalism and Canadian Identity), CPC): Mr. Speaker, her condition is that unfortunately she continues to be detained in the Mexican penal system. This government is doing is everything it possibly can to bring her home as soon as possible. This has been raised at the highest possible levels.

I met with senior Mexican officials and obtained, only three weeks ago, their assurances that they would do everything possible to see her case expedited. Hopefully this will result in her acquittal. We hope for that. If not, we will work very closely with the Mexican officials to secure a transfer to Canada as soon as possible.

* * *

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

Mr. Mervin Tweed (Brandon—Souris, CPC): Mr. Speaker, thanks to the leadership of this Prime Minister and the Minister of Finance, Manitoba is experiencing near record growth. The unemployment rate is 4.3% and 21,000 new well-paying full time jobs have been created in the past year alone. Clearly the hard work of this government is paying off for the people in Manitoba.

Despite this great news, we know employers are experiencing great demand for workers with the necessary skills to fill these new jobs.

Could the Minister of Human Resources and Social Development tell this House what he is doing to help meet the labour demands in Manitoba?

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, I thank the member for Brandon —Souris for his outstanding representation for the people of that riding. He is a great voice for the people of Manitoba.

I was in Winnipeg on Friday and announced, along with the minister of training there, $110 million in new funds from the federal government to provide people who are underrepresented in the workforce a chance to get training. Aboriginals, recent immigrants and persons with disabilities will get the support they need to step into the workforce.

This is an example of our philosophy that all Canadians deserve a hand up to help them succeed like everyone else has come to know.

* * *

● (1500)

[*Translation*]

FEDERAL PROTECTED AREAS

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.): Mr. Speaker, the Pointe-au-Père national wildlife area has been completely abandoned by the federal government—the sewers are overflowing, dogs run loose and migratory birds have deserted it.

In his report, the environment commissioner states that a number of federal protected areas are in danger due to a lack of management and sufficient resources. I would add a lack of political will as well.

Will the government stop claiming to protect natural environments and finally act responsibly? And above all, will it restore the Pointe-au-Père site?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, the government has made it a priority to enforce legislation in order to protect our environment. We are working very hard. I appreciate the comments from my Quebec colleague. We found more money in last year's budget. We want to protect these birds and the ecosystem. That said, we are more than ready to work with our colleague from Rimouski.

* * *

[*English*]

ABORIGINAL AFFAIRS

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, in the last election the Prime Minister personally promised to include the victims of the Île-à-la Crosse residential school in the comprehensive federal settlement. There were no ifs, ands or buts. Île-à-la Crosse would be covered, period, not negotiable. However, last month these victims were told they were out.

Why did the Prime Minister made this unmistakable promise and then brutally break his word?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I would like to report that we have handled over 80,000 applications now under the residential schools compensation. Over $1.3 billion has been paid out. Our government believes in properly compensating the victims of that residential schools era.

There is also a process in place to ensure that any school can be considered and even reconsidered for application as a school that qualifies. This process has been approved by the court, by the Assembly of First Nations, and the government is pleased to be part of that.

* * *

[*Translation*]

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of Mr. Alain Joyandet, France's secretary of state for cooperation and francophonie.

Some hon. members: Hear, hear!

ROUTINE PROCEEDINGS

[*English*]

CANADA-JAPAN TREATY

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs and to the Minister of International Cooperation, CPC): Mr. Speaker, under Section 32(2) of the Standing Orders of the House of Commons, I have the pleasure to table, in both official languages, a treaty entitled "Exchange of Notes between the Government of Canada and the Government of Japan constituting an Agreement on Special Measures concerning Supply Assistance Activities in Support of Counter-Terrorism Maritime Interdiction Activities".

An explanatory memorandum is enclosed with the treaty.

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GOVERNMENT RESPONSE TO PETITIONS

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

* * *

CRIMINAL CODE

Hon. Stockwell Day (for the Minister of Justice and Attorney General of Canada) moved for leave to introduce Bill C-53, An Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime).

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

COMMITTEES OF THE HOUSE

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

Mr. Bob Mills (Red Deer, CPC): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee of Environment and Sustainable Development in relation to inherent difficulties in the practice, procedure and rules of the House of Commons.

* * *

● (1505)

PETITIONS

UNBORN VICTIMS OF CRIME ACT

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I am honoured, once again, to rise to present petitions from across the country on Bill C-484, the unborn victims of crime act.

The petitioners recognize that when a pregnant woman is wanting to bring her pregnancy to term and to give life and birth to her child, that no one has the right to take that choice and that child away from her.

Therefore, I am presenting today some 1,500 additional names on two petitions, and I am very honoured to do that. I appreciate the support from Saskatchewan, Weyburn, Spy Hill, Langenburg, Assiniboia, Saskatoon, and then from St. John's, Newfoundland and Labrador, Saint John, New Brunswick and Sydney, Nova Scotia. The bulk of these names come from there. Support is right across the country.

INCOME TRUSTS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am very pleased to present yet again another income trust broken promise petition. It comes from residents of my riding of Mississauga South who remember the Prime Minister boasting about his apparent commitment to accountability when he said, "The greatest fraud is a promise not kept".

The petitioners want to remind the Prime Minister that he promised never to tax income trusts, but he broke that promise when he recklessly imposed 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.

Therefore, these petitioners call upon the Conservative minority government to: first, admit that the decision to tax income trusts was based on flawed methodology and incorrect assumptions, as demonstrated by the finance committee; second, apologize to those who were unfairly harmed by this broken promise, on Halloween albeit; and finally, repeal the punitive 31.5% tax on income trusts.

UNBORN VICTIMS OF CRIME ACT

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, I have a petition on behalf of a number of constituents in the St. Catharines and Niagara community in regard to Bill C-484. The member for Edmonton—Sherwood Park also introduced a petition, and I would like to do the same.

HUMAN RIGHTS

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, I am pleased to present a petition on behalf of a number of Canadians from Brochet, Opaskwayak and The Pas in the Churchill riding. They recognize that despite the fact that the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples by an overwhelming majority, the Prime Minister and the Conservative government voted against it. This is the first time in history a Canadian government has voted against a major international human rights agreement at the UN.

The petitioners call on the government to reverse its position and fully ratify the declaration and implement all the standards therein.

FOOD SAFETY

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, I am pleased to table a petition signed by Canadians from coast to coast to coast asking the government to prohibit the use of hormones, antibiotics, rendered slaughterhouse waste, genetically modified organisms and pesticides in the production of food.

Canadians care deeply about the safety of their food and how it relates to human health. Governments can and should provide Canadians with a stable, but most important, healthy food supply, void of contaminants and toxins.

STUDENT LOANS

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Mr. Speaker, after numerous meetings with the students of Lakehead University and Confederation College in my riding of Thunder Bay—Rainy River, I am presenting a needs based grants petition for the over 345,000 students in public institutions. They bring to the attention of the government that the average debt of a graduating student is $25,000, and that student loan debt is increasing in Canada by $1.5 million a day.

[*Translation*]

SENIORS

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.): Mr. Speaker, I am pleased to table another petition in support of my motion M-383, which was recently debated and adopted by a majority of the House.

This petition has signatures from 700 residents of eastern Quebec, who are calling on the government to improve the guaranteed income supplement for our least fortunate seniors, so that their combined benefits bring them above the poverty line. This petition also requests that guaranteed income supplement recipients be allowed to work the equivalent of 15 hours per week at the minimum wage of their province of residence.

I would like to thank everyone who signed the petition, and who joined together to ensure that the Conservative government takes care of our seniors and provides them with meaningful benefits.

● (1510)

[*English*]

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 question will be answer today: Question No. 213.

[*Text*]

Question No. 213—**Hon. Maria Minna**:

> Did the government conduct a gender-based analysis of measures in the Budget 2008 and, if so: (*a*) what departments, agencies, crown corporations, groups or experts were consulted and what were their recommendations; and (*b*) what was the government's response to these groups and their recommendations?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, where feasible and appropriate, a gender-based analysis was conducted on measures in the budget presented to the House of Commons on February 26, 2008.

The federal budget preparation process is a broad exercise involving many individuals and groups. It is an ongoing process of consultations, policy development and cabinet committee deliberations. The Department of Finance is unique in that it plays two roles within the Government of Canada: it is a central agency but it also develops and implements policies. In its role as a central agency, the Department of Finance assesses policies proposed by other departments. Therefore, in these circumstances, departments that sponsor the policies are responsible for ensuring that the full range of considerations are analyzed and assessed—including their gender implications – as they bring forward their policy proposals. In its role of developing and implementing policies, the department has adopted a systemic approach to conducting gender-based analysis—that is all budget policy proposals going to the minister include a section on gender-based analysis and gender-based analysis is developed and conducted when the policies are being developed, so it is an intrinsic part of policy work. The systemic approach allows for gender-based analysis to be included from the earliest stage of development of a policy.

In preparing budgets, the government's actions and decisions are informed by consultations that are thorough and comprehensive. Specifically:

The Minister of Finance holds pre-budget consultations in person, which gives him first-hand knowledge of the views of various stakeholders, including non-government organizations, business, provinces and others;

The Minister of Finance also hosts on-line consultations which, this year, took place from mid-January to mid-February and attracted nearly 3,000 submissions from a broad cross-section of individual Canadians. More information on the online pre-budget consultations for budget 2008 can be found at http://www.fin.gc.ca/activty/consult/prebud08_e.html); and

Department of Finance officials consult with representatives of all sectors of society throughout the year.

Additionally, the House of Commons Standing Committee on Finance conducts pre-budget hearings across the country each fall, gathering submissions and testimony from individuals and stakeholder groups. These submissions and the committee's report are closely monitored by the Government. More information on the submissions and House of Commons Standing Committee on Finance report can be found at http://cmte.parl.gc.ca/Content/HOC/committee/392/fina/reports/rp3253372/finarp03/finarp03-e.pdf)

The knowledge gained from extensive and multifaceted consultations by the minister, officials and the finance committee plays an essential role in informing the government's understanding of the concerns and perspectives of stakeholders, as well as the impact of proposed policy initiatives on various segments of the population.

The budget presented to the House of Commons on February 26, 2008 and the ensuing legislative process mark the culmination of extensive deliberations and consultations on many fronts. In this regard, the policy directions and specific measures articulated in budget 2008 represent the government's response to the many groups and individuals consulted.

* * *

[*English*]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, if Question No. 214 could be made an order for return, this return would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 214—**Mr. Scott Simms**:

> With regard to the Atlantic Canada Opportunities Agency, what was the funding amount allocated, granted, contributed or loaned to each recipient through all of its various programs in each federal electoral district within the province of Newfoundland and Labrador, in each of the years 2003 to 2007, inclusive?

(Return tabled)

[*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*]

JUDGES ACT

The House resumed consideration of the motion that Bill C-31, An Act to amend the Judges Act, be read the third time and passed.

The Speaker: When the House broke for question period and statements by members, the hon. member for Yukon had the floor on questions and comments. It is his chance to respond to a comment that was made before, and I will recognize the hon. member for Yukon for his response.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I was responding to a question by the Conservatives about not holding up Parliament.

As members know, Elections Canada is looking into the actions of a number of Conservative members regarding illegally transferred funds. The Conservative members have stonewalled the committee that wants to look at this matter, and have tied up hundreds of thousands of Canadian taxpayers' dollars by carrying on and babbling about that.

Another good example is the Cadman affair. There was an indication that there may have been an offer made to a member of Parliament to vote a certain way, which of course is a criminal offence and is totally illegal. Once again the Conservative members of Parliament have made it impossible for Parliament to debate that matter. The committee chair ran out, totally breaking the rules of Parliament, which are that one must call the vote on a challenge to the chair.

Another example is holding up many justice bills for months before bringing them before Parliament for debate.

Part of the problem of getting things done in Parliament is the process used to develop bills. A witness told me when the justice committee was in Toronto that the normal process in developing bills was that experts would work on them for years, would make recommendations to the government, and vast consultations to deal with all the problems would be done, but that was not being done with those justice bills.

As a result, we have all sorts of witnesses to give all sorts of reasons as to why a bill is either totally wrong or requires all sorts of amendments to be fixed. A perfect example of that is related to the aboriginal human rights bill, which is only a dozen words long. It is written so badly and there was such poor consultation, it took the government over a year to get it partly through the process.

The Conservatives have now withdrawn the bill because they cannot get it through at all. Everyone in Parliament wants it and it could be done very simply. The government should have simply consulted and put in the five or six items that aboriginal people across Canada mentioned were needed in those consultations.

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, less than two months ago the Liberal critic for democratic reform said, "So far, on the justice end of it, they look like pretty good appointments and I am glad they"—meaning the Conservative government—"are filling the vacancies".

We saw the odd spectacle of the member for Yukon speaking to Bill C-31 on judges saying that he wanted unanimous consent from all parties to pass the bill, then his own Liberal colleagues denied him that consent.

I put the question to the member for Yukon, what is going on over there?

We have seen the delay that has taken place in the justice committee. Thankfully we have already passed Bill C-2, the Tackling Violent Crime Act, but there are other bills that need to pass to address crime and victims of crime.

Now a bill that we all support is being delayed in this House. What is going on over there?

● (1515)

Hon. Larry Bagnell: Mr. Speaker, the member made the same mistake the previous Conservative member made. I just explained that for months and months the Conservative Party has held up Parliament. It has delayed bills and stymied committees so that Parliament does not work, and he is asking why a few members here do not speak to a bill.

The member is right that this bill is universally accepted. What is not universally accepted is the terrible treatment of judges by the government. Every member of this House has a right to speak about that.

Once the Conservatives came in, they reduced the judges' pay when Parliament had already approved it. They removed their tools and the range of sentences they could give. The committee that appoints judges was changed so that the minister could have a majority of people on that committee, which totally destroyed the sense that there was any division between the judiciary and the executive branch of government. People were so upset that the chief justices of the Supreme Court had to intervene and condemn the government.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the members of the justice committee had an opportunity to hear from the department on Bill C-31. One of the issues that came up during debate was the necessity of having additional salaries for up to 20 judges. The case was made province by province, it was an existing situation, and there was concern that the growth of population and the other key factors indicated there was going to be even further demands for additional judges.

The question for the hon. member is whether or not the Department of Justice officials, the Minister of Justice, or whoever presented to the justice committee were able to explain why it took two years before they tabled this one clause bill in the House for debate. Have they indicated whether or not there is any mechanism established to more carefully monitor the demands of the system and as more judges are needed they are identified and put in place on a timely basis so that we have an effective operation of our court systems?

Hon. Larry Bagnell: Mr. Speaker, the member made an excellent point, that it took two years just to get these 20 judges. As I mentioned, there are 31 vacancies in the system already which the government could have dealt with, more judges than this entire bill would allow. If the government was so worried, as the last two questioners suggested, about getting this bill through this afternoon, over the last two years it could have appointed judges and filled those 31 vacancies. As the member very wisely pointed out, the government could have come up with a system of evaluating things in the future so this problem does not occur again. This is particularly cogent for the present government that has so many justice bills that could have such a big effect on the justice system.

We asked in committee and in the House what analysis was done on the expenses that this would require in the penal system and the prison system and the costs of all these bills. If they are going to be implemented, there are also ramifications. We were always told there was no analysis available for us, that it looked at this and there was very little put in the estimates for the increased cost of doing this. That is when the provinces had to finally push the government.

In the provinces of Ontario and Quebec, especially family law and youth justice cases were getting way behind. It is very important that custody cases involving small children and babies not be held up. One case in New Brunswick was held up for eight months. Another problem related to appointing judges was that some bilingual judges retired and unilingual judges were appointed in New Brunswick and they could not be helpful in all the cases.

There was a big problem in Nunavut. It is very difficult to get to a number of the ridings. Six of the judges are for specific claims, which of course everyone agrees is a problem that needs to be solved. This is a good move by the government. There are a lot of questions about those things. There are so many claims, how are they going to be resolved with only six full time equivalents. I think there are 18 judges involved. What are the qualifications of these judges? Aboriginal people are raising questions in committee about the qualifications of the judges. Do aboriginal people have a say in appointing judges? In disputes between the Canadian government and the first nations government, will there be a neutral person?

What to me is most upsetting about this or what at least needs to be debated in more detail is that there is no level of appeal. There is only one other instance in Canadian jurisprudence and administrative law where there if no appeal that I am aware of, and that is related to refugee allocation. In the entire court system there are mechanisms for appeal.

In this particular case if people think there is no appeal, they have had no say in appointing the judges, they have had no sense of their qualifications, then they are going to be wary about bringing forward their specific claims, leaving a whole list of problems that we all want to get solved as quickly as possible.

● (1520)

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I am pleased to have the opportunity to speak to this very important bill. Bill C-31 would help correct some of the problems in the judicial system.

We do not have the judges that we need in place, and I find that many of us are certainly interested in seeing this legislation go forward, but in response to the issue about us speaking to what we support, I think that is part of our job. Many of us knew that Bill C-31 was going to be coming up today for debate and we took some time over the weekend to prepare our notes. Frankly, once we had done that work, we wanted to be on record as indicating our support or opposition to it. We are clearly not using delaying tactics. We are not interested in delaying anything.

I am pleased to be able to speak to Bill C-31. I have been listening very carefully to the remarks from my colleagues on all sides of the House and I will continue the debate.

Bill C-31, An Act to amend the Judges Act, would amend the Judges Act to authorize the appointment of 20 new judges to provincial and territorial superior trial courts. It is unfortunate that the bill does not allow for appointments for the remaining 31 vacancies that need to be moved forward. I can understand the delay, but at the same time, this is only a one page bill, and it would have been better to look at all the vacancies that currently exist to avoid further delays.

The Liberal Party of course supports the effort to appoint additional judges to deal with increasing backlogs in the superior court system, something that we cannot allow to continue for much longer, but the bill does nothing to address some of the concerns that we have raised in the past regarding the minority Conservative government's attack on judicial independence, something that I believe is the pride and joy of Canada. It is something that we are very proud of and it is something that all of us in the House must work for to make sure that it is treasured and is not interfered with.

My colleagues will remember that in February 2006 the minority Conservative government announced that for the very first time in Canadian history the next judicial appointee to the Supreme Court of Canada would be questioned at a public parliamentary hearing. The Liberal government established a four stage consultative approach and process for Supreme Court nominees, which the Conservatives have largely adopted, recognizing the strength and the values that were in that process. The critical difference is that the Conservatives have instituted public hearings for the nominee, something that is not always welcomed by some of them.

As Liberals, we are concerned about this public hearing process. It could become politicized and impinge on the dignity of the Supreme Court, an extremely important institution. We must make sure that the very best people serve on the Supreme Court. It should have nothing to do with politics. Appointments should be based completely on their qualifications and their ability to hear cases, rationalize them and make decisions that reflect all of Canada.

The Supreme Court is an independent judicial body. Judges need to be selected based on the overriding principle of merit, not on the political leanings of the government of the day. I will stand by that principle no matter which party is in power. When the Liberals return to power, I expect that we will follow the same process of ensuring that appointments of judges to the Supreme Court are done on merit, on their balanced opinions and on their ability to listen to the issues and make a decision that reflects all of Canada.

Although the Prime Minister claimed that he does not want to over-politicize the appointments process, in the same breath he expressed a specific preference for judges who will take a literalist interpretation of the Constitution. That is typical double-talk, or double-speak, as it is referred to, which does not stand up well when we are talking about appointments to the Supreme Court of Canada. This is the same Conservative government that stacked the judicial advisory councils to ensure that the justice minister's chosen representatives have a majority voice on every provincial judicial advisory board.

● (1525)

This is also the same government that has gone out of its way to make a large number of patronage appointments to Canada's judiciary, including the Prime Minister's former campaign manager in New Brunswick, a former president of the Conservative Party in Quebec, and last, the party's former chief money raiser in Alberta, who I would like to think had all of the qualifications and would bring a very positive approach to the Supreme Court. Clearly, however, when we read about his background this was done much more on a political basis than on the basis of who would best represent Canadians in the Supreme Court.

Even the Chief Justice of the Supreme Court, Beverley McLachlin, highly respected throughout Canada by all Canadians, has had reason to criticize the government for its attacks on judicial independence, but perhaps this is why the Conservative member for Saskatoon—Wanuskewin attacked the integrity of the Canadian justice system and accused the Chief Justice of the Supreme Court of saying that judges take on these "god-like powers". That is quite a comment and is very reflective of the thinking of that individual member.

Those statements of that member were an insult to Canada's judges, our judicial system and the country as a whole. The Conservatives need to be concerned about all of these comments and I would hope that they would keep them under due consideration as the appointment processes come forward for the other 31 judges, which no doubt will have to come forward in the very near future.

However, come to think of it, the Conservatives need to be ashamed of the disgraceful comments made by a variety of their members, but let me go back to working to strengthen our judicial system, which is what we are talking about today, and the need for those judges to be appointed and the need to be assured by the government that those individuals are meeting the test of integrity, knowledge and balance as they go forward.

Despite promises to reform the process for judicial appointments, the Conservative government has only lowered the quality standards that had been put in place previously. Also, the Conservatives have changed the membership of the provincial judicial selection committees in order to facilitate the appointment of their own party supporters to fill vacancies across Canada. There is no doubt that they are recruiting them there rather than advertising and recruiting them through the legal system and so on, which has been done previously and has always worked very well for Canada.

As of January 2008, there are currently 31 judicial vacancies that the Minister of Justice and Attorney General of Canada is responsible for filling. That is a lot of vacancies to be sitting there when clearly we know that there have been cases thrown out across the country because of delays in the justice system. It is important to get judges in place who have the knowledge needed to deal with these important issues.

British Columbia currently has the highest number of vacancies, with 10 vacancies between the provincial court of appeal and the provincial supreme court. We all know about the issues in British Columbia, such as the issues of land claims and a variety of other issues that it is very important to deal with. There is just no way that it will be possible if we do not have judges in place who have the language and cultural understanding required, especially when they get into some of the aboriginal issues and the issues in and around the land claims file. They are very important in these communities. People need to feel that they are being heard and getting proper hearings from the various judges. Hence, we go back to the issue of the quality and qualifications of the various individuals who are appointed as judges.

The specific claims tribunal will have the authority to make binding decisions where specific claims brought forward by first nations are rejected for negotiation or where negotiations fail. This is an extremely important tribunal. Those who sit on that tribunal need to be able to understand the issues and the cultural background of various individuals and they need to be able to make proper decisions.

● (1530)

Various speakers in the House today have commented that people will not go forward on their land claims if they are not confident that the people listening, hearing the case and judging have the qualifications and the understanding of their particular issues.

Based on the federal government's analysis of the specific claims workload, which is quite tremendous and has accumulated while we have been waiting for judges to be appointed, it has been estimated that the new tribunal will require the equivalent of six full time judges to manage the claims they have in front of them. Each and every one of these claims is not something that can be decided in several days. It takes a huge amount of work and investigation by these judges. Therefore, six full time judges are needed just in this area to deal with the specific claims tribunal, which will be their own challenge to manage and go forward with.

These claims are also dispersed all across the country, with the greatest number, as I said, in British Columbia and with some of the most complex cases originating in Ontario and Quebec. It is anticipated that six new judges will be appointed to the superior courts of these provinces in proportion to their respective share of the specific claims caseload.

Again, though, I will go back to the fact that the bill is addressing only 20 of the many openings that are still there, waiting, in need of qualified judges to hear these claims and to render a decision on them. There are also the resources that are needed. This is also about the money required in regard to these appointments, required by the federal government as well as its provincial partners, which also have to assist in this issue.

It is intended that this infusion of new judicial resources will allow a number of the superior courts to free up their experienced judges so that they may be appointed to a specific claims tribunal roster. It would be very helpful if these 20 could get brought on very quickly in order to move this forward and see if they can offer some additional help. The roster will consist of up to 18 judges who will be appointed as tribunal members by the governor in council on the recommendation of the Minister of Justice.

As for passing this bill in the next few days and getting it through to the Senate for verification, this is still going to take some time. Then we have to go forward on the recommendations and governor in council appointments, which will take quite a bit more time, so it is not as if this is going to be up and running next week. We are quite probably talking about this being up and running by next year.

Again, it just shows the length of time that is required to get these kinds of bills through. This is why it is unfortunate that this bill is representing only 20 while leaving another 31 vacancies on what is a very important operation of the government in order to have justice move forward. These judges likely would be assigned on a part time basis to specific claims matters by the tribunal chair in consultation with the chief justices of the affected courts.

This is all very important. Our brave police cannot fight crime on their own. When convicting criminals, we need enough judges and enough people there to be able to hear these important cases. It takes the community, the police and judges to have an effective judicial system working in Canada.

The average length of a court case has increased from less than five months to more than seven months, putting an increased burden on the administration of justice. Again, justice delayed is justice denied.

Yet under the Conservative government our courts are staggered by dozens of judicial vacancies that have gone on for far too long. The Conservatives inherited a list of highly qualified individuals for judicial appointment. It was not a partisan list but a list of very qualified Canadians who had put forth their names, had gone through a very extensive screening process and were ready to assume their positions as judges.These individuals also had to pass a test of experience. The only test that they do not pass is the test of ideology imposed by the current government.

● (1535)

The Conservatives set out on a divisive republican-style campaign to stack the bench. The Law Society of Upper Canada is sounding the alarm. This is not coming from the politics of the Liberal Party or any other party. This is clearly coming from the Law Society of Upper Canada, a highly respected body that is on a continuous mission to fight on behalf of all Canadians.

The Law Society said quite clearly, when they sounded the alarm, that ideological or political considerations from anybody in any party in the House of Commons is unacceptable and should play no part in the judicial appointment process. Yet, the government continues to insist on the ideological litmus test. As a result, appointments are going unfilled. The backlog of cases continues to grow and criminals are not being convicted fast enough.

Our charter of rights guarantees us a right to a fair trial in a reasonable period of time. Not appointing judges undermines that right and could lead to even fewer convictions. For the safety of our communities, this must stop.

I think we are all well aware of several cases that have been thrown out. I refer, in particular, to my city of Toronto where the cases of people who were charged with everything from gun fights, to drug crimes and drug pedaling were thrown out of court because we did not have enough judges and those court cases were delayed. Clearly, that is an injustice to the communities that we all represent and to the families that are there.

We all know that the minority Conservative government is more interested in making headlines than taking concrete action to fight crime.

The Liberal Party is committed, has always been, and will continue to be committed to protecting our homes and our rights. We will pursue the right set of policies to fight crime for every person, for every family, and for every community of this great country that we have the privilege of representing.

We need to adopt a comprehensive and effective approach that deals with every aspect of fighting crime: preventing it, catching the criminals, and convicting the criminals through competent and quick administration. That is why we have committed to appoint more judges and are supporting Bill C-31.

In putting more police officers on the street, more prosecutors in the courts, protecting the most vulnerable, including children and seniors, and giving our youth more opportunities to succeed, it is a balance. There always has to be a balanced approach in dealing with this issue. All of the pieces of the puzzle have to be in place in order to ensure that continues.

The Liberals are going to support this legislation so that we can move forward and amend the Judges Act to authorize the appointment of the 20 new judges for provincial and territorial superior courts.

I am calling on the Conservative government to let the courts do their job and start appointing highly qualified judges free from ideological interference. This is an extremely important part of our judicial system. All individuals who go before a judge need to know they have had their effective day in court and that they will get a competent judge who will be rendering a deciding.

I would tell government members that I sincerely hope all the judges who get appointed from the passage of this bill will ensure they are there to represent Canada first and party politics will stay out of it, no matter what party is in power. When we get partisan politics going on in a judicial system I do not think we do justice for Canada or Canadians.

I am happy to support Bill C-31. I thank the House for the opportunity to keep the debate going and that I had a chance to deliver the comments I had worked on over the weekend. I look forward to the passage of Bill C-31.

● (1540)

Hon. Jim Abbott (Parliamentary Secretary for Canadian Heritage, CPC): Mr. Speaker, in the spirit of the speech that my friend just made where she said she did not want party politics to be part of this debate, I respect the fact that she did some work on her speech over the weekend and wanted to have an opportunity to express herself, but I am asking, could she possibly tell us if there is some reason why we keep having speakers from the Liberal Party?

She has already indicated, and we understand, that the Liberals are going to be voting in favour of this legislation. Combined with the government, it means that the legislation will pass. Hopefully, we will have the cooperation and the vote of the Bloc and NDP as well.

We should be getting on with business. Why do we not just move forward?

We are in agreement with the differences. Although I respectfully have a significant difference of opinion with her on what she was saying, nonetheless we are in favour of this in principle. My question to the member is, can we move forward please?

Hon. Judy Sgro: Mr. Speaker, as I spent the weekend writing up my comments that I wanted to deliver today, I would expect there are others in the House who did the same thing. It certainly is not up to me to deny them the opportunity to get their comments on record on these issues.

Just because we agree, there are always points we all want to make about areas where we feel the government can do a better job and areas of concern when it comes to the politicization of the whole judicial process. These are issues that all of us care about, regardless of what riding or what part of the country we come from. It is important and we want to make our points on these issues, as I am sure many of the members of the government would do.

I am not sure how many members from my party still want to speak this afternoon, but I certainly would not want to take away their opportunity to state their points of view.

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, with respect to the member opposite, I believe all the parties in the House, except the Liberal Party, are done. Speaking to this, I understand there was an agreement that one speaker would be put up by the opposition. In fact, one of the members of the Liberal Party attempted to put forward a motion that this bill now pass in the House. However, members of the Liberal Party objected to that motion by their own member.

I wonder if we could have a clear answer on why the Liberals are filibustering this issue. Is it because Bill S-3 is coming up later on in the House and there is an attempt to delay debate on that?

Hon. Judy Sgro: Mr. Speaker, I have not been part of a group or committee that has been involved with filibustering, but I understand that the Conservatives know all about it from what is happening on the other side of the House and in the procedure and House affairs committee. I actually sat in on the procedure and House affairs committee, which is the one that is trying to deal with the in and out issues. That is the only experience I have had with filibustering.

I came today with a prepared 20 minute speech and certainly wanted to deliver it. I know there is one other Liberal speaker who will be standing at some point. I cannot say whether that is the last speaker, but I certainly know that he is more than ready to deliver his comments on Bill C-31.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, it is humorous to hear two Conservatives talk about delaying Parliament for a couple of hours, to debate something as important as judges when they have been holding up committees. They have been filibustering and stonewalling the environment committee on making improvements to cutting greenhouse gases and also the investigation into Conservative members' spending in the last election with charges from Elections Canada.

The Conservative chair of the justice committee has walked out four times illegally at a time when he was required to call a vote. Witnesses have come from across Canada at great expense. It was shut down so we could not discuss the problems the Conservative Party was having. For the Conservatives to have the temerity to even get up and ask questions like that is very humorous.

I have a question regarding the bill. The member talked about the appointment of judges. She mentioned that Liberals are in favour of appointing more judges, which is great for two reasons: the backlog related to family law and the six specific claims judges. The Conservative Party has put us in an ambivalent position because of the perverted procedure for appointing judges. Now we are going to have to vote for a bill to appoint more judges but they are going to be appointed in a perverted procedure.

Changes were made. First, there were three categories in recommending judges. Of course there is a committee process, so there is the separation of judges and the executive. As everyone knows, it is very important to have a perception of separation and so there is this committee. The committee would recommend those who are not approved, those who are recommended, and those who are highly recommended. The minister took away the highly recommended category, which means there are only people who are recommended, so the decision is once again back with the minister, who is trying to distance himself from the procedure.

Second, another member was added to that committee so that the government now has a majority of members. He is getting the appointees recommended and then making the decision himself. I would like the member to comment on that.

● (1545)

Hon. Judy Sgro: Mr. Speaker, whether we are talking about judges for the refugee board or judges for anything else that goes on in Canada, one of the things that I had to do when I was appointed minister of citizenship and immigration was to put in a process that was free of any partisanship completely. There was an extensive screening position that was put together by departmental officials that consisted of three avenues of screening. By the time the actual list got to cabinet for final approval, it had very little to do with "the minister and the political atmosphere". It was meant to be the most qualified people that Canada has to appoint to these important committees to provide the best guidance and judgment.

I still think that was the very best thing that we could be doing as Canadians and as ministers of the Crown to ensure that as little politics play a part in all these appointments. They are far too critical. These appointments are not for two years. These appointments are for years, in and out of many of the different governments here. Whether the Liberals are in power or the Conservatives are in power, we want the very best people making those decisions on behalf of Canadians.

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, I guess it is just a comment to clarify some of the misunderstandings in the House by some of the members opposite.

I wonder if the member is aware that at some of the committees she refers to the motion that was ruled out of order was on the advice of the leading legal counsel for the House of Commons. The majority, through their tyranny of games and whatnot, had ruled the chairman out of order on a perfectly legal ruling and that in fact is the cause of all the trouble at committees right now. Members of the opposition continually rule perfectly rightful rulings by chairs out of order to try to take over the committees.

I wonder if the member knows that to be true. I am sure she does because I know the member is honourable. I would ask if she is aware that the motion that was ruled out of order was actually attempted to be expanded to look into all of the advertising habits of all the parties and that motion was ruled in order, but the members opposite refused to do that. I am not sure the member is aware of that truth. I wonder if she could comment on that.

Hon. Judy Sgro: Mr. Speaker, I attended one of those meetings that was being filibustered. It was just an absolute waste of everybody's time.

However, let me tell members, we were there to discuss something that Elections Canada had pointed out. It was not the Bloc, or the NDP, or the Liberal Party that Elections Canada was talking about. Elections Canada clearly indicated that it had some very significant concerns that the Conservative government had broken the rules through its in and out process, and—

An hon. member: Allegedly.

● (1550)

Hon. Judy Sgro: Allegedly, Mr. Speaker.

This is Elections Canada talking, though. This is not just a politician talking. This is Elections Canada that raised this issue about the in and out scheme and said that it wanted to look into it. It seems to me that it is a pretty legitimate role to look into that, to try to expand it so that it would then begin to look at other people. If the other parties had also been named by Elections Canada, then I would have supported that initiative.

However, in this particular case, Elections Canada said the Conservative government had violated the rules of election spending, and that is what the committee was trying to look at, so why add on other parties when the other parties clearly had not broken the rules?

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I am pleased to speak to Bill C-31, An Act to amend the Judges Act. As others have indicated, the bill would amend the Judges Act to authorize the appointment of 20 new judges for provincial and territorial superior trial courts. As it states in the legislation, it moves the number up to 50 in the case of judges appointed to superior courts in the provinces other than appeal courts.

Our party supports efforts to appoint additional judges and we do that for many reasons. However, the additional appointments are not without some worry on our part, and others have outlined that before me as well. Contrary to what the current Prime Minister promised during the election, he has most often let his ideological bent get the best of him when it comes to making appointments.

I remember the appointments board he was going to have. When Parliament took its rightful position and decided that his favourite appointee did not meet the qualifications for that independent job, the Prime Minister picked up his toys and went home. Therefore, we do not have one of the most important parts of the Federal Accountability Act in place because the Prime Minister's ideological bent got the better of him.

It is the same when the Prime Minister makes appointments, that very often we believe not just are independent, but the appointees are strongly leaning toward the Prime Minister's ideological bent. That is certainly a worry. Now let me—

An hon. member: That's true.

As the member says, that is true and there is no question that is right.

However, what we have to understand in this Parliament the Prime Minister does not have a majority—

Mr. Charlie Angus: Sure he does. We have a coalition government.

Hon. Wayne Easter: He in fact has a minority and the difference between this minority Parliament and Lester Pearson's minority Parliament was when he was prime minister, he realized he did not have a majority and he went about working with the other parties to bring in something that the majority could accept. That is why we had so much progressive legislation from Prime Minister Pearson, in those—

Mr. Charlie Angus: We just have to tell you.

The Acting Speaker (Mr. Andrew Scheer): Order, please. Just because some members are sitting at the other end of the chamber does not mean the Speaker cannot hear them when they interrupt the hon. member for Malpeque. If members could let him finish off and if anyone else has a question or a comment, they can do so after.

Hon. Wayne Easter: The heckling from the other side, Mr. Speaker, was because they really did not want me to explain how a minority government should operate and how in Lester Pearson's time everything was not a confidence motion. By working together to get things done, we passed so much progressive legislation by the former Liberal prime minister, whether it was the Canada pension plan, medicare, employment insurance and so on. It showed what could be done in a minority Parliament and Prime Minister Pearson showed us the way. It is too bad the present Prime Minister would not work cooperatively with the other parties. As my colleague said earlier, the government itself is even filibustering so many committees.

However, I am getting off my topic. The government members on the other side derailed my line of thought, and that is not necessarily a good thing. However, it is a good thing to explain how well Prime Minister Pearson governed and did so many positive things as compared to the current Prime Minister when it is either his way or the highway.

I will get back to Bill C-31. I will use several examples of our worries about the bill. My colleague from York West mentioned some of them, but they are important enough to mention again.

The bill does nothing to address the concerns our party has raised in the past regarding Conservative government attacks on judicial independence. My colleague from York West used an example and I will use another one. The attacks on the judiciary by some ideologically driven folks on the other side even had the Chief Justice feeling that she had reason to criticize the government for its attacks on judicial independence. That should not happen.

First, we have a judicial system in our country because of the good appointments in the past. Because of that strong independence, it is seen as one of the best judicial systems in the world. It is a system that really has not allowed a great deal of politics to enter into it to date. I know there are some efforts on the other side to do that, but we would hope that independence remains.

The second worry is the same Conservative government stacked the judicial advisory councils to ensure the justice minister's chosen representatives would have a majority voice on every provincial judiciary advisory board. When it comes to stacking judiciary advisory councils, then that is leading the appointment process to get those in place. Maybe they are qualified, but maybe they lean in a certain political direction, and that has us worried as well.

Third, this is also the same government that has gone out of its way to make a large number of patronage appointments to Canada's judiciary, including the Prime Minister's former campaign manager in New Brunswick, a former president of the Conservative Party in Quebec and the party's former chief money raiser in Alberta. We sometimes call them bagmen, but in any event he was the chief money raiser in Alberta. It is funny he happened to end up appointed.

Therefore, we do have some worries.

However, I want to come back to the point that in general we have, even with these new appointments, a judicial process that is second to none in the world in terms of qualified people. It is a process that is independent of the political process and the executive branch of government as well. Our judicial process is seen around the world as among the best and included in that is the independence of the judiciary. One of the difficulties with our current court system is the cost.

● (1555)

I remember when I used to be involved in the farm movement and a friend of mine in the United States said of its justice system, “justice is justice, but it is just U.S.”. Only those with the economic ability to pay and political power, “just U.S.” meant them getting fairness under the system.

The previous government put in place the court challenges program, which provided federal government funding to organizations and groups, such as the Status of Women, so they could challenge decisions through the court system and get independent rulings and effective legislation on them. Therefore, those without economic power could get some justice in the system.

The leader of the Liberal Party spoke for a considerable time the other evening on a private member's bill to reintroduce the court challenges program to allow people without economic power to challenge the system. Members opposite were part and parcel of the Conservative government's cancellation of the court challenges program, and that was seen as disgraceful around the world. Many around the world looked at our court challenges program as a model to be emulated elsewhere and Canada was recognized in good stead around the world for it.

I hope those members have now seen the error of their ways, so to speak, and will look at the private member's bill of our leader to bring the court challenges program back. Even with the additional appointments, which are so important, it would make our court system work better and be fairer to all.

Although I agree with increasing the number of judges, as I said earlier, there are other points about which I am worried.

One of the benefits of our system is that if the Prime Minister does not like somebody in the system, he cannot up and fire that individual. We must retain that benefit. We have seen other areas where that has happened. Independent authorities have had highly qualified people fired because the Prime Minister wanted to silence their criticism.

The Conservative government is driven by ideology. I will give the House some examples of critics who have been silenced and fired because they did not allay themselves with the government's policy.

One example would be Adrian Measner, who was the CEO of the Canadian Wheat Board. The government fired Linda Keen, an independent authority in terms of nuclear regulations, who did not agree with the government. The government did it to Kingsley, Shapiro and Reid. Even through the appointments process to the board of directors of the Canadian Wheat Board, the government managed to do it to a lower level employee, Deanna Allen.

Mr. Gary Goodyear: Nonsense.

Hon. Wayne Easter: The member opposite says “nonsense”, Mr. Speaker. The fact is the firings have happened.

● (1600)

Thank goodness we have the independence of the judiciary and the protection in the judiciary because if they were to ever make a wrong decision, the Prime Minister, by his record, has shown that they probably would be up for firing. There are many examples in that regard.

I would like to give another example that is actually close to my heart in terms of the importance of the judiciary. Adding new judges is important because it will give the judiciary time to make quicker decisions. The example that is used is how the government has tried to get around the law by doing certain things against the law, which has been stopped by the courts. Members opposite should be getting reasonably familiar with the example I will use, which is the whole attempt by the Government of Canada, based on the Prime Minister's ideological position against the Canadian Wheat Board, to make changes to it that really were in violation of the laws of the land.

● (1605)

Hon. Jim Abbott: Mr. Speaker, I rise on a point of order, I am calling for relevance. It seems to me that if our friends are going to filibuster the least they could do would be to stay on topic. He may be familiar with the Wheat Board because that is his one song that he sings constantly in the House, but surely to goodness he has enough information on this topic to conduct an intelligent filibuster rather than just drifting off into any old topic that he wants.

The Acting Speaker (Mr. Andrew Scheer): I would remind the hon. for Malpeque that we are on third reading of Bill C-31, so if he could come back to the point of the main tenets of the bill, the House would appreciate that.

Hon. Wayne Easter: Mr. Speaker, I beg to differ. My point is all about the independence of the judiciary when adding new judges to the court so that decisions can be made.

The point I wanted to make by example is the fact that when the government tried to break the law, and I can give the judge's name and decision, it is the court that stood up to the ideological drive of the Prime Minister and stopped him down in his tracks. We want to appoint new judges so that there are more of them to take on the government when it tries to get around the laws, as it tried to do in that case.

Just so it is clear on the record, I must point out that in this case, on July 31, it was the last process that Canadian citizens could utilize to stop the government in its tracks and they did. This is the power of the courts and why they need to be entirely independent. I said earlier that there was a need for that independence. Adding more judges to the court and having that independence would certainly be important.

Just so everyone knows it is a fact, I will read Judge Dolores Hansen's ruling against the Government of Canada, which shows how important that independence is. In her conclusion, she stated:

> For the above reasons, I conclude that the new Regulation is ultra vires and of no force and effect.

That was her judgment against the Government of Canada. It shows the need for the system and the importance for it to be adequately resourced in terms of individuals.

What makes that decision more scary is that we know, in terms of our political process and Parliament, that the top individual is the leader of the governing party, the Prime Minister. He has the power of the Prime Minister's Office and all those things, so he is very important and there needs to be a vehicle that has the authority and the independence to stand up to that individual.

In fact, within two days of that ruling, the current Prime Minister said that one way or the other the government would get to what it called barley marketing freedom or choice, which is a little spin on the words. What it is really doing is taking away the choice of farmers for collective marketing.

The members opposite can complain if they like but I make all those points because people need to understand that the independence of the judiciary and having it adequately resourced is what is very important as we go down this road.

I want to make a couple of more points on this bill. There needs to be adequate resources. This is moving us ahead somewhat toward getting more human resources to do the job. There are a lot of courts to cover here and a lot of decisions to be made. There are civil cases, criminal cases and family law cases.

I know that the current government is in favour of bilingual judges. I would remind the government that it is extremely important as we go down this road, in terms of the human resources to meet the qualifications of Bill C-31, that there be adequate consideration given to bilingual judges to cover off the courts that need them to do their job.

● (1610)

Our party does support the bill. We believe the amendment to the Judges Act authorizing the appointments of 20 new judges, bringing the total up to 50, is a good move forward.

As I said in my remarks, it certainly is not without some worries, and I have outlined them. A lot of those worries were expressed in the words of the Prime Minister after Judge Hansen made the decision to go against the government. She challenged the government and said that its laws were ultra vires and the Prime Minister reacted immediately.

In fact, the Prime Minister and his Minister of Agriculture went to the appeals court and they were turned down there as well. As members opposite know, they brought a law into this Parliament to find a way around the court's decision. It shows the kind of sneaky business that the government may be up to. If it does not get its way one way, it will certainly try it another.

With those few remarks, I will conclude by saying that we are in support of the legislation but I have outlined my concerns.

Hon. Jim Abbott (Parliamentary Secretary for Canadian Heritage, CPC): Mr. Speaker, I must say that this has been a very humorous afternoon, particularly because the member has been talking about the fact that he does not understand a party that would actually have principle. I can understand that. The Conservatives come to these and many other issues, be they criminal justice, economic reform, things to do with satellites or whatever the issues are, with principles. Of course he would not understand, being a Liberal, because he does not have any principles as it would relate to this issue.

Hon. Judy Sgro: Mr. Speaker, I rise on a point of order. The issue was raised earlier about us sticking to the principles of what we are talking about, so let us stay away from the partisan attacks and stay focused on the issue of Bill C-31.

The Acting Speaker (Mr. Andrew Scheer): Implying that another hon. member does not have principles may in fact be unparliamentary so I might ask the hon. parliamentary secretary to withdraw those remarks and continue on with his question.

Hon. Jim Abbott: Mr. Speaker, out of respect to you and this House, I withdraw those remarks. Unfortunately, I did go over the top.

I must admit, though, that I am somewhat frustrated when we have a bill here that everybody seems to be in agreement with, and the Liberals, for some reason, are doing nothing but filibustering. I find it deeply regrettable because we could be getting on with other House business.

They will go out in front of the House here with Don Newman or Mike Duffy and get on these panels and say that nothing is happening in the House. Of course nothing is happening in the House because the Liberals are filibustering a bill that they happen to agree with.

I wonder if the member could possibly explain that to us. It just seems completely illogical.

Hon. Wayne Easter: Mr. Speaker, my golly, was the member not listening to my remarks?

I outlined for him that we supported the bill but that we had several worries about the bill. I outlined for the member opposite the things that the Prime Minister said he would do in terms of the appointment process so that there would be absolute independence of the appointments of the judiciary. If the member had been listening, he would understand that we would be concerned about that.

Our remarks are now on the record and we would hope that the Minister of Justice and others on the other side would look at those remarks, take them seriously and maybe start to mend their ways and do what they claim they do.

I accept that the member went a little over the top. That is not unusual in this place. It is a place where emotions run high. However, I do want to make a point on principles because this party is principled.

I will come back to the example of the Canadian Wheat Board that I used. There we have ideology. The Prime Minister claims that he wants to give people choice in marketing when, in effect, what he is really doing is taking away the farmers' right to collective choice, which is where ideology is overruling principles on that side of the House.

Let us be clear. We are the party of medicare, the party of the Canada pension plan and the party of principle in terms of trying to ensure there are economic and social programs for people who really matter in this country. We are not just ideological. We are principled and we will stand by our principles when we get into the next election and do the best that we can for Canadians against what I claim is a very right wing agenda on the other side of the House.

● (1615)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I have three questions, but I will ask one at a time to give other people a chance.

It is humorous this afternoon that there has been criticism after criticism of the government on aspects of the judiciary and possible corrections needed to the bill and there has not been any defence of it. The government members just say to get on with it and leave the flaws there. They are not defending themselves, which is very bizarre.

One of the defences for their stonewalling and filibustering was that they felt a decision made by a committee chair was accurate. I want the member to comment on correct procedures. Is it not true that according to the Standing Orders committee chairs get to rule—

Hon. Jim Abbott: How is that relevant?

Hon. Larry Bagnell: It was a Conservative member that brought it up, so the member should ask him about relevance.

A committee chair can rule on issues but the chair can be challenged. At that time the chair must call the vote right away. Is that not the procedures of the House of Commons, in particular the procedure that the Conservative chair of the justice committee has broken four times in a row?

The Acting Speaker (Mr. Andrew Scheer): I wonder if the hon. member for Malpeque could answer that question by relating it back to Bill C-31.

Hon. Wayne Easter: Mr. Speaker, the member for Yukon is absolutely correct. Committees as we well know in the House are masters of their own destiny. Regardless of what some of the members opposite said about filibustering in the House, that is not the case. We are trying to give examples of our worries about the bill. There are legitimate examples to substantiate our worries of how the government in power today sometimes goes beyond what we would expect a government in a democratic society would do and in terms of the traditions of our judiciary as they have been in the past.

Hon. Larry Bagnell: Mr. Speaker, a number of members opposite have suggested that they would like to move quickly on the bill. They could have certainly helped by answering the question that we asked through the development of the bill. If we are going to appoint these 20 new judges, what is the distribution plan regionally? There are many regional requirements by the provinces and territories, in particular six of them. We asked a long time ago what the plan was for distributing these judges.

I do not know if the member has heard of a plan or not, but perhaps the members opposite could provide us with a plan and it would not slow the bill's progress.

● (1620)

Hon. Wayne Easter: Mr. Speaker, one of the difficulties around this place is having the time to get to every committee. I was not on the justice committee, although I paid attention to what happened during the debate.

As I understand it at the moment there is a grave need for additional superior court judges in Ontario, Quebec, Newfoundland and Labrador, Nova Scotia, New Brunswick and Nunavut. They are experiencing growing backlogs. Nunavut faces severe challenges in providing access to justice for its aboriginal communities.

In fairness and to the credit of the government on this one, by moving ahead with the additional judges, it does give the opportunity to be heard in a fair and impartial court.

We all know in this place that if one does not have access to justice, in effect it is justice denied. It is important to have the human resources to have timely trials and timely decision making in order to have fairness under the law.

The accused is supposed to be innocent until proven guilty, but once a charge is laid, it certainly is a black mark against the individual. It is important to have the human resources, the financing of the courts to get rid of the backlogs so that the system can work in a timely fashion to ensure that justice is not just perceived to be done, but is actually done.

[*Translation*]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, I am honoured to rise in the House today to speak to Bill C-31, which aims to increase the number of judges in the provincial and territorial superior trial courts by 20.

Everyone in this House can agree that we do not have enough judges and that this addition would allow the provincial and territorial superior trial courts to serve Canadians better. Indeed, the waiting periods for trials are often so long that one might be inclined to wonder if our justice system is working properly and if it meets the standards of the Canadian Charter of Rights and Freedoms.

We support these efforts to ensure that more judges are appointed in order to clear up the backlog that is accumulating in superior courts. I would like to point out that it was this Conservative government that interfered with the judicial advisory committee to ensure that the representatives chosen by the Minister of Justice would hold the majority of votes for each provincial judicial advisory committee.

We are all familiar with how these advisory committees operate in the provinces. Ideally, we hope that all judicial appointments are carried out in an non-partisan manner. Unfortunately, when the Conservative government insists—and uses its back-door methods to require—that all members of these committees be its chosen representatives, we must question its good faith.

It is also this same Conservative government that went to great lengths to fill the Canadian judicial system with its cronies. This was mentioned earlier, but I was unfortunately not in the House at the time, and I want to make sure that everyone knows about it. I am referring specifically to the Prime Minister's former campaign manager for New Brunswick, the former president of the Conservative Party of Quebec and the former Conservative Party fundraising manager in Alberta. The Honourable Beverly McLachlin, Chief Justice of the Supreme Court, even criticized this government's failure to act on judicial matters.

In recent weeks and months, we have alluded in this House to this government's lack of seriousness in appointing judges in Ontario recently. We are all aware of the importance of bilingualism in Canada's courts of justice, especially in Ontario, where the Conservative government decided to circumvent the rules. In many, if not all, cases, the minority Conservative government appointed judges without making sure they were bilingual. Obviously, I am talking about these judges' ability to understand and speak French. Certainly, the Conservative government never would have dreamed of appointing a judge who did not speak English. They did the opposite in this case, appointing judges who are very comfortable in English but cannot speak French.

I would like to take a little trip down memory lane. As hon. members know, I come from a beautiful town on the south shore of the Ottawa River in eastern Ontario. This town, which is called L'Orignal, is the administrative seat of the county or judicial district of Prescott-Russell.

● (1625)

I learned about the law growing up in this charming village where my father practised law. He was a crown prosecutor for the Government of Ontario for many years in this part of eastern Ontario, where the francophone community has always had a strong presence.

This region was one of the first in Ontario to provide bilingual legal services in court. The proceedings for an accused who was to appear in court could be conducted in French. My father was a francophone by birth and the Ontario government had appointed judges who were francophones and who, naturally, had a good command of English. I remember that, at the time, there was Judge Joffre Archambault and then Judge Louis Cécile. The courts could function equally well in French or English.

As a result of several recent appointments by the Conservative government, unfortunately, individuals who are accused or who must use the services of the court in various districts in Ontario will not necessarily be able to seek justice in their language, that is, in French. It is a sign of bad faith on the part of this minority government with respect to our judicial system.

I would remind you that the Conservative government is claiming to table this bill to help clear the backlog in the provincial and territorial courts and to appoint additional judges to independent tribunals that are being set up to deal with the first nations specific land claims.

This bill seeks to amend subsection 24(3)(*b*) of the Judges Act to authorize the appointment of 20 additional judges to superior courts in the provinces and territories. In particular, the superior courts in Ontario, Quebec, Newfoundland and Labrador, Nova Scotia, New Brunswick and Nunavut have backlogs and are experiencing ever growing delays. I would like to mention parenthetically that in my riding, Hull—Aylmer, located in the judicial district of Hull, there is definitely a need and the court delays are long.

Nunavut in particular is having a great deal of difficulty in providing access to justice for its aboriginal communities. The provinces lack resources, particularly in relation to family law, because of population growth.

On January 24, 2008—not so long ago—there were 24 judicial vacancies that the Minister of Justice and Attorney General of Canada has the responsibility to fill. British Columbia currently has the largest number of vacancies, 10 in all, in its court of appeal and its supreme court.

The first nations specific claims tribunal has presented specific claims that will meet with a refusal for negotiation, or for which the negotiations will fail. Judging by the caseload for the specific claims, the federal government estimates that the new tribunal will need the equivalent of six full-time judges to manage roughly 40 claims a year. These claims come from across the country, but most started in British Columbia and some of the most complex claims are from Ontario and Quebec.

Six new judges are to be appointed to the superior courts of those provinces, proportional to their respective share of the number of specific claims. New judicial resources are to be assigned in order to allow certain superior courts to free up their experienced judges and appoint them to the specific claims tribunal.

● (1630)

This tribunal could be composed of 18 judges, who will be appointed to the tribunal by the governor in council on the recommendation of the Minister of Justice. The chairperson of the tribunal, in consultation with the chief justices of the jurisdictions involved, will assign these judges, probably part time, to specific claims.

Although we support the efforts to appoint extra judges, I must tell the House—as some of my colleagues have already done—that we regret that the bill does not address in any way matters related to the independence of the judiciary. I deplore this destructive attitude of the Conservative minority government.

[*English*]

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, I listened with interest. I wonder if the hon. member, who has talked about the amendment to the bill, knows, first, when the Judges Act was last amended to reflect Canadian needs.

Second, and more importantly, I listened to the other speakers, who always talked about two or three appointed people who likely were Conservatives, so I suspect they believe that every judge appointed should be a Liberal. There are those connotations. I really wonder, though, if they are saying that, do they really believe that the appointed judges are not qualified people?

[*Translation*]

Mr. Marcel Proulx: Mr. Speaker, I would like to thank my hon. colleague for his question. It seems that he is trying to bring my alleged objection to judges from Conservative circles into the discussion. He is trying to make people believe that I would like judges to come from Liberal circles only. That is not at all how I operate.

On the contrary, it was as essential, as crucial, when we were in power as it is now that the minority Conservative government is in power to appoint the best candidates to the bench, whether they are appointed by the federal government or provincial governments, or whether they are appointed to an administrative role. In my opinion, neither a Liberal government nor a Conservative one should appoint a person to such an important, key position in our democracy without ensuring that the appointee is the most competent candidate with a sense of judgment good enough to do the job.

My colleague is wrong to suggest that I think all appointees should be Liberals. This is about appointing competent people. If my colleague were to be honest with himself and with me, he would admit that, in general, Liberal candidates are less inclined to the right or the extreme right, which leaves room for fairer rulings. However, this is not at all about thinking that appointees should all be one or the other.

● (1635)

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, my colleague from Hull—Aylmer mentioned something important, which is access to justice. Access to justice is something very important for the constituents in our various ridings. Access to justice is certainly related to bilingualism. We ensure that the judges appointed will be able to provide services for Canadians in the language spoken by those Canadians.

The government constantly talks about bilingualism and regularly throws around related words, as though it were the defender and saviour of bilingualism, but that is absolutely not the case. The Conservatives' actions clearly show official language minority communities that the government thinks nothing of those who need services in the language of their choice.

Could my colleague tell us whether this attitude from the Conservative government undermines what we refer to as access to justice? Does being unable to appear before the court in the language of their choice undermine access to justice for official language minority communities, the francophones outside of Quebec, or the anglophones in Quebec?

Mr. Marcel Proulx: Mr. Speaker, I would like to thank my colleague from Madawaska—Restigouche for his very relevant question. My colleague is obviously from New Brunswick, where everyone is also very aware of what it means when a judge cannot allow an accused or someone in the judicial system to address the court in his or her preferred official language.

I spoke earlier about judges who were appointed in Ontario by this minority Conservative government, which failed to show good judgment by making sure that those judges were bilingual—perhaps not all those judges, but a majority of them. It would be entirely inconceivable that a judge appointed by the federal government to the Superior Court of Quebec, for example, could not hear a case in English. However, it is a different matter when we talk about francophones outside Quebec. I do not need to spell it out.

There are francophones throughout New Brunswick and Ontario. The same is true in Manitoba, where there are francophones in the Winnipeg area and elsewhere. There may not be as many in Saskatchewan, but there are still quite a few.

You know the area, Mr. Speaker, and it is certainly useful for you to be able to speak French because you have francophone constituents. Obviously, there are many francophones in Alberta, right up into the northern part of the province.

I had an uncle who had a wonderful name, the same as mine. He was a missionary in northern Alberta, where he seldom spoke English. He spoke French in the diocese north of Edmonton. Members will say that there are fewer francophones in British Columbia, but I went there recently and spoke to people in French.

Obviously, the government is doing the same thing in these provinces. I can tell you what happened to me when I went to the Northwest Territories in 1995 or 1996. I met with people, including a very interesting woman. As we talked, I learned that her mother had been raised in L'Orignal, the beautiful little town in eastern Ontario where I grew up. In short, there are francophones all across the country. It is very important that the government enable these people to use the official language of their choice.

To answer my colleague's question, it is very important that bilingual judges be appointed across Canada so that people everywhere have access to a bilingual legal system. Every time the government gives bilingualism short shrift, it makes a serious mistake. As was reported in this House not long ago, the minority Conservative government has made mistakes in Ontario recently.

● (1640)

[*English*]

The Acting Speaker (Mr. Andrew Scheer): There is one minute left for questions and comments. With a very brief question or comment, the hon. member for York West.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I note for my hon. colleague that the whole issue of bilingual judges is extremely important. I have only a short time for this question, but in respect to the current government looking at the pool of names it would have, is the hon. member confident that there are sufficient names for the committee to be able to review the appointments of judges to ensure that the judges are bilingual?

[*Translation*]

Mr. Marcel Proulx: Mr. Speaker, if I understand correctly, my colleague would like to know whether the government has the means —I am not talking about financial means, but human resources means—to be able to properly evaluate whether a judge is bilingual.

At the beginning of my speech, 15 or 20 minutes ago, I spoke about the advisory councils in the provinces. These councils are made up of representatives from the government, the bar, the province and so on. Obviously these councils have the human resources to ensure that the candidates or the judges appointed are bilingual and that they can continue to offer services in one of this country's official languages, based on the choice of the people involved.

Mr. Speaker, you seem to be impatient about my response. I am finished, and I thank you very much.

[*English*]

Hon. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, I am very pleased to participate in the debate on Bill C-31, An Act to amend the Judges Act.

I have been in this place long enough to know that there are times when bills are presented to the House by the government and the argument is made that it is a housekeeping bill, that there really should be no delay and that it should be passed quickly by the House. In some cases that is true, but it is not always the case. Sometimes we have to dig a little deeper to find out exactly what the piece of legislation purports to do.

I must say when I look at this bill there is a certain logic to it. However, if we put it in the broader context of the Conservative government and how it has approached appointments generally, it does cause one to pause and to reflect somewhat.

I am thinking of a number of things. One of them is the government's initiative to set up a public appointments commission. This was a plank in the 2006 election. The idea, as I understood it, was that the Conservative Party was going to have a non-partisan system of appointments. It was going to set up an arm's length commission and have all the major appointments go through this commission. I am not sure that appointment of judges would go through that particular commission, but the subject is appointments, generally.

The government picked three members for the commission. In fact a very good friend of mine, Roy MacLaren, was asked if he would serve. The government selected Mr. Gwyn Morgan as the chair of the public appointments commission. Mr. Morgan went before a committee of the House of Commons. He was subjected to some questioning. In fact the committee decided in the end that it was not comfortable with Mr. Morgan's appointment as the chairman of the public appointments commission, notwithstanding Mr. Morgan's very strong record in the private sector, in the oil and gas industry, as president and CEO of EnCana. He had said some things that raised the ire of a number of the members of the committee. It was no secret at the time that Mr. Morgan was an active fundraiser for the Conservative Party. His appointment went to the committee. The committee did not like the appointment of Mr. Gwyn Morgan and the committee said no.

That did not need to stop that whole process, if there was some need to have a public appointments commission. If the government could have achieved this laudable objective of having completely non-partisan appointments, something which I think the cynics in town and across Canada would argue and debate, but nonetheless a very laudable objective, if it actually had decided to pursue that, what would have been the problem with the government saying that Mr. Morgan did not make the cut, but there are hundreds, if not thousands, of Canadians who would be qualified to chair such a commission. Instead the Conservatives picked up their toys, ran out of the sandbox and said, “If you are not going to play with our toys, we are not playing with you”. That was the end of the public appointments commission, notwithstanding that this was a party plank of some importance.

Of course the Conservatives use it as an opportunity to blame the committee and blame the Liberals, and say, “We are getting the job done”. I am so tired of that expression. They have been in power now for over two years, but we do not get a decent answer in question period; it is always about the 13 years the Liberals were in power, blah, blah, blah.

In any case, they could have proceeded with the public appointments commission and demonstrated that they wanted a non-partisan process for appointments and picked someone else, notwithstanding Mr. Gwyn Morgan's career and his very good qualifications in the sense of the private sector, someone who was not perhaps so actively involved in a partisan way. But no, they did not. They picked up their toys and off they went and said, “It is those old Liberals again. They are obstructionist”.

● (1645)

I begin to wonder when I look at the bill before us today what is really behind an act to amend the Judges Act and the appointments. Not many people in the House would argue that we have a backlog in appointment of judges, but we also have a backlog in immigration. Many people should be appointed to the Immigration and Refugee Board. In fact, I was told by one of my colleagues that there are something like 30 vacancies outstanding, perhaps more. These are the people who adjudicate on refugee claims and they get involved with appeals and a whole range of other issues. What is stopping the Conservative government from appointing these Immigration and Refugee Board judges?

When I look at the bill before us I wonder what really is going on behind this seemingly innocuous bill to amend the Judges Act. We know we have backlogs in immigration. In fact the government, if I might, sneakily put changes to the immigration policy of this country into the budget implementation act, Bill C-50. The government added it in at one of the clauses at the end, almost as an afterthought, but it is not an afterthought. It fundamentally changes the way we deal with immigration policy.

We know there are ways of dealing with backlogs, such as to hire more people and put them into missions abroad. That is what the Liberal government was trying to do. We went to committee and the committee rejected the proposal in the estimates, so there we are. But that is the way to deal with the backlog. The idea that the minister would have complete discretion should raise some hackles, as should Bill C-31 because it raises similar issues.

I would like to talk also about the Senate. When we are talking about appointments, I know there are those opposite and indeed some on this side of the House who would like to see the Senate reformed, but we all know as reasonable people that the Senate will only be reformed through constitutional change.

While Conservative Party members go on and on about how bills are delayed in the Senate and the Senate is obstructing the will of Parliament, the Conservatives have the ability now to appoint, I am not sure exactly how many senators, but they could appoint a stack of Conservative senators. The way the Constitution of this—

● (1650)

Hon. Jim Abbott: Mr. Speaker, on a point of order, perhaps the member needs a lesson on how to filibuster. He has to be talking about Bill C-31. He cannot just mention Bill C-31 and change from filibustering and talk about immigration. Then he says Bill C-31 which makes it all right for him to go into a bit of a diatribe on what he thinks about Senate reform. This has to stop at this point. The member must be relevant on talking about Bill C-31 if he indeed wants to continue this filibuster.

The Acting Speaker (Mr. Andrew Scheer): I thank the parliamentary secretary for raising the point. Perhaps if the member for Etobicoke North could bring his remarks back to the contents of the bill as it is as third reading, he could continue on with his remarks.

Hon. Roy Cullen: Mr. Speaker, I must say I object to this being characterized as a filibustering effort. There is no such thing involved at all. The member opposite tries to conjure up these conspiracy theories, but he knows full well that we have a serious bill before us, Bill C-31, and as responsible members of the House of Commons, we are here to debate it. That is exactly what I will do.

I was trying to put the appointment of judges in the broader context of appointments, appointments with respect to the Senate, appointments with respect to the Immigration and Refugee Board and appointments that were supposedly going to be handled through a public appointments commission that never happened.

I am coming now to the question more specifically before us with respect to judges. First of all we need to understand that judges have to be non-partisan. It does not necessarily mean that judges do not bring their own personal perspectives to the job. This is obviously the case. A judge who is going to be appointed will have a certain bias toward—

The Acting Speaker (Mr. Andrew Scheer): I hate to do this to the hon. member in the middle of his speech, but I have to read this into the record before five o'clock. It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Welland, Environment Canada.

I regret having had to do that, but the hon. member for Etobicoke North can continue.

● (1655)

Hon. Roy Cullen: Mr. Speaker, that is quite acceptable. I know you have your job to do as well. I was glad to hear of the adjournment motion later on this evening and I will be sure to attend.

There is a need for an impartial and non-partisan judiciary. Of course, every judge brings his or her own ideas and experience to the table—we cannot debate that—but a judge certainly should not be involved in partisan activities.

Canada is blessed with a very competent judiciary and we want to keep it that way. One of the things we are not so troubled with in Canada, but it is evident in many countries around the world is a corrupt judiciary. If I might, I would like to tell a little story about the time I was in Nairobi, Kenya.

Daniel arap Moi was president at the time. There was an election and Mr. Kibaki was elected as president of Kenya. He had run on an anti-corruption ticket and the moment he was elected, he fired about 40% of the judges in Kenya. We were quite excited about that, because it was a fairly well-known fact that in Kenya there was a list and if someone wanted to get off a burglary charge, it cost so many Kenyan shillings and if someone wanted to get off another charge, it was so many Kenyan shillings. It was a menu. It was the most astounding egregious thing I had ever seen. When President Kibaki fired 40% of the judges, we all thought it was a very positive development. However, what happened was that about a year later the president ended up being more corrupt than President Daniel arap Moi.

The point is that we do not have a corrupt judiciary in this country and we want to keep it that way. We have to be very careful, therefore, in the way we appoint judges. We need to ensure they are people of the highest calibre and highest personal integrity. How do countries prosecute corrupt elected officials if there is a corrupt judiciary? It just does not happen. People get off and there is a perpetual cycle of corruption.

I have a very good friend who is a Federal Court judge and he tells me stories. He had a very successful career in the private sector as a lawyer. He wanted to be a judge. He loves the law. He loves debating law. He became a Federal Court judge. When I speak to him today, he tells me about how he loves his work, but how the workload at the Federal Court is absolutely incredible. Of course, Federal Court judges travel across the country. He is a very competent lawyer and judge.

We should also be appointing more Federal Court judges. This bill is derelict in that regard, I would submit. It deals with the Superior Court backlog in appointments but it does not deal with the Federal Court.

The Federal Court is very important in our country. It deals with a whole range of things, immigration law, taxation law, aeronautics law. In fact, there was a milestone case recently with respect to Canada Post and pay equity. Issues like that go before the Federal Court. It is very important that we have a full complement of Federal Court judges, as we should also have a full complement of Superior Court judges. The Superior Court is also responsible for many of the specific claims that are brought forward by our first nations people.

This is another issue that needs to be resolved. In fairness to the government, I think it is trying to expedite some of the land claim cases. It is very important because the mining industry and the natural resource sector are trying to move forward and develop opportunities, revenues, create jobs, and the land claim sort of hangs over the whole affair and creates uncertainty. It is not a very positive investment climate.

● (1700)

It is a good thing that the Conservative government is moving aggressively to try to solve those land claims, but there are many other issues for our first nations people. We are not here to debate the Kelowna accord, of course, but I know that my colleague from LaSalle—Émard feels very strongly, as do all of us on this side, that we should help our first nations people with their infrastructure, schooling, housing and water. That is why we need good judges in the superior courts. They should also reflect the diversity of this country. I presume that when we appoint the judges there will be fair opportunity for women and for people who are bilingual, and fair opportunity for first nations people to become judges, because for many it is a very honourable thing to be a judge.

Many judges face great sacrifices. In many instances, they can earn a lot more money in the private sector by being a trial lawyer or a corporate lawyer, for example. However, judges have decided that they want to serve their country and participate in the judicial process. I take my hat off to all those people.

Sometimes we have situations like the one we had in the last Parliament with respect to the DNA lab at the RCMP headquarters. When I went there one day, I was told that the lab was getting only 50% of the DNA samples it was supposed to be getting. We checked it out and found out what had happened. It was a relatively new concept and prosecutors and judges were supposed to make decisions around forwarding DNA samples to the RCMP lab. The more DNA samples the RCMP labs have, the easier it is to solve crimes and prevent crimes. I was perplexed and troubled by the fact that the DNA labs were not getting all the DNA samples that they should have been.

What we discovered was that because it was a relatively new concept, the prosecutors had to make the case to the judge that the DNA samples should be submitted to the lab. In some cases the prosecutors were not doing that. In some cases the judges were neither asking for nor demanding the information on whether the DNA samples should go to the lab.

Therefore, at committee we made some changes to the DNA law. I think they were positive changes, adopted finally by the House and by the Senate, in which we recommended that for those most heinous of crimes, such as murder, rape and crimes of that nature, where there is a convicted person, the judge would have no discretion and the DNA samples would automatically be referred to the DNA lab. This is not to say that judges lack the wisdom to decide whether DNA samples should be sent to the lab. It just made it absolutely crystal clear that when the most heinous of crimes were involved, the court would be prescribed to submit the DNA samples to the RCMP lab.

That tells a story about the importance of quality judges and the role parliamentarians can have in reviewing bills and legislation such as Bill C-31. I am glad to have had the opportunity to speak. I hope the government follows through on some of these appointments. It is fine to have a bill, but even if the bill is passed by Parliament, the government still has to appoint judges. It has to appoint Immigration and Refugee Board judges. It still has to appoint senators. It cannot sit on its hands. The government has to actually do it. It is one thing to have the legislation, but then the legislation has to be implemented.

If the bill does pass, I hope the government will act on it, fill some of the vacancies and appoint the judges who are needed for this country to be governed properly.

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

CANADIAN HERITAGE

The Acting Speaker (Mr. Andrew Scheer): Before moving on to questions and comments, I would like to inform the House that under the provisions of Standing Order 97.1(2) I am designating Tuesday, May 13, as the day fixed for the consideration of the motion to concur in the seventh report of the Standing Committee on Canadian Heritage. The report contains a recommendation not to proceed further with Bill C-327, An Act to amend the Broadcasting Act (reduction of violence in television broadcasts).

● (1705)

[*Translation*]

The motion shall be debated for one hour immediately after private members' business on that day, after which the House will proceed to the adjournment debate pursuant to Standing Order 38.

GOVERNMENT ORDERS

[*English*]

JUDGES ACT

The House resumed consideration of the motion that Bill C-31, An Act to amend the Judges Act, be read the third time and passed.

Hon. Jim Abbott (Parliamentary Secretary for Canadian Heritage, CPC): Mr. Speaker, I would like to compliment the member for Etobicoke North on his past service to the House. I understand he has decided that when we reach the point of going to a general election he will not run again. I would like to acknowledge the fact that he has been a consistently solid contributor to the affairs of the nation.

It is within that spirit that I wonder if he might want to reconsider some comments he made. I say this with the deepest sincerity. The member was talking about the fact that a Mr. Gwyn Morgan, who had been given the job of becoming involved in the appointments process, ended up not being confirmed by the opposition. This was immensely regrettable because of the standing of Mr. Morgan within the corporate community of Canada and indeed within his own community around Calgary.

It really gives us a good reason for why many people of exceptionally high calibre who could be contributing to public life in Canada choose to stay away. As a matter of fact, he was given the appointment by our current Prime Minister and was going to be getting the princely sum of $1 per year in order to carry out this function. In fact, it did not happen.

I wonder if the member might want to reconsider his comments, because certainly a person of the immensely high calibre of Gwyn Morgan, whether he happened to have been associated with our party, the member's party or any other party, is really quite irrelevant. He would have brought a tremendous asset base to this chamber and was prepared to do it virtually as a volunteer, obviously, for a $1 fee. I wonder if the member, who I know is a very honourable gentleman, might want to reconsider his inference toward Mr. Morgan.

Hon. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, I thank the member for Kootenay—Columbia, the Parliamentary Secretary for Canadian Heritage, for his kind words. Over the years we have worked together at committee or in different venues and have always had a good rapport and a good understanding of each other.

However, I am somewhat puzzled, I must say, by his request that I would retract something I have said.

Here is the reality. In fact, I met Mr. Gwyn Morgan. As a businessman he did some amazing things with EnCana. I worked with EnCana on some policy issues and I have a lot of respect for Mr. Gwyn Morgan, but the point I was trying to make was not really a comment on Mr. Gwyn Morgan's capabilities or otherwise. The reality is that he was a Conservative fundraiser, but the other part is that he made some comments that people found distasteful.

Irrespective of all of that, the committee said that in its wisdom it did not want to confirm Mr. Gwyn Morgan. What would have been the problem, then, for the Conservative government to say that the public appointments commission is really a good idea, we thought it was the best batter, but the batter struck out, so let us find another batter and let us get on with this if we really are committed to this notion of non-partisan appointments? I think it is a very laudable objective.

Whether it could have been achieved with a public appointments commission, I am not so sure, because we would have to sort of unravel the whole political history and political economy of Canada to reach that point. The reality, and we all know it, is that when we get down to the short list there are many people who are equally qualified. There might be a person with excellent qualifications and another person with excellent qualifications, and the way the system works is that for two people of equal qualifications the Prime Minister has the discretion to do what he or she wishes.

That is how it works in this country. If the government wants to change that, it should advance this public appointments commission instead of running away with its toys, packing up its tent and going home.

● (1710)

[*Translation*]

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): I thank my colleague for his eloquence in addressing Bill C-31.

In examining this bill more closely, we must also ensure certain elements are present. We know that, throughout the country, we are in great need of judges and we owe no thanks to the Conservative government as we attempt to resolve the situation.

In light of Bill C-31 and the 20 additional judges, it is clear that, in terms of judicial appointments, we must ensure that certain elements are present and that there is respect, in order for the judiciary to be highly regarded by Canadians. One of the elements when making judicial appointments is balance because Canadians, in turn, expect balance when decisions are made.

I would like to ask my colleague a question. Does the Conservative government's approach to making appointments, whether for various committees or other bodies, result in balance? Or is the Conservative government trying rather to imbue the judiciary with its ideology? Will this lead to certain problems in future?

Hon. Roy Cullen: Mr. Speaker, I thank my colleague, the member for Madawaska—Restigouche.

In my opinion, this member is making a very important point. Our judges must be competent, honest and there must be balance when judges are appointed in Canada.

[*English*]

My colleague made another important point, which I developed somewhat in my earlier remarks. The judiciary has to be totally non-partisan. While the Conservatives on the other side of the House talk about non-partisan appointments, that is not what we on this side of the House have seen to date. We have seen a predominance of Conservative loyalists being appointed. That is the way this is going.

Frankly, when we set objectives as a government or as a party, we should be realistic about whether they can be attained. The reality is that in our current Constitution the Prime Minister of Canada has discretion. It is folly for the Conservatives to argue that they are not going to make any partisan appointments in the context of Canada, our current political climate and our Constitution. What we have seen to date, based on the evidence, is that their appointments are highly charged and highly partisan. We have seen no change with respect to that.

[*Translation*]

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, I am very pleased this afternoon to speak to Bill C-31. As I already mentioned earlier, this bill is extremely important if we look at the needs of our judicial system across the country. It is also very important because of the current vacancies within the judiciary. The government has come up with Bill C-31 to appoint 20 extra judges.

The government certainly has its share of the responsibility for the current situation with respect to judicial appointments. When we look at the situation, the Conservatives are certainly the only ones to blame. They cannot blame anyone else but themselves in this case.

As far as the appointment of 20 extra judges is concerned, as I have said, we must make sure that Canadians receive the services to which they are entitled. This is not just a matter of people appearing in court or before a judge because they have done something wrong. Canadians also appear before a judge or judges because they want to fight for their rights.

We have a rather concrete example, which I just gave, of a woman, who, thanks to the court challenges program, was able to fight for her right to be served in French by the RCMP. The court ruled that the woman's complaint was well-founded. As the House can see, Canadians do not just appear before a judge when they have done something wrong, but also when they want to stand up for their rights, the fundamental rights of this country that cannot be denied any Canadian citizen. One of the great things about our country is also the fact that we are free to speak up for ourselves, which is possible because of the judicial system.

We need extra judges, but we also have to wonder about Bill C-31. Since January 2006, since the Conservatives have been in power in Ottawa, we have had to wonder quite a bit. What we hear and what the Conservatives say are rarely the same thing. That is why I wonder about certain aspects of the bill.

One of the aspects is ensuring the independence of the judiciary. That is what the government tries to say, but the opposite happens when it comes time to make a decision. A number of examples show that we should still be worried. Sometimes, when the government introduces a bill, we wonder if they are acting with utmost sincerity or if they have a hidden agenda. I will not go on and on. I know that some members of the government will say that I am off topic, but let us look at the example of Bill C-10 and the question of censorship. That is flagrant proof that the government is trying to introduce bills containing elements that make us believe they are sincere, while in reality they are hiding elements from us.

I spoke earlier about the importance of the independence of the judiciary. I have serious issues with certain elements—I am thinking about the members of the provincial advisory councils. The Conservatives decided to appoint people in order to obtain power. In northern New Brunswick, they appear to have stacked the deck in an attempt to control the judicial system. The Conservative government is wrong to do that. The other element in terms of Canadian judicial system appointments has to do with the appointment of people who are influential within the Conservative Party.

The Conservatives say that it is important that the best people be appointed.

● (1715)

Yes, it is important to appoint the most qualified people, and that should guide all of the government's decisions every day. However, a closer look at the situation suggests that it might be more than coincidence.

The Conservatives have just said that the best, most qualified people should be appointed, but we have to wonder. As it happens, the Prime Minister's former campaign director for New Brunswick, the former president of the Conservative Party in Quebec, and the former chief Conservative Party fundraiser for Alberta were all awarded judgeships.

As it also happens, the Conservative government said that there must be transparency—especially on the part of the government—that the best people must be appointed and that the most qualified people must get the job. This is about fairness and about giving people a reason to have faith in the system.

However, it just so happens that high-ranking Conservative Party members got lucky. It is quite the coincidence that these people were appointed and the others were rejected.

We might think that from time to time, party supporters might get lucky and be appointed, but that is because they are the best candidates with the best qualifications, people who can demonstrate that they have the best skills for the job.

We should take a look at the situation in the provinces. I gave just a few examples earlier of very high-ranking Conservative Party members who were appointed to the Canadian judicial system.

I find these elements very troubling. The Canadian people also have concerns about this party, which is easy to understand when things like this come up. The government is trying to make itself look as though it is transparent, as though it is the political party, the government, that wants to do things with as much clarity and transparency as possible. The sad truth is that it is filling up the room and filling up the committees via the back door. What does the Conservative government want the appointees to abide by? By Conservative ideology, of course.

Canadians have every reason to fear the Conservatives. In fact, Canadians have every reason to fear the Conservative ideology, because the future of the country in many respects is certainly not currently in the right hands. People in my riding say so all the time. There are things going on, and people are afraid of the Conservatives.

When we say, myself included, that Conservatives are not transparent, that they try to slip things in through the back door, that they add things to bills to bring them in line with the Conservative ideology, we need to be prepared to back this up. Moreover, we must be able to provide even more proof to Canadians that the Conservative government is making decisions not for the well-being of the Canadian people or of minorities, but solely for the well-being of the political party currently in power.

An hon. member: That is what they are doing.

Mr. Jean-Claude D'Amours: It certainly is. It is exactly what they are doing.

Back to the appointment of judges. The Conservative Party regularly says that it is pro-bilingualism. To be pro-bilingualism, the government needs to do more than simply say so. It needs to take concrete action so that Canadians will trust politicians. Then Canadians will find that these are good laws and that our parliamentarians are being fair so that each and every Canadian can benefit.

As for bilingualism, it is a matter of access to justice. Access to justice is a concept that is very easy to explain and understand. It means that each citizen can be served in the language of their choice and be treated fairly. That is access to justice. But when it comes to bilingualism, access to justice is another worry that Canadians have about the Conservatives.

● (1720)

It is crucial that francophones outside Quebec and anglophones in Quebec have access to justice. The government cannot just say it is going to appoint judges and allow them to sit and do their work, regardless of their ability to express themselves in one of the official languages. People who need a service and who defend their rights in the language of their choice may not receive the same service. It is scary to see what the Conservatives are doing. Yet they tell us, through the media, that they are in favour of bilingualism and want to give francophone minorities outside Quebec every possible opportunity.

I live in New Brunswick, a province that is in this situation. Where I live, francophones are in the minority. That is the reality. We need services in our language. But when we look at realities such as the abolition of the court challenges program, it is too bad, but it is a prime example of what I am talking about. The government cuts a program that costs peanuts and helps people defend their rights in court and gain access to services.

In my books, the government is not sincere when it says one thing and then turns around and cuts a program like that. When we say something, we have to be able to walk the talk. Our actions have to be consistent with what we say. At present, the Conservatives are saying one thing, but they are doing another by eliminating access to services for francophones outside Quebec and anglophones in Quebec. They are doing this to all minorities.

The court challenges program was not just in place to defend language rights. Everyone knows that it also helped people with special needs, persons with disabilities and women. It is slightly illogical to consider women a minority since they account for a large proportion of Canada's population, but this reflects a reality we can see.

When it comes to access to justice, it is very hard to really have confidence in the government. The Conservatives have said they want to have additional positions. The government and the Conservative members should stand up and walk the talk.

First, we, the members in this House, would be in a position to trust the Conservatives a little more, because, after all, we must not exaggerate. Thus, we could trust the Conservatives a little more and Canadians could also trust them a little more, because at this time, they do not trust them, specifically because any time the members of the Conservative government speak in this House or speak to the media, they say the exact opposite of what they actually do.

However, if, as parliamentarians, we can prove to Canadians that members of this House are doing the job for which they are paid, defending the interests of their constituents, only then will citizens no longer feel like they come last and will they be inclined to show greater support for their politicians and representatives in the polls. In addition, our actions will be fair and consistent with our words when it is time to set policy and make decisions. The Conservatives, however, do just the opposite.

I spoke earlier about bilingualism and the court challenges program. Consider for example the New Brunswick woman who could not be served in French by the RCMP and who was able to defend her rights thanks to a court decision and the court challenges program. Let us imagine this woman's situation if, in addition to not being able to access services in her language in New Brunswick, she also had to deal with a judicial system that did not allow her access to justice in her language. That would be ridiculous. That really is the direction being taken by the Conservatives and this is reflected in their actions. Canadian are afraid of their actions. This is one reason why Canadians have many fears about the Conservatives.

Let us now imagine if this woman, in addition to not being served in her language—and the court ruled that she should have been served in her language—did not even have access to judicial services in her language.

● (1725)

It really would be incredible. It would make no sense. I am convinced that my colleagues on this side of the House agree with me. It would also be interesting if the Conservative government were to acknowledge this. Citizens would have a little more trust in the government. At the very least, one thing is certain. We, the Liberals, rise to keep the Conservatives in check because Canadians have faith in the Liberals. We have established many programs over the years and over the decades. We established the criteria and the rules to ensure that Canadians are treated fairly.

I will go back to the example given a little earlier: the court challenges program. The results of this program speak for themselves. There was the case of Montfort Hospital in the national capital region. This program also made it possible for French-language schools to be opened in some provinces where there are few francophones. And there are other examples.

As I was saying earlier, what they say and do are two different things. As we know, the court challenges program was eliminated twice. By what kind of government? Not by the Liberals, but by the Conservatives. For this reason, Canadians trust the Liberals. That is also why Canadians want change. The Conservatives say one thing to the people, the media and the House of Commons and then do another.

At some point, we will take over from the Conservatives. I can guarantee you that the time will come for the Conservatives to face the music. Then the Liberals will ensure that Canadians are treated equitably and that they have equal access to justice. Canadians will not fear their government as is the case today.

Bill C-31 is necessary for increasing the number of judges in the country. However, as one can guess by all the examples I have given, there are many things that can make us fear the worst, that can change the entire face of the judiciary and, in fact, the entire face of the country within a few yeas. The Conservatives do not want to go in a direction of greater fairness. They do not want to ensure that the machinery of government or the judicial system is fairer. They are trying to stack the deck to gain control, to allow their Conservative ideology to prevail instead of allowing fairness and equity to prevail. We talk about equity on many levels: pay equity, equity among peoples. These are magic words all hon. members should keep in mind. When we are fair, everyone wins.

They want to favour certain people. As I was saying earlier, who does the Conservative government just happen to be favouring? As luck would have it, they are favouring senior Conservative Party members within the different provinces. That is quite the coincidence.

Sometimes a person is appointed. One might think that person is possibly the best candidate to be appointed, with the best skills and qualifications. At the second appointment, there begin to be some serious doubts. We start to wonder whether the Conservative way of doing things is just to ensure that the Conservative ideology is spread far and wide. At the third appointment, we have more than just doubts. We wonder what is happening and whether they are in the process of so completely changing the face of Canada that Canadians will no longer recognize themselves.

Bill C-31 is certainly important for increasing the number of judges. Nonetheless, access to justice must prevail above all.

● (1730)

[*English*]

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, as I was listening to the member opposite, I had to go back to today's projected order of business to find out exactly what we were debating because he seemed to be wandering a bit.

He went on at length as to why it took our government two years to deal with this amendment to the Judges Act.

The act was last amended in 1998 by the Liberal government. In the subsequent six or eight years that it was in the position of government, it did nothing else on it. It is a little disingenuous to say that two years is too long a period of time when the Liberals did not touch it for eight years.

He also mentioned that Canadians do not have a very high opinion of politicians. I think we are even second last to lawyers. However, I wonder if some of the actions of previous Liberal governments, for example the sponsorship scandal and some of the images that Canadians had of money changing hands in brown bags, if that might have had something to do with that opinion.

To get back to what we are debating here today, Bill C-31, an amendment to the Judges Act, perhaps he could comment on why the Liberals did not act on it for eight years when they were in government.

● (1735)

[*Translation*]

Mr. Jean-Claude D'Amours: Mr. Speaker, it is ironic to hear my colleague ask questions and wonder whether I talked about the bill at all.

My colleague opposite started giving examples of some situations that happened in the past. I will be reasonable and remind him of certain questionable facts involving his party that surfaced in the past weeks and months. But I will stop there. The truth is that I talked about Bill C-31 because I truly believe that we have to take a very close look at it.

Perhaps these words will ring a bell for the member: the Cadman affair, NAFTAgate, the Elections Canada in and out scheme, the Mulroney-Schreiber affair. Does the member want me to go on?

An hon. member: Yes, yes.

Mr. Jean-Claude D'Amours: Yes? My colleagues want me to go on.

Mr. Speaker, I just want to point out one thing: I have provided enough examples for them to understand that they have been caught up in the system for the past few weeks and months. We have no idea where the scandals involving the Conservative Party will end.

Let us take a look at what has happened over a little more than the past two years. For 26 or 27 months now, we have been governed by the Conservative government. We are now heading into our third year, which is too long. The truth is that during that time, the Conservative government has been asleep at the switch. I will explain why.

An hon. member: Oh, oh.

Mr. Jean-Claude D'Amours: The Conservative government and all of the members opposite were sure that there would be an election within six months. They did not do anything; they just waited. All of a sudden, nine months later, they said that they would wait another three months, and then there would be an election. But no election was triggered. Their only goal was to do things for the short term.

The truth is that we are here to run a country. We are not here to run it for the short term until the next election. We, the Liberals, are looking to the future. Just as we have always done in the past, we are looking to the future.

An hon. member: Oh, oh.

Mr. Jean-Claude D'Amours: I can hear the Conservative members acting up. That is what we call lack of respect. Once they have listened to the interpretation, they will understand what I just told them. The truth is that there has to be respect not only in the House, but in everything.

Let us look at the situation. With regard to Bill C-31, it is clear that if the government had met its obligations over the past two and a half years and had filled positions equitably as it went along, we would not need to discuss certain things today.

Today, we are talking about a bill that aims to increase the number of judges, because it is important that Canadians be treated equitably. It is also important that the government have a legal system in place so that people who have needs and want to defend their rights can do so, and not just when it suits the government.

Unfortunately, the Conservatives sometimes tell people that they can go to court whenever they want to, even if they have no money, because that is not a problem. In the end, if people do not have any money, they will not be treated equitably in this country. We do not understand that in the same way. We want to make sure Canadians have the services they need so that when they want to defend their rights, the tools are in place in the government or the legal system. In this way, Canadians will be able to defend their rights, which is crucial.

The comments my colleague opposite made before he posed his question are deplorable. The fact is that the Conservatives are not equipped or capable to debate a bill like Bill C-31. They are forced to make personal attacks on individual members. This is unfortunate, but in recent months, the Conservatives have been embroiled in one scandal after another.

We can talk about Bill C-31 if the members want to, but the members opposite are going to have to be much more serious when making their comments. One thing is clear: either they have not listened to anything that has been said or they have not understood anything that has been said. Perhaps it is a bit of both or something else.

The fact is that there are concerns about Bill C-31, and they are justified. Access to justice must be provided equitably. Decisions about judicial appointments must be made equitably and not in a partisan way, as the Conservatives have been doing for the past two and a half years.

● (1740)

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Hull—Aylmer should know that there are three and a half minutes remaining. If the question takes three minutes, the answer will take 30 seconds, and vice versa.

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, I am disappointed that you would make assumptions, because you know that I like to get to the point, and that I want some answers from my colleague from Madawaska—Restigouche.

Earlier, my colleague alluded to bilingualism and the fact that the judges appointed in New Brunswick ought to speak French. Mr. Speaker, I would like to know what would happen in his province if the government appointed judges who spoke French but not English?

Mr. Jean-Claude D'Amours: Mr. Speaker, I thank my colleague. That is an excellent question. As I was saying earlier, it is a matter of respect, and it goes both ways: francophones towards anglophones, and anglophones towards francophones. We do not want judges to be appointed solely for their ability to serve francophones. We also want the judges appointed to be able to serve anglophones. As I said, we must be fair.

Fairness implies that if a judge could provide a service in English within a given period of time, then the same should be possible in French within that same period of time.

Thus, it is important to be fair and to ensure that all Canadians have access to justice. That is what we, the Liberals, want to do.

[*English*]

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, we could get this bill over with, because I want to speak on the next bill, but the committee asked the Conservatives to do three things.

First, was to consult to ensure the judges were given out regionally and appropriately. Has the member heard if the Conservatives have done that?

Second, there are only 14 judges. That is less than one per territory. Is less than one judge enough to fill the backlog in Quebec?

Finally, has the member been told of a plan to ensure that linguistic implementation and allocation is appropriate, especially for provinces like New Brunswick and Quebec?

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Madawaska—Restigouche has 40 seconds to respond.

Mr. Jean-Claude D'Amours: Mr. Speaker, my colleague has certainly asked some excellent questions, and I will try to answer them as quickly as possible.

To answer his first question, it is obvious that consultation is not the Conservatives' strong point. It is strange, each time they hold a consultation, they always do the opposite of what is suggested. They consult the public, ask people their opinion, but they do the opposite.

So I do not believe that there are many consultations taking place. The reality is that they are not listening at all.

Certainly, this is the reality for all Canadian citizens in terms of linguistic issues.

[*English*]

The Acting Speaker (Mr. Royal Galipeau): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

(Motion agreed to, bill read the third time and passed)

* * *

● (1745)

CRIMINAL CODE

The House resumed from February 6 consideration of the motion, and of the amendment.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I will provide some background to remind people of the status of Bill C-13. The intent of the bill to amend the Criminal Code, criminal procedure, language of the accused, sentencing and other amendments, is to further modernize the criminal justice system and make it more efficient and effective. Some of the amendments make certain processes more effective through the greater use of technology and by consolidating and rationalizing existing provisions.

This is a general administration bill. It corrects a lot of minor changes to the code. There are some substantive changes to the Criminal Code of Canada, but it makes a lot of updated and needed suggestions.

At the outset, I support the bill. I have some strong feelings about certain parts of it that I want to speak to and also some important opening remarks on process.

I give credit to the government for bringing forward a bill to make these corrections. It is ironic, however, while it acknowledges that the criminal justice system and the Criminal Code need amendments from time to time, either for modernization or things that have been put in incorrectly, it does it at a time when not that long ago it stopped the funding for the court challenges program.

The court challenges program was used in a number of cases to help protect the rights of people and helped lead to some of the amendments in this bill. Someone on the government side at the time asked, "Why would we fund a program to challenge our own laws", as if they are always perfect and the Government of Canada, whichever party is in power, never makes mistakes. Now we have proof opposite.

We have a bill that would correct a number errors or would at least improve a number of items in the Criminal Code. It is proof right there that it was a mistake to cancel the court challenges program, which was specifically to help protect the rights of people who could not afford to protect themselves.

Once again, I give credit to the government for bringing forward a bill to improve the criminal justice system and the Criminal Code, with a number of improvements, proving that there need to be changes from time to time. Yet it is ironic that at the same it dismantled the Law Commission of Canada, which was there for the very purpose of reviewing the Criminal Code and criminal justice system as a non-partisan body of experts and to give us recommendations as to how to make the improvements.

It is ironic that the government is bringing forward numerous improvements. We all acknowledge in the House, and I think we are all supportive of it, that these improvements are needed, yet at the same time the government is taking away expert, time proven mechanisms to come up with those types of improvements in the future so we can keep making them.

I will comment briefly too on something that was said during the previous debate on the bill. There was a suggestion by a member that the opposition parties were less effective in keeping our streets safe, which is totally untrue. It was proven time and time again by the expert witnesses that the provisions brought forward by the current government to make streets safe had been proven not to work in the past and in some conditions would make Canada less safe.

The opposition pointed out that a vast majority of criminals reoffended and that none of the provisions the government originally proposed would help make Canada's streets safer. In fact, people were remaining in the universities of the jail longer so they learn how to be more effective criminals and, in a modern changing society, were kept away from any rehabilitation, any chance of reintegrating in society in a safe way.

● (1750)

Therefore, the opposition has been fighting for programs that would do exactly that, with rehabilitative types of sentences that would be more appropriate, expanding the jurisdictions of judges as opposed to limiting them, which the government was doing, and ultimately making our streets safer.

I want to go through a number of specific items about which I feel strongly. I am going to go through them first as opposed to going through all the items in the bill because I will never get through it in my 30 minutes. Because it is such a large bill with so many amendments. I will talk about some of the ones that I am particularly supportive of and think are important.

The first one is the amendment that updates the $2,000 default maximum fine for so-called summary conviction offences. At present this amount is the maximum monetary penalty that can be imposed for a summary conviction offence where no other maximum amount is provided for in a federal statute. This amount has remained the same since 1985. The bill would raise the current maximum from $2,000 to $10,000, by increasing the maximum amount for summary conviction offences, when it would be deemed that the monetary penalty would be an appropriate sentence.

It is 20 years since this has been changed. We have to keep up with the times to ensure the penalty is severe in today's dollars, but more important, we do not want to take away the jurisdiction of the judges to choose the summary conviction route in cases where they can proceed by summary or by indictment. That could clog up the courts longer. They are already clogged up. We just finished the debate on appointing more judges because of the backlog. When it is more appropriate to proceed by summary, we would want a judge or a prosecutor to do that, but they cannot do it if the fine is so low as to not be significantly punitive.

The second amendment, and it is a very serious and excellent one, relates to prisoners contacting witnesses or victims. I am sure anyone who deals with agencies that work with women or with victims' protection agencies will know that a prisoner can have a devastating effect on a person's life from within prison. It is easy to get messages and contacts out, particularly to women who are afraid to start with and have been terrorized and abused.

The criminal code currently provides for no contact orders at various stages of the judicial process. A judge may impose such an order when an accused is released on bail, is held on remand or when the offender is under a probation order. However, the criminal code does not currently provide for such an order to be imposed on an offender when he or she is serving the custodial portion of his or her sentence.

The existing measures in correctional institutions regarding unwanted communications from inmates are generally effective and in such situations, where procedures exist, are addressed on a case by case basis. The amendment grants the sentencing courts an additional means to protect victims and other identified persons from undesirable communications by permitting the imposition of a non-contact order on offenders while they are serving their jail term.

A breach of such a non-contact order would be punishable by a maximum of two years imprisonment. Therefore, it not only prohibits prisoners from trying to make contact with victims or witnesses and trying to terrorize people further, but it also provides a penalty for doing that.

The next area I want to talk about shows how we have to modernize the justice system related to technology improvements. The world changes and there are several amendments in this omnibus administrative bill to make updates for technological changes. This amendment will serve to clarify the application of impaired driving penalties as they pertain to offenders or to participate in a provincial or territorial alcohol ignition interlock device program.

● (1755)

A number of provinces, Alberta and Quebec if I remember, offer these programs now. They enable offenders, who have been prohibited by a sentencing court from driving for a specified period, to operate a vehicle if the vehicle is equipped with an alcohol ignition interlock device, but only after the expiry of the minimum probation period provided under the Criminal Code.

In order to tighten up the application of this provision, the amendment clarifies that offenders are only authorized to drive during the prohibition period if they are registered in an alcohol ignition interlock device program and if they comply with the terms and conditions of the program. Obviously, they would have to be registered and they have to be following the rules of that program.

The next amendment will once again, as the bill we just passed, try to help reduce the waiting list in the justice system and the backlog. As we all know, justice delayed is justice denied. We want to get on with things and this amendment gives more options to the accused to assist in avoiding unnecessary jury trials when the accused prefers to be tried by a judge alone. Additional procedures would clarify the cases of summary convictions trials which involve multiple defendants. The court may continue the proceedings against all of them even when one of the co-defendants fails to attend.

The next area I want to talk about is one I am particularly pleased with as I am sure my Liberal Party colleagues from Quebec will be as well and from other areas of Canada where French is spoken or a person has French as a first language. It is to ensure that people have the right to have trials and procedures in their own language, in their mother tongue, whether it be French or English is guaranteed.

These rights are an example of the advancement of the language rights through legislative means as provided in subsection 16.(3) of the Charter of Rights and Freedoms and have been in force in Canada since January 1, 1990. However, since the coming into force of these provisions studies and public consultations have demonstrated that these language rights are often misunderstood by accused persons, the bar, crown prosecutors and judges.

This situation may well result in some accused not invoking their rights in a timely fashion, thus presenting a barrier to full exercise and implementation of these rights as well as creating additional difficulties in costs for the justice system. In turn, such misunderstandings led the courts to identify certain shortcomings and to issue rulings that do not correspond with the intent of existing provisions.

The amendments proposed in Bill C-13 would clearly set out the full extent of these rights and would assist in better implementing the language requirements in the Criminal Code and rectifying some of the shortcomings identified in various studies and by the courts, noticeably by the Supreme Court of Canada in R. v. Beaulac in 1999.

These amendments also bring greater clarity to the provisions thus ensuring greater efficiency through the criminal justice process. These amendments would also provide solutions and improvements to respond to a study by the Commissioner of Official Languages entitled “The Equitable Use of English and French Before the Courts in Canada — November 1995”.

In the study the Commissioner of Official Languages identified a number of barriers to the exercise of the language rights of the accused persons. The commissioner recommended that all accused be better informed of the right to a trial in official languages of their choice. The commissioner also indicated that there appeared to be little logic in providing a trial in the language of the accused while failing to provide the accused with a version of the originating documents leading to the trial in the language of the accused as well. I am going to come back to that item in a second.

Finally, the commissioner identified a number of practical issues that arise in the context of bilingual trials which have led to contradictory approaches in court decisions. The amendments proposed here address many of these concerns. For example, the amendments to the language rights provisions would heed the advice given by the Supreme Court of Canada in the Beaulac decision by requiring the court to inform all accused persons of their right to be tried in their official language whether they are represented or not. It used to be if they were represented, they did not have to be.

● (1800)

The amendments also follow the court decisions requiring that the charging document be written in the language of the accused upon request. This appears to be a necessary complement to the accused exercising their language rights. The proposed amendments would standardize existing practice in that regard and would ensure that the wording of the Criminal Code more accurately reflects the state of the law.

In relation to preparing the indictment documents, an amendment was made in committee indicating that the defendant may have those documents drawn up in their mother tongue if they request it. The point I was trying to make in committee was that it should be done automatically. These indictment documents are only a couple of pages long and these situations do not occur often in Canada. We probably translate more in 60 seconds here in Ottawa, so it would have been very easy to do. In my estimation, if the trial is going to be held in French, then obviously the indictment forms should be in French without the accused even asking.

Unfortunately, that amendment was voted down in committee much to my consternation because it would have cost the provinces too much money. The amount of translation is infinitesimal.

I also would like to compliment another part of the bill and that is the part dealing with the increase in the fine for summary offences from $2,000 to $10,000. I have already briefly mentioned this. With this increase, we are giving a judge more discretion, which virtually contradicts almost every other justice initiative that we have had before us in this Parliament and which the opposition has fought strenuously against.

Judges try to come up with the best solutions. They hear all the evidence. There are different sentences and different types of treatments. The broader the judge's discretion, the better for each accused and obviously much better for society. In a court system that has in some ways failed for 1,000 years with criminals reoffending, this at least gives a broader range of remedies that might actually reduce the chance of recidivism. Obviously, that is not going to occur if we limit a judge's options for sentencing.

I was hoping to go through all the items in the bill, but I only have two minutes left, so I will go through two other items that I think are important.

At the present time possessing break and enter instruments is an indictable offence whereas break and enter is a mixed offence, either summary or indictment. These two crimes go together because an individual has the tools to break and enter and then proceeds to break and enter. It makes a lot more sense to allow a prosecutor to proceed by way of summary or indictment because then both crimes can be dealt with during the same trial.

The final point that I wanted to make concerns another excellent change that fits with the philosophy that the opposition has been trying to get across. It is with regard to the power to delay sentencing proceedings so an offender can participate in an approved provincial or territorial treatment program. This is an important step and a modernizing step. It follows the direction that we want to take. If someone reoffends, we are allowing them time to receive treatment. We are dealing with the root cause of the problem, so there will be no chance of recidivism.

● (1805)

The court has made a wise decision to try to deal with the problem rather than postpone it for the length of the jail term when the person is released and revictimizes. For all these reasons, I am in support of the bill and I will be voting for it enthusiastically.

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, I applaud my colleague for giving a very interesting 20 minute speech and outlining a whole list of issues about which he has concerns.

When we make changes, as is being proposed in Bill C-13, clearly, some people would call this a housekeeping bill, but it covers off a whole lot of different smaller things that will continue to make Canada a stronger and more effective country, which is what we all want.

Are there other issues that the hon. member would like to have seen added to Bill C-13, since he has been following it in his role on the justice committee?

Hon. Larry Bagnell: Mr. Speaker, I would like to thank the member for giving me the opportunity to carry on because I could not finish in the 20 minutes with the important parts, the items I wanted to talk about. There are things I do want to see in the bill, if I can answer the question that way. Once again I want to compliment the government on this particular amendment.

In general, for a warrant to be executed in another territorial division or province, authorization and endorsement must be obtained from a judge of that division. To expedite this proceeding, the bill enables the law enforcement organization, through any telecommunication, to endorse such a warrant.

At present, the original warrant has to be taken across the province in written form. I was shocked when I heard that. Why would we let criminals get away while we are doing that? This particular amendment allows us to use any method to transmit that electronically.

There are also amendments that allow for more logic regarding to whom individuals can appeal if they disagree with an order respecting seized property. It is just one of those technical amendments that make logical sense in the justice system.

Another one is related to private proceedings. Normally, a provincial crown attorney lays charges at the start of a case and brings forward the information. However, in theory, anyone who has reasonable grounds to believe a person has committed an indictable offence may lay the information before a judge.

Obviously, the judge will want to know that the attorney general of the province has been given all this information and is notified of the upcoming hearing. That is already accounted for in the Criminal Code, but what is not accounted for is where the bill provides that the person must also inform the federal attorney general if it is the latter's jurisdiction with respect to the alleged offence, such as cases of fraud.

The last amendment is related to gambling and betting. Currently, for a person to be convicted of the offence of providing information in connection with bookmaking, pool selling, betting or wagering, the person must use radio, telegraph, telephone, mail or express.

To reflect the current and future technological advances, the bill does not list the means of telecommunications. Consequently, the use of any means of telecommunication may result in charges under this offence.

In the same vein, clause 6 of the bill replaces the word “telephone” with “any means of telecommunication” to extend the legality of pari-mutuel wagering on horse races, regardless of the means of telecommunication used to transmit wages to a regulated race track betting theatre.

Once again, society's technology ability has increased. We do not want criminals to have the advantage. We want the advantage in order to prevent the criminal from finding new ways to get around the law.

Finally, to speed up the process, the bill also allows the provision, in the case of defendants with two different languages, to allow a bilingual judge to proceed with the case in both languages. That speeds up the system and helps remove the backlog that, as I mentioned earlier this afternoon, could be as long as up to eight months, and I referred to the child case in New Brunswick. It now allows the judge to proceed, instead of having two separate trials in the different languages of the accused, causing more backlogs in the system.

● (1810)

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I am pleased to rise to speak to Bill C-13, to which a few changes have been proposed. I am especially worried about the changes concerning judges and the possibility that the case be heard in the preferred language of those involved, be they minority francophones outside Quebec or minority anglophones in Quebec.

The judge's decision is important for the person appearing before the court. What will happen to that person in the future? The individual must be able to clearly understand the judge, just as the judge must be able to properly understand the accused. This gives citizens the opportunity to have a fair trial in their preferred language, in their home province, in order to be able to deliver their arguments and their defence.

The decision finally handed down last Friday by the Supreme Court in the case of Marie-Claire Paulin from New Brunswick was very important for minorities. For those who do not know the case, Marie-Claire Paulin, a woman from Tracadie-Sheila, went to the Woodstock area and was arrested by the RCMP. This case has been in the courts for a number of years now. Trial proceedings began in New Brunswick at least eight years ago with the Société des Acadiens et Acadiennes du Nouveau-Brunswick, which was represented by several lawyers, but it was primarily Michel Doucet who argued the case.

The RCMP did not provide service in French in certain areas of New Brunswick. We must see the link between this case and this bill. One cannot ignore the case of Marie-Claire Paulin, who received service only in the official language that was not her mother tongue. In the Woodstock area and other areas of New Brunswick, the RCMP provided its services only in English. Ms. Paulin was arrested by the RCMP in New Brunswick, the only officially bilingual province of Canada, and wanted to be served in her language. She fought her case in court and won, but the federal government decided to appeal the decision and it won. It is unfortunate that the Liberals and the ministers of Justice and Official Languages of the day, who claimed to defend minorities, supported the government's initiative to appeal the case to the Supreme Court.

When the New Brunswickers decided to go to court, the government pressed for the case to be heard by the Supreme Court in order to defend the RCMP which, it believed, did not have to provide service in French because it was a federal force. Under federal law, service must be provided in French where numbers warrant. It deemed that it was not warranted by the numbers in Woodstock, New Brunswick. However, according to the law and the Constitution, it is clear that New Brunswick is responsible for providing government services in the province's two official languages, and that includes legal services. If you are stopped by the police and required to go to court in New Brunswick, the proceedings must be in the official language of the person in question. In this case, it was French.

Regrettably, the Liberal government at the time went to court and the case was brought before the Supreme Court. The Conservative government, which came to power in 2006, did not rescind the decision.

● (1815)

It could at least have acknowledged that the RCMP did have a responsibility because it signed a provincial contract and had to respect the law of the province of New Brunswick.

This case does not apply only to francophones. It also relevant for an anglophone who goes to the Shippagan or Caraquet region, for example. A police officer who speaks to an anglophone must be able to reply in the language of choice of that person, that is English. This will ensure that there is respect for both communities in New Brunswick because citizens will be served in the language of their choice.

Justice Bastarache's decision was very sound. He will be missed when he retires in June. He will be particularly missed by minority communities, not only in New Brunswick but throughout Canada, because he has ruled in favour of minorities and his decisions have been upheld by the Supreme Court of Canada. The very honourable Justice Bastarache will be missed by the Supreme Court of Canada.

That is why we are recommending to the Conservative government that, when it comes time to appoint another judge, to make sure he or she is bilingual. We cannot ask that the person be francophone, but we can ask that they speak fluent French and English.

That way, when lawyers appear before the Supreme Court of Canada with their clients, they will be able to express themselves in the language of their choice without having to rely solely on the interpretation services. With all due respect to those services, that is not what we want; we want the person to be able to express themselves in the language of their choice.

The government has the obligation to ensure that the next judges appointed to the Supreme Court will be able to function in both official languages of our country.

Just before the study of Bill C-13, there was a debate on Bill C-31, on judicial appointments. Again, the Standing Committee on Official Languages has found that as far as judicial appointments are concerned, there are not enough bilingual judges—not only in New Brunswick, but across the country.

Let us talk about Bill C-13. New Brunswick is a province recognized as bilingual under the Constitution. Bill C-88, which was enshrined in the Constitution, states that citizens will be served in the language of their choice. An amendment was made to that bill to ensure that anyone in New Brunswick wishing to appear in court and use the language of their choice, would not have to travel from Bathurst to Saint John or vice versa. I am pleased with the amendment.

The other provinces, if I am not mistaken, have agreed that people have the right to travel to regions where there is a francophone judge in order to present their case before a judge who speaks their mother tongue.

To resolve this problem when it comes to appointing judges, the government must truly take into account the official languages of the country and start appointing more bilingual judges who are able to speak both official languages, either an anglophone judge who speaks fluent French or a francophone judge who speaks fluent English, in order to better serve the community.

I am also proud to note that in their decision, the judges of the Supreme Court of Canada recognized that the Conservative government's decision to abolish the court challenges program has had a negative impact on minorities. For these reasons, the Supreme Court of Canada ordered the RCMP to pay the court costs of $135,000.

● (1820)

Last week in the Standing Committee on Official Languages, I could not believe my ears. The former premier of New Brunswick, who toured the country looking at official languages, said that abolishing the court challenges program was not the end of the world. People could go to court with or without the court challenges program.

The same week that Mr. Lord said that we did not need the court challenges program because people could go to court, the Supreme Court itself rendered a decision—I think I have it right here—acknowledging that the abolition of the court challenges program could affect communities. Paragraph 27 of the decision states the following:

> The appellants ask for $135,000 in costs. In light of the abolition of the Court Challenges Program, which would have applied to a case such as this one, and since the respondent appears to have acknowledged the importance of the principles in issue in this case, as she has not asked for costs, the appellants are awarded the requested amount.

The Supreme Court ordered the RCMP to pay all the court costs. I would like to congratulate the Supreme Court. Today, I would like to be able to congratulate the Conservative government by saying, "You will continue to give the ultimate tool that people need, that minorities need to be able to go to court".

What do we need? First of all, we need judges who can speak, hear, listen to and understand our country's two official languages. We need that, and that was in Bill C-31.

That is not all that was in Bill C-31. It was also about judicial appointments. When it comes to judicial appointments, of course we have to pay attention to how we can appoint judges who have a clear understanding of what our country is, who understand our country's value, who understand the Official Languages Act, who can understand people's mentalities, the approaches of our two peoples. At the same time, they must be able to look at the effect this can have on minorities, on people who are sensitive to this.

Unless the government wants to appoint judges, with all due respect, from the far right who will decide to cut everything, to side with the government, to share the government's philosophy and change everything. We made progress in the past and we are making progress now, but minorities have always had to fight for progress and they still do.

With all due respect, Marie-Claire Paulin did not have the money to go to the Supreme Court. We also have to thank the Société des Acadiens et des Acadiennes du Nouveau-Brunswick for supporting Marie-Claire Paulin's case, as well as all of the francophone communities who supported her too.

If francophone or minority communities are forced to pay so that citizens can go to court, that means less money for those communities. Minority communities have to fight to get government money so they can develop and get things for themselves all over the country, whether they are in Quebec or the rest of Canada.

If people have to use that government money to go to court, the communities lose that money, which they could otherwise spend on schools, training, immersion schools, teachers, or the support that people need.

We will support this bill. Moreover, we call on the government—we cannot say this often enough—to ensure justice for communities and people through the judicial appointment process. I think that will make a huge difference.

That will make a huge difference because people need to be served in the language of their choice. If our country is recognized as being bilingual, we have to enforce the law. To enforce it, the people who enforce it need to be capable of understanding both official languages. That is why we will strongly recommend it to the government. Once again, we will also ask that the court challenges program be reinstated.

I was a little worried recently when the Liberal leader said that if he were elected, he would reinstate the court challenges program and would double its funding.

● (1825)

I am afraid, in that case, that he may be breaking the law twice as often and that is why he would need more money.

The only thing we are asking is that the government comply with the Official Languages Act and respect Canadians. Perhaps then people will never need to go to court again. When Marie-Claire Paulin was pulled over and ticketed in Woodstock, if the police had spoken to her in French, she would not have needed to go to court.

It is hoped that the ruling will not be interpreted in such a way that an RCMP officer who pulls someone over can make that person sit at the side of road for half an hour or an hour, waiting for another officer who can speak that person's language. If people want to be treated equally, they should not have to wait until another police officer comes to speak to them.

Things are going to change in New Brunswick from now on. The RCMP will have to change its mindset, because it was really the RCMP that caused the situation when it decided it no longer needed to have bilingual officers in certain regions. Now the RCMP has realized that this was not acceptable in New Brunswick.The ruling by Mr. Justice Bastarache and his fellow Supreme Court judges is a good decision for minorities. I can guarantee that it is welcomed in the community in New Brunswick.

I want to sincerely commend Mr. Doucet for his tenacity in this process. The Conservatives have said that they abolished the court challenges program because it only served to help friends of the Liberals to make money. I cannot image how Mr. Doucet is a friend of the Liberals or how he made money on the court challenges program. Most of the time, Mr. Doucet does not even get paid to represent our minority communities. In most cases, he has never been paid to go to court. He has only been paid for court costs, the cost of paper, photocopies and those types of things.

Mr. Doucet has been an example to the communities. As the member for Acadie—Bathurst, I am proud to congratulate Mr. Doucet for all the good work he has done in this case. The Conservatives have accused people who were using the court challenges program of only being there to make money at the expense of minorities, but that is absolutely not what happened.

It is important to note that the objective of Bill C-13 is to send a message to communities and individuals, telling them they have the right to appear in court in the official language of their choice anywhere in Canada. That is important. And people must know this. Once the new legislation takes effect, they must be told that they can be represented in the language of their choice.

It is similar to when a patient goes to the doctor and tries to explain what is wrong using hand gestures, because they do not speak the same language. What if that patient goes into surgery and the doctor removes the wrong thing and a big chunk is taken out? It is the same idea here. When someone appears in court, it is absolutely crucial that both parties understand one another to ensure that the accused person is judged fairly.

● (1830)

The Acting Speaker (Mr. Royal Galipeau): I would like to thank the hon. member for Acadie—Bathurst. When we resume consideration of Bill C-13, he will have one minute remaining for debate and ten minutes for questions and comments.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

ENVIRONMENT CANADA

Mr. John Maloney (Welland, Lib.): Mr. Speaker, this evening's adjournment proceedings arise from a question I asked the Minister of the Environment on February 1, 2008.

Scientists at Environment Canada are being muzzled by the minister, and I am afraid this represents a continuing trend of censorship by the Conservative government, which moved me to ask the question.

In April 2006, Mark Tushingham, a scientist from Environment Canada, was releasing his science fiction novel about global warming. Tushingham was scheduled to speak about his book and to talk about the science behind it. However, the environment minister at the time stopped the scientist from speaking publicly about his own fiction book. What would we call that? Censorship.

In January 2008 this trend of censorship continued. The Conservatives fired the president of the Canadian Nuclear Safety Commission just hours before she was set to appear before a parliamentary committee to speak about the Chalk River isotope crisis. Canadians were prevented from hearing her important testimony on an issue which concerned public safety. The Conservatives fired her out of a partisan interest and interfered with an independent government agency.

These are not isolated incidents. Last February, Dr. Arthur Carty resigned his position as national science adviser for being censored. The Prime Minister trashed his advice and refused to listen to his recommendations. He was ignored because his views on global warming were not consistent with the agenda of this environmentally unfriendly government.

Finally, just last month the well-known British environmental journal entitled *Nature* made reference to this censorship of which I speak. The journal criticized the Canadian government order given to Environment Canada that all correspondence be routed through the minister's office for an approved response. It is appalling to know that Canadian scientists must have their information vetted by Ottawa political hacks before being able to speak to the media. This type of censorship is unacceptable in a free and democratic country. Canadians have a right to know what these experts have to say.

This pattern of behaviour by the Conservative government is as frightening as it is unacceptable. Freedom of thought and freedom of speech are two fundamental values of Canadian society. Conservatives have put these values at risk for their own political purposes. In the end, it is the environment and the health of Canadians that will suffer now and in the future.

This government has failed to show any concern for the environment. It has refused to endorse the Kyoto accord, even going so far as to not attend a ceremony to honour Canadian scientists who won the Nobel Peace Prize for their report on international climate change. What will it take for the government to accept that global warming exists? It continues to let Canadians down with its lack of commitment to address climate change.

The government promoted a culture of transparency, but not when acting as stewards of the environment. Will the minister stop muzzling these experts and allow them to voice their opinions? Will the government exhibit openness and inform Canadians of the truth? Will the minister stand up for our environment and for Canada?

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, the hon. member was quite right when he said that Environment Canada has within its ranks some of the brightest and best scientists in the world. I actually got to meet many of them, and celebrated and congratulated them for their successes, as he pointed out, as Nobel Peace Prize winners on the environment. He also knows this government is very committed to seeing the end of 13 long years of Liberal neglect on the environment. This government is very committed to getting it done on the environment.

As I said, the hon. member is quite right that the brightest minds are right here in Canada. We are very proud of them. The rest of what the hon. member said was simply not true.

The fact is that the media relations policy exists to support and to ensure that media inquiries are addressed quickly, accurately, and in a consistent way right across Canada. I encourage the hon. member to take a closer look at the federal government's communications policy which was first introduced when he was a minister, when his Liberal Party was the government of the day.

If he reads it, he will find the following, “Institutions must ensure processes and procedures are in place to assist managers and employees in responding to media calls”. Actually, his party was government when this was the policy, and it continues to be the policy.

Environment Canada's policy merely responds to the requirement set forth in the communications policy. It also falls in line with the policies that guide and govern media relations practices in all the federal government departments. There are very similar communications policies used in the private business and not for profit sectors. To be clear, Environment Canada asks that requests be run through its media relations officer in order to better ensure that subject matter experts are made available to speak to the media on complex and technical issues, and to be kept fully informed on what is being asked of its employees.

Scientists will continue to be able to speak directly to the media on their specific areas of expertise. Environment Canada's media relations policy is quite clearly based on the elements of good government and common sense. We are there to meet with the media. As I said at the beginning, the claims of the member are not true.

● (1835)

Mr. John Maloney: Mr. Speaker, no matter how the hon. member chooses to gloss his communications policy, it is all-controlling and certainly smacks of censorship. It is just not acceptable.

As a northern country, Canada is particularly vulnerable to climate change. This gives Canadians an even greater responsibility to protect the planet, a responsibility that the Conservative government has unfortunately abandoned.

The consequences of climate change are likely to be catastrophic. Canada must be a leader at the international negotiations on the next phase of the Kyoto protocol. Reductions in greenhouse emissions must be achieved globally.

Canadians can depend on the Liberal Party of Canada to promote cooperation between progressive parties and progressive countries so that each of us at home and together internationally can work toward a richer, fairer, greener world for the citizens of today and the generations of tomorrow.

Mr. Mark Warawa: Mr. Speaker, I agree with the member that climate change is a very serious issue. That is why this government is now taking action. It is unfortunate that for 13 long years the previous government did not do anything. However, now we have the toughest target in Canadian history, and that is an absolute reduction of 20% by 2020. Also, we are seeing greenhouse gas emissions reduced by 150 megatonnes. Those are the toughest targets in Canadian history. We are already seeing the positive results of getting it done.

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a. m., pursuant to Standing Order 24(1).

(The House adjourned at 6:38 p.m.)

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