CANADA

House of Commons Debates

VOLUME 142 • NUMBER 106 • 2nd SESSION • 39th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Thursday, June 5, 2008

Speaker: The Honourable Peter Milliken

CONTENTS

(Table of Contents appears at back of this issue.)

Also available on the Parliament of Canada Web Site at the following address:

http://www.parl.gc.ca

HOUSE OF COMMONS

Thursday, June 5, 2008

The House met at 10 a.m.

Prayers

● (1005)

[*English*]

BUSINESS OF SUPPLY

The Speaker: Since today is the final allotted day for the supply period ending June 23, 2008, the House will go through the usual procedures to consider and dispose of the supply bill.

In view of recent practices, do hon. members agree that the bill be distributed now?

Some hon. members: Agreed.

ROUTINE PROCEEDINGS

[*English*]

INTERPARLIAMENTARY DELEGATIONS

The Speaker: I have the honour to lay upon the table the report of a Canadian parliamentary delegation concerning its official visit to the Republic of Macedonia, Bosnia and Herzegovina, and Croatia from April 18 to April 27, 2008.

* * *

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 five petitions.

* * *

COMMITTEES OF THE HOUSE

FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I have the privilege to present, in both official languages, the sixth report of the Standing Committee on Foreign Affairs and International Development recommending that the government provide its response in a reasonable time to the advisory group report entitled "National Roundtables on Corporate Social Responsibility and the Canadian Extractive Industry in Developing Countries".

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC): Mr. Speaker, I have the honour to present, in both official languages, the fifth report of the Standing Committee on Aboriginal Affairs and Northern Development. In accordance with the order of reference of Monday, May 26 the committee has considered Bill C-34, the Tsawwassen first nation final agreement act, and has agreed to report it without amendment.

* * *

[*Translation*]

SUPREME COURT ACT

Mr. Yvon Godin (Acadie—Bathurst, NDP) moved for leave to introduce Bill C-559, An Act to amend the Supreme Court Act (understanding the official languages).

He said: Mr. Speaker, I am pleased to introduce a bill, in both official languages, amending the Supreme Court Act.

As we all know, the laws themselves are written in each of the two languages. There is one set of laws written in English and one written in French; neither one is a translation of the other.

The bill would amend the Supreme Court Act and introduce a new requirement for judges appointed to the Supreme Court to understand English and French without the assistance of an interpreter.

This is why I am proud to introduce this bill. Our country is officially bilingual, and it is only natural that judges in our country's highest court be able to read the law in the client's preferred language. This is why I am introducing this bill.

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

* * *

[*English*]

PETITIONS

VOLUNTEER SERVICE MEDAL

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, it is an honour to rise in the House today to present a petition from a number of my constituents in Langley and across the country.

The petitioners are asking for a new volunteer service medal. They point out that during the specified period of service to their country, Canadians from September 3, 1939 to March 1, 1947 received the Canadian volunteer service medal. During a specified period of service to their country, Canadians from June 27, 1950 to July 27, 1954 received the Canadian volunteer service medal for Korea.

The petitioners respectfully call upon the Government of Canada to recognize, by means of the issuance of a new Canadian volunteer service medal to be designated the Governor General's volunteer service medal, volunteer service by Canadians in the regular and reserve military forces, and cadet corps support staff who are not eligible for the aforementioned medals, and who have completed 365 days of uninterrupted honourable duty in the service of their country, Canada, since March 2, 1947.

CBC RADIO ORCHESTRA

Mr. Don Bell (North Vancouver, Lib.): Mr. Speaker, I am pleased to present two petitions today submitted by Gene and Maureen Ramsbottom of North Vancouver, and signed by 104 others who share their concern over the disbanding of the CBC Radio orchestra.

Based in Vancouver, the orchestra is a beloved Canadian cultural institution that has enriched the lives of Canadians for over 70 years by giving Canadian musicians and composers a place on the stage in Canada, and the world.

The petition calls on the government to ensure a continued mandate and adequate funding for CBC Radio to allow it to continue its contribution to the cultural life of Canada, including a strong and renewed commitment to classical music, and to accord the Vancouver-based CBC Radio orchestra natural cultural heritage status.

● (1010)

[*Translation*]

BUS SECURITY

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I am presenting three petitions today. The first is signed by several hundred residents of the Quebec City area, including Sainte-Foy, Charlesbourg, Beauport and Ancienne-Lorette. These citizens are calling on Parliament and the government to adopt legislative measures to protect public transportation workers from physical assault, which, sadly, is happening more and more frequently. These people are therefore asking the government to act and adopt the bill introduced by the member for Burnaby—New Westminster.

[*English*]

SECURITY AND PROSPERITY PARTNERSHIP

Mr. Peter Julian (Burnaby—New Westminster, NDP): Second, Mr. Speaker, I would like to present more of the thousands and thousands of names that we have received in the House of Commons as part of the NDP "Stop the SPP campaign".

Hundreds of residents in the ridings of Nanaimo—Cowichan and Nanaimo—Alberni are asking Parliament and the government to stop any further implementation of the SPP until there is full exposure of all of the minutes of the working groups with full parliamentary and public consultations.

The petitioners find the SPP anti-democratic and secretive, and that it will lead to the diminishing of our quality of life in Canada.

I also have a petition from residents of the lower mainland of British Columbia who are requesting the same thing, They find the SPP process that the Conservative government has embarked upon is anti-democratic and diminishes the quality of food, drug and air safety in this country.

The petitioners are asking the government to stop the SPP, allow for full public consultations, and a parliamentary vote.

* * *

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, Question No. 255 will be answered today.

[*Text*]

Question No. 255—**Mr. Robert Bouchard**:

> With regard to the four new airborne battalions of 650 regular force personnel to be stationed in Trenton, Comox, Bagotville and Goose Bay: (*a*) what is the deadline for the construction and completion of infrastructure for each of the squadron projects; (*b*) what funding announcements has the federal government made for each of these bases since 2006; and (*c*) how many troops have been added to each of these military bases since 2006?

Hon. Peter MacKay (Minister of National Defence and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, to date, the Government of Canada has taken steps to establish a rapid-reaction, air support unit at 3 Wing Bagotville through the creation of the 2 Air Expeditionary Wing (2 AEW), a variation of the original plan to form an air deployable army battalion in this location.

The government is currently considering creating an airborne battalion at 8 Wing Trenton, or establishing rapid reaction, air deployable army battalions at 19 Wing Comox or 5 Wing Goose Bay.

In response to a) Planning for permanent infrastructure at 2 AEW Bagotville is progressing, but it is not yet possible to specify the completion dates for these projects, particularly since the tendering process has yet to begin. However, the Department of National Defence and the Canadian Forces (DND/CF) are aiming for this unit to reach initial operational capability by 2010 with approximately 250 personnel; as such, DND/CF may decide to make use of temporary facilities at Bagotville to accommodate personnel until the primary buildings are completed.

In response to b) On 20 July 2007, the government announced that it will provide $85 million for personnel costs, and up to $300 million for infrastructure and equipment, for the creation of an Air Expeditionary Wing at Bagotville, which will eventually comprise approximately 550 personnel once it reaches full operational capability in 2015.

In response to c) The following military personnel have been added between 1 April 2006 and 1 April 2008:

- 3 Wing Bagotville: 30.

Of these 30 personnel, 21 personnel are directly associated with the creation of 2 AEW. This number will increase in Summer 2008, when a small cadre of personnel will begin arriving at 2 AEW Bagotville as part of initial preparations for the training, equipping and structuring of this air support unit;

- 19 Wing Comox: 3;

- 8 Wing Trenton: 222; and

- 5 Wing Goose Bay: 0.

The personnel increases at 19 Wing Comox, 8 Wing Trenton and 5 Wing Goose Bay are not associated with the creation of airborne or air deployable army battalions in these locations.

[*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*]

BUSINESS OF SUPPLY

OPPOSITION MOTION—CONFLICT OF INTEREST CODE

Mr. Derek Lee (Scarborough—Rouge River, Lib.) moved:

That this House reaffirm all of its well-established privileges and immunities, especially with regard to freedom of speech;

that, in order to clarify and assure those privileges, Section 3(3) of the Conflict of Interest Code for Members of the House of Commons, which is Appendix I to the Standing Orders of the House of Commons, is amended by deleting the word "or" at the end of paragraph (b) and by adding the following after paragraph (b):

"(b.1) consists of being a party to a legal action relating to actions of the Member as a Member of Parliament; or";

that, pursuant to section 28(13) of the Conflict of Interest Code, the House refer the Thibault Inquiry Report back to the Conflict of Interest and Ethics Commissioner for reconsideration in the light of the amendment to the Code; and

that the House affirm its confidence in the Conflict of Interest and Ethics Commissioner.

He said: Mr. Speaker, this is an issue that has been kicking around here for two or three months. The wording of the motion might make it seem like it is a trivial or technical thing, and it might even be seen as a little unconventional to make such a matter the subject of what we call an opposition day or a supply motion, but I and many others in the House believe this issue to be a fundamentally very important one because it has to do with my ability and the ability of all colleagues in the House to get up right now, to get up at any point in time, to do our jobs as members of Parliament.

It goes right to the core of what this place does as a place of debate, what members of Parliament do as they carry on their work of debating on public issues in the House, at committee, and actually in the constituency, out in the street.

Since parliaments began, the world has changed over that huge period of time. We now have another world of media: communications, television and text messaging all going on. The world is, of course, much bigger than what is here in our House.

There was a time not that long ago when just above us, just above where you are, Mr. Speaker, the media used to sit. We called them the press. Their benches are still there and their job was to report to Canadians on what we did in this House.

A lot has changed. The press actually do not sit there very much anymore because they can watch what we do on television. They make use of the communication facilities of the House. Indeed, by special arrangement and by special constitutional arrangements, what they do is quite special to us in the House.

We even let the media control a piece of our parliamentary precinct. The Canadian media control the press theatre downstairs. It is under their control and not the control of the political parties or the Speaker or the House, and there is a written agreement to that effect.

The point I am making here is that in the world of communications and what we do as members of Parliament, it is more than just what we say in the House. What we use to just do in the House has now moved out into the scrum area and out into the electronic universe.

Just for the record, I feel, and most members will feel, that we have to read some statement of the principle we rely on here, and I am going to read one. It is from the 1977 first report of the special committee on the rights and immunities of members of Parliament:

> Freedom of Speech
>
> By far, the most important right accorded to Members of the House is the exercise of freedom of speech in parliamentary proceedings. It has been described as...a fundamental right without which they [Members of Parliament] would be hampered in the performance of their duties. It permits them to speak in the House without inhibition, to refer to any matter or express any opinion as they see fit, to say what they feel needs to be said in the furtherance of the national interest and the aspirations of their constituents.

That refers to what is said in the House and by extension in committees. It does not necessarily, and technically perhaps, govern what is said outside the House and committees. What we are dealing with today is what is said or not said in the House and at committees.

The motion that is before us here today does not deal with communications outside the House and committees. The rules governing those communications are still out there. What we are talking about is the freedom of a member to speak freely and vote in the House of Commons.

● (1015)

The sequence of these events started about 20 or 25 years ago. Some lobbying went on, which has been generally spoken to and described in two separate files. One file is the airbus file and the other file is the Thyssen or Bear Head file, which are separate files but in some ways linked.

With a lot of lobbying going on 20 years or so ago, some money was moved around. The question that has come up now is whether the rules we had then were appropriate to guide public officers in either receiving, not receiving or managing those types of issues involving lobbyists.

The Standing Committee on Access to Information, Privacy and Ethics embarked on a study and did not do too bad a job. It reported to the House. It is not that all issues have been cleared up but a number of public issues were raised in that whole sequence.

In the context of that, one of the members of that committee said something outside the House, to which a witness at that committee study, a former prime minister, took objection and commenced a lawsuit. That was a slander action and it is still out there. It was not directly connected to what we do in the House at all, at least we did not think it was.

I have another set of facts that are on a collision course now. Those facts include the decision of the House to adopt rules of conduct and a Conflict of Interest Code, which was a good step forward. The code is in place and we now have an Ethics Commissioner who assists us in the interpretation and enforcement of that code. It has worked quite well so far but my recollection is that when the code was put in place it moved fairly quickly. It involved a complex set of issues.

Most members are quite happy and proud that we now have an Ethics Commissioner and a code. However, these two facts now collide when they are taken up by the Ethics Commissioner in dealing with a complaint about the member who made the alleged slanderous remarks. She, quite professionally, looked at the code and tried to figure out whether the member has some duty or obligation in the House as a result of what happened outside the House.

Inside the House, the commissioner points out that section 3 of our Conflict of Interest Code has a provision that says that members may not further their private interests inside the House but that outside the House they can do whatever they want. However, as members of Parliament, we are bound not to further our private interests in what we do in this place and at committee.

In defining a private interest, the Ethics Commissioner looked at subsection (3)(2)(b) of the Conflict of Interest Code which states that a private interest would include "the extinguishment, or reduction in the amount, of the person's liabilities". That is all well enough.

We have the member for West Nova, who is being sued outside the House. Does he have a private interest? The Ethics Commissioner decided that, on the face of it, it was not clear that a lawsuit outside the House was a liability so she decided that she would include in the definition of liability the term "contingent liability".

● (1020)

The Ethics Commissioner included the words "contingent liability" in our set of definitions because those words are included in *Black's Law Dictionary*, not because we put it in our code, and that therefore the contingent liability she would focus on is potential liability, not contingent liability, in my view, that might be there in this lawsuit.

Therefore, because the member is subject to a lawsuit that might produce a judgment, which, in the view of the commissioner, could constitute a contingent liability, it would then fall within the rule that says that we should not further a private interest. She believes the member could further his private interest, this contingent liability, this potential liability in the lawsuit, by something he might do or not do in voting or speaking in the House. That takes us right to the core of the principle here today. It was her view that this set of circumstances must, by our rule, abridge the member's right to free speech in the House and at committee, not only the right to speak but the right to vote.

We have this interpretation that comes in through the back door. It certainly was an unintended result. I cannot recall anyone around here envisaging this back door route in interpretation to secure the logic that brought us to the point that would abridge, curtail, prevent the member from voting or speaking on this particular set of issues in the House of Commons or at committee. As I have said previously, that is intolerable.

The member for West Nova is, under our Constitution, completely free and unfettered to say whatever he wants outside the House in the media, in the scrum, in his riding, in his house, in his town council and everywhere else out there. However, inside the House, according to our Ethics Commissioner, he cannot speak freely.

This House is the one place in the whole country that is supposed to have, by constitutional root going back hundreds of years, the total, unabridged right of free speech for members but somehow we have ended up in a situation where the member has had that right taken away. If he follows the guidance and decision of the Ethics Commissioner, he has broken the rule and, therefore, may not speak and may not vote on those issues.

I submit that was a totally unintended result caused by what I call this back door, circuitous interpretation of the rules. I am not saying that the Ethics Commissioner made a huge mistake. She made a fairly mechanical interpretation of the rules. It was a little bit like a law school exercise. a syllogism made two plus two equals four, and she reached the conclusion, but did she miss the big one. She missed the fundamental constitutional right of free speech for everyone who serves in this place.

By coincidence, when we adopted the Parliament of Canada Act quite a few years ago, like 140 years ago, section 5 says that the privileges we have in this place are so fundamental that outside in the real world no one has to plead them to the court because all the courts in the country are, by statute, obligated to take notice in courts judicial notice of these privileges. They are very fundamental but most of the time we take them for granted which maybe we should not.

● (1025)

However, in this case the Ethics Commissioner somehow missed it. Maybe we should have listed our privileges a little more clearly in the Code of Conduct but we took it for granted and did not bother, so she did not interpret it. She read in *Black's Law Dictionary* the definition of "contingent liability" but she did not read our fundamental rights and privileges in this place. She never got there. In a sense I am saying that she should have but I must forgive her because when we wrote the rules we wrote them in a certain way that took a lot of things for granted. In fact, we may have written the rules a little too quickly but we wrote them and it was for a good purpose.

Where do we go from here? We need to assist the Ethics Commissioner to clarify the ruling and to fix our rules. It has created what people call a kind of libel chill.

I asked a week or two ago what would happen if someone decided to sue every member in the New Democratic Party or the Bloc Québécois caucuses for something allegedly mean and nasty they were doing or had said. Would that prevent every member of the caucus having a contingent liability under these rules and this interpretation from speaking or voting on something in the House? According to the Ethics Commissioner, it would if we take the literal interpretation of her ruling. There is no other conclusion one can draw.

We need to clarify the rule. As I do that, I need to address the context in the House. We are working in a minority Parliament and most of us will agree that the debate and the exchanges in the House have been rather testy, excessively partisan and maybe less than the standard we would want to use back in our ridings. In fact, most of us get along pretty well with other MPs back in our ridings. In the House, however, it is not working too well. I am urging members, in dealing with this motion, to try to put the partisanship aside.

One has to accept that it would be natural for a political party with a political stance, in dealing with something coming from another party in debate, to want to use whatever rule or device it could to repress, knock off, set aside or defend against whatever is being alleged and said. That happens in debate.

It is possible that some members may say that the ethics rule is good because it prevents those guys from saying those things. Many may say that we should let the Ethics Commissioner's ruling be the device to prevent that person or those people from saying those things because we do not like what they say. I urge members on both sides to take a step back and look at the broader picture.

I know we have all heard the adage “I don't like what that person is saying but I will defend unto death the person's right to say it”. That adage has been around so long I do not even know who originally said it. I am not offering death at this point. I am offering nothing more than our fundamental right in this place, which is that we have the right to say it in this place, though not necessarily out there.

The lawsuits can go fast and furious out there but in this place and in committees there is an absolute unfettered right to say it. I am urging members on both sides of the House to consider this objectively and to affirm the fundamental right we have to debate, speak and uphold the constitutional traditions and conventions that we have always had and which have now been, arguably, impaired by this ruling. We need to fix the rules and get the member for West Nova back on his feet on all issues.

● (1030)

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I listened intently to my hon. colleague's presentation. I agree with one thing he said, or perhaps even more than one thing, but the one thing I agree with right off the top is that this debate is extremely interesting and it should be held in a very reasonable and non-partisan manner, because I think it is extremely important.

What the motion intends to do is fundamentally change some of the rules that have guided all of us for a number of years. We are guided by a great many rules, if I can call them that, or conventions, as the member says, from procedures and practices to Standing Orders to codes of conduct, and I think before we make any changes we ought to very carefully examine the consequences of those changes.

The member speaks of what he considers to be the overriding principle of members of Parliament, that is, the right to speak freely in this place. While I appreciate that, I would suggest that there is one even more overriding or overarching principle that we are all guided by and that is to put the public interest ahead of our own interest.

I would give the member a suggestion and ask him whether or not he agrees with it. If there is a legitimate lawsuit brought forward by a member of the public against a sitting member of Parliament and that member of Parliament is allowed to speak to that issue at a committee level, in effect that member of Parliament would have an advantage over the member of the general public who brought the lawsuit.

In effect, the member of Parliament would be conducting an examination for discovery or, in other words, putting his own private interest in that case over that of the general public. That is why we have a commissioner to interpret cases on a case by case basis. If there were a lawsuit that had no effect as to the subject material in the committee, then the member would not be encumbered.

I would simply ask the member this. Does he not agree that the overarching principle of all members in this House should be to put the public interest over the private interests of members of Parliament?

● (1035)

Mr. Derek Lee: Mr. Speaker, I would agree with that so much that I would say the parliamentary interest trumps everything else. It trumps the lawsuit out on civvy street. If we are going to buy the principle, we buy the whole thing.

If there is a lawsuit between two people, that is fine. They can have their own pissing match. They can, but what governs is the public interest, and the public interest is reflected by the views of every member of this House in here and at committee. That trumps everything that goes on out on civvy street.

Second, the member asked whether the member of Parliament would have an advantage. I say no, because we all know that the courts out there operate based on only the evidence adduced in the trial at the hearing. Let me repeat: only the evidence adduced in the trial at the hearing.

However, everything that happens in this House and at committee is privileged and bound by parliamentary privilege. It is not usable. It cannot be used or transported outside this place. If somebody attempted to use evidence adduced in a committee or in the House it would be a breach of parliamentary privilege. It would be a contempt.

So the answer to that on both fronts is yes, the public interest trumps everything, and that is why what happens here is more important than what happens in the trial. Second, the evidence from here is not usable out there, so there is no advantage.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, let me say for my colleague from Scarborough—Rouge River that it seems to me the dilemma we are faced with when we are making a decision on this motion before us today is a balancing act, whereby potentially we expose abuses if we have a member of Parliament who is irresponsible and is prepared to use his or her freedom of speech, that extra layer of freedom of speech that we all have as members of Parliament, in an irresponsible or even abusive way.

I would like to ask my friend if he has analyzed the balance he is trying to strike here. What would he say to those who would say that we are exposing individual members of society to potential abuse by an individual member of Parliament who is irresponsible?

Mr. Derek Lee: Mr. Speaker, it is a good question, but I suggest to the hon. member that the boundaries have already been drawn and that we already have decided in this place. I read for members that earlier quote. One of my colleagues gave me a quote from a 1974 British lawsuit, which will come up late in the event, but we already have decided that in this place we have the absolute, unfettered right to say whatever we need to say in the public interest.

That decision has already been made. The motion today corrects one section. It provides an exception from one section of our conflict of interest rule. It is really quite minor, except that it takes us right to the core of our fundamental right of free speech. Whether or not we like to hear what some members say in this House does not matter so much as their right to say it.

● (1040)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I enjoyed the member's speech. I want to give him the opportunity to flesh out this privilege. It seems very clear from his speech that he is saying there is no more important job as members of Parliament than to represent the people. We are here for the people. The people will judge us at election time.

Is that not what we are doing when we speak in Parliament or at committee? We are speaking for the people. Given that there is history here, that kings have lost their heads, that in Singapore such protections do not prevail in parliament and therefore people who oppose the government can be shut down by lawsuits, is not the most important thing that we do as parliamentarians to act for the people? Is it not that we are the people and therefore what the hon. member from Regina said is very consonant, which is that our role is for the people and that is primordial?

Mr. Derek Lee: Mr. Speaker, I would agree with this subject to the rules that we adopt here in the House for our own conduct. Subject to those rules, I would say that the only decision maker about what we say is our constituents. They are the only arbiter. The judgment on the goodness or badness of what we do in this place and at committee is with our constituents. That is how we have constructed it. I cannot do a better job than that.

I had one image in my mind as the member spoke. It is the image from 19 years ago yesterday of Tiananmen Square and the one guy who stood in front of the tank. I gather he did not make it through that sequence and is no longer with us, but he stood in front of the tank and stopped the tanks on that roadway. That is what we have to make sure we have the right to do here in speech, and sometimes it is a bit like standing in front of a tank, but we must have that ability to stand here representing our electors and say what has to be said even if it irritates all other 307 members of the House.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, in listening to this it seems to me that between the two arguments the hon. member is making there is a distinction that he has not really clarified. The first point is in regard to his concerns about freedom of speech. He has waxed eloquent on those concerns. The second is the question of casting a vote. There is a distinction there.

We all of course remember a few years ago Chuck Cadman casting a deciding vote on whether or not a government would fall. As well, given the fact that we seem to be in an era of minority governments, we have committee meetings that are decided by one vote. That is one issue. Having the right to vote can very well make a distinction between a successful or an unsuccessful vote in certain cases.

Actually engaging in the freedom of speech, which of course also means the freedom to question, to summon witnesses and so on, seems to me to have a much more aggressive intent or potential for misuse. Yet at the same time it is less likely to be a right which, if constricted, is going to actually affect the business of Parliament.

We have to remember in this context that the privileges of an individual member are actually the member's part of the privileges of the whole House. They are not actually privileges of that member qua individual, but as a person performing a portion of the role of this House, thus the importance of ensuring the entire body can vote without having any of its members taken away. Could the member comment on that?

Mr. Derek Lee: Mr. Speaker, the member has offered an excellent perspective on the envelope. I have not thought it through a whole lot, and I am not necessarily the smartest guy in the world either, but at this point in the debate I would not want to disconnect the voting right from the right to speech. All of us feel the right to vote is pretty fundamental. Our only ammunition as MPs is our tongue and our vote. That is it.

I would not want to disconnect the right to free speech from the right to vote, although there may be cases where there is an evident personal interest involved in a vote. I think our rules adequately cover that. I do not propose to change that.

● (1045)

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I am pleased to rise today in respect to the debate on the motion that has been raised by the member for Scarborough—Rouge River.

I believe that the motion would reaffirm our privileges and immunities. It would amend the conflict of interest code for members of the House of Commons. It would refer the report of the Conflict of Interest and Ethics Commissioner concerning the member forWest Novaback to the commissioner for reconsideration. The motion would affirm the confidence of the House in the Conflict of Interest and Ethics Commissioner.

My concern with respect to the motion is the amendment of the conflict of interest code. I really do object to the process which the member has chosen to take place in the House with respect to his attempt to change the conflict of interest code. I am concerned that members will not have had adequate time to consider whether the proposed change is necessary and whether it has been properly drafted.

The conflict of interest code has been the subject of careful review by parliamentarians dating back over 35 years when the Trudeau government tabled a green paper on this subject in 1973. Since then, parliamentarians have studied numerous initiatives to develop a code of conduct.

For example, in 1978 the Trudeau government introduced the independence of Parliament act. In 1988 the Mulroney government introduced the members of the Senate and House of Commons conflict of interest act. In 1993 the Mulroney government introduced the conflict of interest and public office-holders act.

In 1995 a special joint committee chaired by the current Speaker and by Senator Oliver was established to develop a code of conduct. The special joint committee recommended a code of conduct for parliamentarians in its 1997 report.

The Chrétien government tabled a draft code for parliamentarians in 2002 based on the joint committee's 1997 report. This draft code was referred to the procedure committee through a careful study by parliamentarians.

The procedure committee examined the code and held extensive consultations with members of Parliament. The committee tabled a report with a code which reflected the comments of the members of the committee as well as input from members of the House.

In its report, the procedure and House affairs committee stated:

> The result of our consultations and intensive study is, we believe, a document in which all Members of the House can have confidence. We are convinced that it is a very credible step forward in the self-regulation of this House.

This report was adopted in 2004 and forms the basis for today's conflict of interest code.

The reason that I have gone through this brief history lesson is to remind members that the drafting of the code involved careful consideration and consultation by members over a great number of years. Its provisions should not be taken lightly. The code needs to be effective to ensure Canadians have the highest level of confidence in Parliament and its members. At the same time, care must be taken to ensure that the code does not unduly restrict the privileges of members of the House.

Given the importance of the code, it is not surprising that extensive deliberations took place by parliamentarians before the code was finalized. It therefore follows that changes to the code should not be done in haste without any proper consideration or consultations.

Even minor changes can have unforeseen consequences. Given the implications the code may have for members of Parliament, any changes should be carefully considered before it is adopted by the House.

Instead, the member for Scarborough—Rouge River is proposing that a change be made to the code after only a few hours of debate in the House. In my view, it would be more appropriate for the procedure and House affairs committee to hear from experts on this issue, including the Ethics Commissioner herself.

● (1050)

One of the issues that I think should be explored by the procedure committee is whether the proposed change achieves the member's objectives. For example, the proposed amendment refers to "actions of the member as a member of Parliament". This begs the question, what are the actions of a member as a member of Parliament?

I do not believe that the member for Scarborough—Rouge River intends to refer to proceedings in Parliament, as parliamentary privilege adequately protects members of Parliament in this regard. For example, a member cannot be subject to a lawsuit for his or her statements in the House or in committee. He said that. I must therefore conclude that the member for Scarborough—Rouge River is referring to actions by members of Parliament outside the House.

What actions outside the House constitute actions as a member of Parliament? How do we distinguish between the actions of a member of Parliament as a private citizen versus actions as a member of Parliament? What statements that members of Parliament make to the media constitute actions as a member of Parliament?

In this regard, it is not clear whether this amendment would actually achieve the objectives the member for Scarborough—Rouge River is seeking. In the case of the member for West Nova, the lawsuit that he faces is a result of statements that he made to the media outside the House. It is not clear to me that the member for West Nova was acting as a member of Parliament in making those statements to the media as any activity outside the House is not a parliamentary proceedings. There is a distinguishing factor.

In fact, very little of the functions of a member of Parliament outside the House or committee can be considered a parliamentary function. For example, in the second edition of *Parliamentary Privilege in Canada*, Joseph Maingot states at page 84:

> A clear distinction should be drawn between those things a Member does in the exercise of his capacity as a Member, only one of which is to take part in a "proceeding in Parliament," and those he does because he is a Member: the latter are much wider and are not necessarily protected.

He further states at page 102:

> The uttering of slanderous words by a Member of Parliament to a journalist outside the floor of the House is not protected by absolute privilege.

It will be ultimately up to the Conflict of Interest and Ethics Commissioner to interpret the proposed change. We cannot predict how she would apply this provision. On the other hand, the procedure committee would have to have been able to ask the commissioner's view on this change and receive her advice of what changes, if any, should be made to the code.

Instead, members are being asked to make a change to the code today without the benefit of such consultation. I would also note that the member for Winnipeg Centre put forward at the ethics committee different wording to change the Conflict of Interest Code.

In his motion at the ethics committee he made reference to excluding, as a private interest under the code, being named as a defendant in a lawsuit regarding a matter then before Parliament or a committee of Parliament. That was, at least, a lot more precise than the motion before the House today.

The motion before us would exclude where a member is a party to a legal action. This could include a situation where a member has commenced the lawsuit as a plaintiff, and plaintiffs of course are parties to a lawsuit. Therefore, this would allow a member to commence an action in the courts and then be allowed to participate in parliamentary proceedings dealing with the subject of the suit and be allowed to participate in those proceedings and use them to advance the member's court case, and even intimidate the party the member was suing.

This shows the need for this matter to be studied much more closely by us as parliamentarians and not dealt with as a result of a hasty, short, one day debate. This also demonstrates there are alternative ways to accept to change the code, if that is necessary, and it would be appropriate to have the procedure committee examine these issues more carefully.

● (1055)

Members may respond by arguing that the procedure committee is not currently meeting and that therefore, today's opposition motion is the only way for the House to respond to the ethics committee's report. However, the procedure and House affairs committee is not meeting because of the tyranny of the majority of that committee which overturned a sound reading by the chair and ultimately removed the chair from his position. This is an example of the situation that the Speaker referred to on March 14 when he stated, "committees have found themselves in situations that verge on anarchy".

I agree that we need to find a solution to the impasse at the procedure and House affairs committee and I believe that the solution is simple. When the chairs of the committee make a sound procedural ruling that is supported by the clerk of the committee, the committee has to uphold and respect that ruling. All members of Parliament should follow the rules and respect the Standing Orders.

If members think that the ethics committee's report is of urgent importance, then they should agree to work constructively in committee and respect the rules of Parliament. In that way the procedure committee can review the Ethics Commissioner's report and recommend any action it deems necessary.

This is not the first time the opposition has tried to circumvent our normal procedures to implement a change that has not been properly thought out to the Conflict of Interest Code. For example, opposition members on the access to information, privacy and ethics committee tried to ignore the Standing Orders by tabling a report recommending a change to the code. The Speaker rightly ruled the report was out of order as it was clearly beyond the mandate of that committee.

The member for Scarborough—Rouge River has also raised a question of privilege on this issue but has chosen to move forward with his motion without waiting for a ruling by the Speaker. The Speaker noted on May 15, "In my view, there are other mechanisms available to debate and resolve the matter at hand". In this respect, I would remind all members that section 28(10) of the code allows a member to move a motion to concur in the report. I note that the member for Winnipeg Centre already has a motion on the order paper pursuant to this section. Presumably then, the House could amend the motion to express its opinion on the Ethics Commissioner's report.

In addition, section 28(13) of the code makes provision for the House to refer the ethics committee's report back to the commissioner for further consideration with instructions. Since the Conflict of Interest Act already contains provisions that allow the House to respond to the commissioner's report, I believe it is misguided to change the Conflict of Interest Code at this time.

I would also note that it is not an urgent need to make quick changes to the code. In her report, the commissioner states:

> Concerns have been raised about the use of lawsuits, more particularly libel suits, to prevent a Member from performing his or her duties in the House of Commons. I cannot predict whether this may indeed become a problem and I hope it does not.

By stating she cannot predict whether this may become a problem in the future, the commissioner is implying that the use of lawsuits is currently not a problem or a significant barrier to the ability of members to perform their duties in the House.

I would also note that members of Parliament have legal remedies to respond to lawsuits. If a member feels that a lawsuit is frivolous or vexatious, they can ask the court to dismiss the case. The court has a wide range of remedies it can apply, including, most important, dismissal of the case, plus possible damage costs awarded, which would result even in disciplinary action against any lawyer who is acting for a party commencing in such a frivolous or vexatious lawsuit against a member, especially if it was motivated to interfere with a member of Parliament's duties and privileges.

However, the court is the best place to make that determination. If the court finds that a lawsuit is valid, members should not be able to use their parliamentary privilege to advance their legal position. There is therefore no compelling need to make immediate changes to the code. Instead, it would be worthwhile to have the procedure committee examine the issue to determine whether there is a problem that needs to be fixed, and if so, how to remedy the situation.

● (1100)

In fact, when the code was first adopted, the procedure committee recognized the need to periodically review the code's effectiveness. The committee report stated:

> We realize that any document such as the proposed Code is, in effect, a work in progress. We fully expect that time and experience will indicate where changes need to be made, and we have provided for both ongoing oversight by this Committee, and a comprehensive review of its provisions and operations every five years.

Section 33 of the code, therefore, requires the procedure and House affairs committee to undertake a comprehensive review of its provisions and operations within five years after its coming into force. The code came into force at the beginning of the 38th Parliament on October 4, 2004, and therefore, a comprehensive review of the code is mandated to take place by October 2009. This would be an appropriate opportunity for the procedure committee to examine the implications of the commissioner's recent report.

I will sum up by saying that the Conflict of Interest Code was developed in a non-partisan fashion with the consensus of all parties. Given the importance of the code, parliamentarians undertook years of careful scrutiny and consultations before finalizing these measures. When tabling a draft code of conduct, former deputy prime minister John Manley stated in the House on October 23, 2002:

> A code for members must be non-partisan and must serve all members in all parties. The Milliken-Oliver code, on which this document is based, was prepared by an all party committee.

He also went on to state:

> The Prime Minister has stated that the government is open to considering changes which maintain an effective code and serve the interests of members and their constituents. That is why we have tabled these documents in a draft form to give the committee flexibility on these matters.
>
> I am pleased to work the committee and all parliamentarians on these important matters.

The member for Scarborough—Rouge River was a member of the government that recognized the need to engage parliamentarians and build consensus in the development of the Conflict of Interest Code, so I wonder why today the opposition has changed its approach on these issues.

Given that other avenues exist to respond to the Ethics Commissioner's report, and given that there is no clear need to take any immediate action, I do not understand why the opposition members would want to use one of their few opposition days on this subject. I also do not understand why the opposition would not agree to let the procedure committee work within the Standing Orders of the House of Commons so that the Ethics Commissioner's report can be properly considered.

Instead of making changes that have not been properly thought out, I would ask members to oppose this motion and allow the procedure committee to do its work in accordance with the Standing Orders.

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, I listened with attention to the speech of a distinguished parliamentarian who mounted a masterful defence of delay and inaction, but the matter before the House, in my view, is a very direct infringement of the privileges of a sitting member, an attempt to deny him the possibility in this House of speaking on a matter of urgent public interest, namely, the Mulroney-Schreiber affair.

This is not a partisan matter. If our situations were reversed, I am sure that members on the opposite side would be outraged at the inability of a member to stand up and speak clearly on the Mulroney-Schreiber affair. If this stands, libel chill will silence privileges in this House.

The injunction to delay and send it to a committee that is not sitting does not provide a remedy. I want to know in fact whether he agrees with a notable statement made by a member of his own party, the Conservative MP for Edmonton—St. Albert, who said:

> Lawsuits for statements made by an MP outside the House are one thing. Denying MPs the right to speak in the House on matters of public interest is outrageous.
>
> [The decision by the commissioner], if allowed to stand, is a dangerous infringement on the protection of freedom of speech in Parliament which is enshrined in the Bill of Rights (1689) (U.K.) and forms part of the Constitution of Canada.

It seems to me that member of Parliament from the Conservative Party has got it exactly right. I wonder why the member chooses a policy of delay and denial of the severity of the issue and why his party is not prepared to support an urgent matter to correct what is clearly an infringement of the rights of all parliamentarians.

● (1105)

Mr. David Tilson: Mr. Speaker, where I differ, with respect to the hon. member, is I do not believe members have the unfettered right, and the member for Scarborough—Rouge River made quite a big deal of it in his excellent speech, to say things in this place. My goodness, the Speaker can rule us out of order and if we do not withdraw our comments or apologize, the Speaker has the right to turf us out of here. Therefore, we do not have the unfettered right.

Second, if members of Parliament have an interest in a corporation or some sort of investment with which the House is dealing, the code says that they have to go to the Clerk and tell him or her that they may have an interest. The member for West Nova did not even do that. He went on his willy-nilly way.

There are situations where a member of Parliament does not have the unfettered right. In other words, the principle of George Orwell does not stand in our country. He said that all people were created equal. However, some people are more equal than others. Does that mean members of Parliament have more rights than everybody else in the country? The answer is, no, they do not.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I honestly believe the member for Dufferin—Caledon is too good a lawyer and too good an MP to honestly believe the speech he was sent here to read just 10 minutes ago. He is either using some kind of wilful blindness or he is simply buying into his party's excessive use of the ability to silence another MP, and he is putting his own judgment to the side.

Would he not admit that the Conservatives have found an effective to silence any nuisance MP who might be harping on an issue that is embarrassing to their government? Tragically, our colleague from West Nova is not here to speak on his own behalf because he is barred from speaking on this subject by the Ethics Commissioner under the current court ruling. Does he not agree that what the Conservative Party is engaged in, in an increasingly frequent way, is the time honoured tradition of the corporate SLAPP suit, where one slaps a lawsuit on nuisance critics to shut them up, even if one knows full well that lawsuit is frivolous?

Does he not think we are on the slippery slope, where that will become a frequent thing in the House, since there will be lawsuits flying in both directions, willy-nilly? There will be so much paper flying around we will think we were in a snowstorm, just to silence MPs from being a nuisance, or in other words, doing their job?

Mr. David Tilson: Mr. Speaker, the member and I sit on the ethics committee. He will recall how this all got going. I follow the principle that justice must be done and justice must appear to be done.

I submitted at the beginning of the hearings in the committee that, quite frankly, the member for West Nova should have recused himself from the committee. Why? Because he had a potential conflict of interest. He was being sued for approximately $2 million. That is an enormous amount of money. It would pay him to embarrass the plaintiff, who was a major part of the Mulroney-Schreiber hearings, if he could use his influence as a member of Parliament.

He was the lead with respect to the Liberals. He voted on motions. He participated in debate. He even cross-examined the plaintiff, Mr. Mulroney, in his personal lawsuit.

Anybody who is a lawyer in this place knows that could never happen in a court of law. I repeat the saying that justice must be done and justice must appear to be done. By the member for West Nova continuing to stay in that committee, justice was not done and it certainly did not appear to be done.

● (1110)

[*Translation*]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, I just listened to my colleague's comments, and I have a question for him.

I am a young MP—I was elected during the last election—but I believe that I was clearly told that anything discussed in a parliamentary committee could not then be used in a court of law. However, in his speech, my colleague said the opposite, that the member in question could use proceedings from the parliamentary committee in his legal case.

Is the member saying that there are judges in Canada who would agree to evidence being used in their courtroom that comes from a parliamentary committee subject to parliamentary privilege?

[*English*]

Mr. David Tilson: Mr. Speaker, of course I am not saying that. I am saying that the member for West Nova used the proceedings in the committee and in the House to further his lawsuit. The member is quite right. He can find out information. However, facts that are obtained in this place and in a committee cannot be used in a legal proceeding. He can sure use it as an examination for discovery, which would benefit his lawsuit. Those are the pre-hearings where people question plaintiffs or defendants, whatever their opposing side is, on information they have available.

The member forWest Nova did exactly that. He used the committee proceedings and the proceedings in the House to benefit his defence against a lawsuit. He has no right do that.

I am not challenging the use of the parliamentary privilege that exists in this place. I am saying the member for West Nova put himself to an advantage over a private citizen of our country. He, as a member of Parliament, has no right to do that.

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, my question is as a result of comments made by the hon. member for Etobicoke—Lakeshore, who suggested, in the Mulroney-Schreiber committee hearings, that if the motion was not adopted, it would prevent the public interest from being represented fully, because the member for West Nova would be unable to question Mr. Schreiber or Mr. Mulroney.

First, many other members of the Liberal Party of Canada could have fulfilled that role. Therefore, it is not quieting the entire Liberal party, only that one member who has a direct interest in this case.

We have sections of our code and in the Standing Orders that say, quite explicitly, all MPs should fulfill their duties to the highest standards and avoid any real or perceived conflict of interest. That is what we must do. Clearly, the member for West Nova has a real conflict of interest.

Because of that conflict, does my hon. colleague agree that he should have recused himself from the proceedings?

Mr. David Tilson: Mr. Speaker, I agree and the Ethics Commissioner agree that he should have done that. Quite frankly, if he participates in this debate, he will continue to do that.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, I am pleased to speak to this motion on this Liberal opposition day.

First of all, I would like to inform my Liberal colleagues that the Bloc Québécois will support this motion.

I listened to the last speaker from the Conservative Party, the member for Dufferin—Caledon, who spoke of the tyranny of the majority and who referred a number of times to the Standing Committee on Procedure and House Affairs, of which I am the vice-chair. As members know, the work of this committee has been stalled. As there is no chair, the committee cannot meet. That is not the purpose of my speech, but if I have enough time at the end, I will be able to correct the nonsense being spouted by the Conservative member.

The motion moved today by the Liberal Party deals with something that is at the heart of our work as parliamentarians. We are talking about parliamentary privilege. Parliamentary privilege derives from British parliamentary law, which serves as our reference, since this Parliament was inspired by Britain's, as was the Parliament of each province, including the Quebec National Assembly.

Over the centuries, parliamentary privilege has had to be protected repeatedly from attacks by courts, by members and by various lobby groups that did not agree that members should enjoy parliamentary privilege. Parliamentary privilege is vital, however, because if we as members have no parliamentary privilege, we could find ourselves at the mercy of any sort of interference. We could be deprived of our right to speak, our freedom of speech and our freedom to move within the parliamentary precinct without threat or aggression.

I have had occasion in the past to invoke my parliamentary privilege. A few years ago, I was the Bloc Québécois transport critic when we were looking at the merger between Air Canada and Canadian Airlines. At the end of the transport committee hearings, I had slightly rattled one witness, Mr. Schwartz, who wanted to proceed with the merger of Air Canada and Canadian Airlines, which could have meant moving Air Canada's headquarters, which is in Montreal—which suited the Bloc Québécois. Fortunately, as things turned out, Canadian Airlines was absorbed into Air Canada and not the reverse. We had had a fairly forceful, but polite exchange.

Mr. Speaker, you know my style. I am a model of patience and civility in this House. If everyone were as even-tempered as I am, things would probably go much better.

When the hearings ended, a lobbyist for Canadian Airlines started berating me. He began challenging the way I had questioned Gerald Schwartz, who had a stake in Canadian Airlines. I have to say that that lobbyist for Canadian Airlines found out what parliamentary privilege was all about. I went to see the committee chair and the sergeant-at-arms, who was then Mr. Cloutier. The lobbyist was denied access to the parliamentary precinct, the Centre Block, where the committee met. He was prevented from attending any more meetings, because he had acted to constrain a parliamentarian.

● (1115)

When I speak here, no one can stop me unless I say something that is out of order or contrary to public policy. As a parliamentarian —just like each and every one of us—I have the right to express myself freely.

I want to turn my attention from the Standing Committee on Transport, Infrastructure and Communities and come back to what the hon. member for West Nova did. He expressed himself, but by all accounts, some people did not like what he said. Allow me to put this into context: he made comments on Mike Duffy's program, probably here in the foyer of the House.

Nevertheless, the purpose of the action taken by the Conservative member who spoke earlier was obviously to deny the hon. member for West Nova his parliamentary privilege. We cannot accept that no matter who it comes from or which side of the table it comes from. I am not a fan of the hon. member for West Nova or of any member of the Liberal Party, but I am a democrat and I respect these hon. members because they were democratically elected.

I ask them to accept me as well for the same reason. No one at home voted at gunpoint. I have been elected five times because the people in my riding decided they wanted me to speak on their behalf in this chamber. That is the case for the hon. member for West Nova as well.

The Conservative Party's tactic of muzzling an hon. member because his comments did not please the party is dangerous for society. Is that the kind of Canada Canadians want? Is that the kind of Quebec we want? No, we want parliamentarians to be able to express themselves.

I know—and it must be recognized—that the Conflict of Interest and Ethics Commissioner sided with the Conservative member. To ignore that would be to change the facts and try to hide things. Nonetheless, with all due respect to the Conflict of Interest and Ethics Commissioner, Ms. Dawson, that was a bad decision. She made a mistake, hence this opposition day and this motion that we will pass this evening, if the three opposition parties stick together.

I would like to take this opportunity to talk about the tyranny of the majority the hon. member mentioned. He should realize that in January 2006, the public, the electors and constituents of Canada and Quebec decided—we did not decide this individually—that the next government would be a minority government.

I encountered the minority government of the hon. member for LaSalle—Émard in 2004. Again, the Liberals have a past, too. I do not want to defend the Liberals, but from 2004 to 2006, they stood up and formed a minority government.

With all due respect, although we are halfway through 2008, the Conservative Party still has not understood this. In reality, the Conservatives cannot do whatever they please, since the opposition has the majority. The leader of the Conservative Party, the Prime Minister, appointed Conservative ministers. That is democracy. That party must realize that it forms a minority government and it therefore cannot do as it pleases.

● (1120)

Incidentally, people from my riding are quite happy the Conservatives do not have a majority. What would happen if they did? It would be a step in the wrong direction.

Opposition members presented a resolution to the Standing Committee on Access to Information, Privacy and Ethics and that resolution was passed. The Conservatives, however, opposed it. They raised a point of order in the House and, because of a technicality, the Speaker of the House found in their favour. Nevertheless, the substance of the issue remains.

What is the Conservative Party's main characteristic? As a government, it seeks to muzzle everyone. That is why I am very happy that we have guardians and protectors who challenge the Conservatives' desire to muzzle anyone who does not agree with their philosophy or think like they do.

Ask the people in the press gallery if they feel muzzled. The Prime Minister said he would answer questions during scrums if the questions were provided beforehand. He needs to wake up. That is not how it works. Reporters should be able to do their jobs without that kind of pressure. I have never been a reporter, so I do not know what it is like. I answer their questions from time to time, but I do not ask them to notify me of their questions in advance. What is going on? It has never been like this before.

Ask parliamentary reporters if they feel muzzled. Ask various women's groups, which this government neither listens to nor respects, if they feel muzzled. Ask minority groups. Ask francophones outside of Quebec and other minority groups that can no longer get funding through the court challenges program. Ask them if they feel muzzled.

This lawsuit and all of the actions related to it show, once again, that the government, not content with having muzzled certain social groups, is now trying to muzzle the opposition.

Let us not forget that in the wake of the Cadman affair, the Prime Minister threatened to take the Liberal Party, or rather, its leader, deputy leader and House leader, to court. In the end, he chose to take the party to court. Once again, he showed that he is out to gag the opposition.

My time is running out, and I want to save a few minutes for questions. For all of these reasons, I repeat that the Bloc Québécois will support the motion.

We should think twice before agreeing among ourselves to scale back our parliamentary privileges. Parliamentary privilege guarantees every member's freedom of speech regardless of affiliation, regardless of belonging to a political party, regardless of personal values. The 308 people who were elected to be here are all legitimate. We should think twice before defeating this important motion.

● (1125)

Mr. Luc Harvey (Louis-Hébert, CPC): Mr. Speaker, I listened with interest to the comments of my Bloc Québécois colleague regarding parliamentary privilege.

I believe that parliamentarians have the right to say what is on their minds. However, should parliamentarians not sometimes exercise restraint in their remarks?

In the Cadman affair, for example, the opposition gloated for weeks over a tape which, in the end, had been tampered with. They tried to make a silk purse out of a sow's ear.

Once again, a Bloc member recently made some comments to the media about in and out schemes and went too far. There are some things we are not allowed to say, especially about other members.

Does my Bloc Québécois colleague believe that sometimes it is important, before going any further, to verify whether or not his comments are appropriate? It is not a privilege to be able to sully with impunity the reputation of another parliamentarian or of any individual in society. It is unacceptable to say that because we are parliamentarians we have the right to say whatever we want. Should we not exercise some restraint, sir?

Mr. Michel Guimond: Mr. Speaker, you must recognize that the hon. member must always address his colleagues through the Speaker. However, since you were busy taking care of more important things than listening to me, perhaps you did not realize that my colleague failed to follow the rules of the House. Through you, Mr. Speaker, I would like to tell my colleague that the truth will out; facts are facts.

If the hon. member would like to talk about the in and out scandal, can he tell me why, of all 308 Elections Canada reports on the 2006 election, only Conservative candidates, members and ministers are being questioned by Elections Canada? How did the RCMP get a judge to issue a search warrant?

I am a lawyer and I know that a search warrant is not easy to obtain. They cannot be found in a Cracker Jack box. A judge must be convinced. Yet the judge gave the RCMP permission to search Conservative Party headquarters. If everything was going so well, if there were no problems, why did Elections Canada persist? We are told that the Conservative Party no longer trusted Elections Canada. In other words, they do not want Elections Canada to exist and do not want any rules. That is it. In short, the truth will out.

● (1130)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I have a few questions for the Bloc member with regard to the definition of private interest.

We know that Mary Dawson wrote in her decision that the member for West Nova had a private interest and that it constituted a contingent liability because of the lawsuit by former prime minister Brian Mulroney.

In my opinion, Ms. Dawson erred and I am concerned about two comments from Conservative members. The member for Dufferin—Caledon said that the member for West Nova has a potential conflict of interest. For his part, the member for Regina—Lumsden—Lake Centre stated that, in the case of a legitimate lawsuit, there would be a conflict of interest.

I would like to know if the Bloc member agrees with these comments. It seems that it is the Conservative Party and the two members who have determined whether there would be a legitimate lawsuit or a potential conflict of interest. They obviously agree with Ms. Dawson who stated, in fact, that there is a contingent liability.

That is rather different than the current wording of the rule which clearly states that there would be a conflict of interest if there is a private interest, period. Would the Bloc member like to comment on what I just said?

Mr. Michel Guimond: Mr. Speaker, my colleague has brought up an interesting point. It seems that following her ruling, Ms. Dawson realized that not only had she opened up a door but that she had seriously breached an entire wall. She realized this herself, as I discovered when I read page 24 of her report.

This could lead to SLAPP suits—an old legal tactic used to silence opponents by prosecuting them, with or without just cause. So aware was she of this possibility that on page 24 of her report she wrote:

> Concerns have been raised about the use of lawsuits, more particularly libel suits, to prevent a Member from performing his or her duties in the House of Commons. I cannot predict whether this may indeed become a problem and I hope it does not.

She hopes that it will not come to that. She continues:

> Should this become a serious concern for Members, however, the Code could be adjusted to except libel suits from the ambit of "private interest"—

She has therefore recognized that there is a problem and that the code should be amended before the situation deteriorates. To avoid any need to amend or adjust the code, she could simply have refused to accept the Conservative Party's claim.

● (1135)

[*English*]

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I have a question for the member.

If a member of Parliament, either as a member of Parliament or in a personal capacity outside this House of Commons, and I will use the example of libel action, says something and he or she is sued in a lawsuit, or the member of Parliament sues somebody else, and he or she comes into this place and uses the facts of this lawsuit with respect to criticism or intimidation, with respect to the plaintiff or the defendant, depending upon who it is, does that not put the member of Parliament in an unfair advantage over a citizen of this country? That is my question for the member, who is a fair man, who says he is a lawyer, and I am sure he is a fine lawyer.

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, what the member has brought up is obvious. Obviously I cannot go down to Sparks Street and say anything I want without the risk of being sued. It is just as obvious that the moon will rise and the sun will set. Obviously we cannot say anything we want.

I would suggest that in his spare time he read the decision of the Supreme Court of Canada in the Ouellet case. In the sugar cartel matter, André Ouellet, a former Liberal minister, had attacked the sugar companies by claiming that they were conspiring. The Supreme Court was clear on the issue of his parliamentary privilege: he could be taken to court.

However, that is not the issue. This does not have to do with the comments of the member for West Nova outside the House, but it has to do with the fact that he is unable to do his job as an MP and sit on the committee. It is alleged that he has a conflict of interest when he participates in the work and debates of the Standing Committee on Access to Information, Privacy and Ethics concerning the Mulroney-Schreiber affair. That is the primary issue.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am pleased to have the opportunity to enter in to this important debate. It is important to pause in the regular order of business and take one step back to make sure that the fundamental ground rules are in place so that we can do our ordinary order of business more properly.

We are faced with a situation where one of our colleagues, specifically, but all of us, generally, may be precluded from doing our job to the best of our ability and living up to our obligations due to the ruling made by the Ethics Commissioner dealing with our colleague from West Nova in the context of the Mulroney-Schreiber airbus inquiry.

The motion put forward today contains four points. It is quite thorough and comprehensive and quite well crafted in that way. It begins with a categorical statement of which we should all take note:

> That this House reaffirm all of its well-established privileges and immunities, especially with regard to freedom of speech;—

My colleague from Scarborough—Rouge River walked us through some of the history of how we arrived at that and how necessary that notion is for Parliament. In fact, he traced its history back to 1689 and the original Bill of Rights in the UK, which forms a part of our Canadian Constitution.

The second item in this comprehensive opposition day motion states:

> that, in order to clarify and assure those privileges, Section 3(3) of the Conflict of Interest Code for Members of the House of Commons, which is Appendix I to the Standing Orders of the House of Commons, is amended by deleting the word "or" at the end of paragraph *(b)* and by adding the following after paragraph *(b)*:

I will paraphrase the paragraph. It should be made abundantly clear in the Standing Orders, that govern the conduct of members of Parliament, that members are not in a conflict of interest just because they are engaged in a lawsuit or a lawsuit has been filed against them. That in and of itself does not automatically put members in a position of conflict. That is the important amendment that we have to contemplate here today.

I will deal with these points one at a time after I have introduced them.

The paragraph goes on to say that the House should refer the Thibault inquiry report back to the Ethics Commissioner for reconsideration in light of the recommended change to the conflict of interest guidelines in the previous paragraph.

Finally, and important to note, the opposition day motion we are dealing with today states:

> that the House affirm its confidence in the Conflict of Interest and Ethics Commissioner.

In other words, nothing that we are saying today in the context of this debate is to be viewed as a statement of non confidence in the Ethics Commissioner.

Most of us would agree that the Ethics Commissioner made the only ruling that she could given the current language of the Conflict of Interest Code which forms part of the Standing Orders of the House. She herself realized that her ruling may be cause for great concern.

I should begin my analysis of the opposition day motion perhaps with her final observation on the last page of the report. Ms. Dawson said:

> Concerns have been raised about the use of lawsuits, more particularly libel suits, to prevent a Member from performing his or her duties in the House of Commons. I cannot predict whether this may indeed become a problem and I hope it does not. Should this become a serious concern for Members, however, the Code could be adjusted to except libel suits from the ambit of "private interest" for the purposes of sections 8 and 13. Such a step would not appear to be necessary, in any event, in relation to disclosures under section 12.

Clearly, she contemplates that her ruling, accurate as it may be, may alert members of the House of Commons that the Conflict of Interest Code may have the inadvertent effect of interfering with their privileges to speak freely in the House of Commons on issues that concern them.

● (1140)

Let us take a step back then, as I explain the NDP's view of this whole situation.

I should tell members at the outset that I am the vice-chair of the Standing Committee on Access to Information, Privacy and Ethics, and my colleague, the member for Dufferin—Caledon, is the other vice-chair of the committee.

This whole inquiry by the Ethics Commissioner stems from a complaint that he filed dealing with whether or not the member for West Nova should be barred from questioning our witnesses in the Mulroney-Schreiber affair on the basis that there was, in fact, a lawsuit filed by Brian Mulroney, suing Mr. Thibault for comments he made outside the House and outside of the parliamentary committee.

The Acting Speaker (Mr. Andrew Scheer): Order. I believe I heard the hon. member's proper name used a number of times. I know the hon. member will just refer to him by his riding name.

Mr. Pat Martin: Mr. Speaker, I am sorry. I was trying very hard not to use personal names. At least it shows that you are listening to my speech, so I am flattered in a sense that you could correct me that way.

The member for West Nova was accused of making libellous comments about former Prime Minister Brian Mulroney. He had in fact sued him.

What happened at the committee, Madam Dawson puts in her inquiry report that she tabled with the House of Commons, and the words of the member for West Nova I think are useful to us. As soon as my colleague from Dufferin—Caledon, the other vice-chair of the committee, raised a point of order saying that perhaps the member for West Nova should not be allowed to take part in this study because of the potential conflict of interest, the immediate gut reaction of the member for West Nova, with no research, matched exactly what my gut reaction was. He said:

> As to the alleged, supposed, proposed...legal action, [which he said he had no knowledge of at that time] against a member of the committee....it wouldn't be very long before we would have 308 lawsuits in this House of Commons against everybody for minor matters, dilatory matters, to try to remove members of Parliament from being able to debate questions of interest where it would serve somebody out in society better to have them not participate.

That sums it all up. I do not need to make a 20 minute speech to explain what is potentially disastrous about the current state of affairs.

I used as an example in my comments about this that I have said some strong things about the pharmaceutical industry. I have alleged that it fixes prices and charges the public way too much for products where the industry does not really have to and that the drug patent price protections gouge Canadians.

Those are pretty strong words. I do not think they are libellous. They do not have to be libellous. Big pharma could file a statement of claim saying that I said something libellous and under these rules I would not be able to talk about big pharma again until that lawsuit was settled. That would put me at a terrible disadvantage. If big pharma was called to the health committee to talk about the drug patent laws, I would not be able to ask questions about it, even though it is a very particular interest of mine. Big pharma would have effectively silenced one of its annoying critics by simply filing that lawsuit. Even if it knew full well that it would lose the lawsuit two years later, it would have shut me up. It would have effectively put a gag order on me if we follow the strict and literal interpretation of what happened in the case of my colleague from West Nova. We cannot allow that to happen.

Some of the points made by my colleague from Dufferin—Caledon seem reasonable. We should be having this debate. I disagree with him that the process is flawed. He says that this is not the place to debate such a serious change to the Conflict of Interest Code. This is exactly the place. In fact if we farmed it off to a small minor subcommittee of Parliament, like procedure and House affairs, it would not be in the full context of all of Parliament debating these rules. It would be that narrow representation on a dysfunctional committee that has not sat for months. This is exactly the place in which we should be having this debate and raising the cautionary tale that is triggered by Madam Dawson's ruling.

I am speaking on behalf of my colleague from West Nova because he is not allowed to. We should make that clear. He would be making this speech today if he were not barred by this gag order. If Brian Mulroney and his lawyers had not effectively silenced my colleague from West Nova, he would be making this speech, not me, and we would not have to speak on his behalf.

Out of the esteem for my colleague, I am going to quote him a lot on Madam Dawson's report. The member for West Nova said:

> So in the interest of democracy, Mr. Chairman, and of parliamentary tradition, I hope you have a serious look at this preposterous suggestion by [the member for Dufferin—Caledon].
>
> The second question I ask is, how could [the member for Dufferin—Caledon] possibly be aware of a legal action that I'm not aware of?

In other words, even before a person is served with papers that he or she is being sued, apparently the person is barred from talking about that issue. If the statement of claim had just been filed at the courthouse even before the person was notified, apparently the person is barred from talking about it.

● (1145)

The member for Dufferin—Caledon said, “he does, with due respect to the member for West Nova, have a pecuniary interest. He is being sued for a lot of money”. Again, the member for West Nova was not aware of this yet. Somehow Brian Mulroney told the member for Dufferin—Caledon before he told the member for West Nova. The member for Dufferin—Caledon said:

> That's called pecuniary interest. And it is in his personal interest that the plaintiff in that particular action look badly. I don't think he should have the right to vote in this committee, nor should he have the right to vote in Parliament.

The member for Dufferin—Caledon is recommending that the member for West Nova not only be silenced, but he be stripped of his right to vote on these issues as well. That speaks to the very heart and soul of a member's parliamentary privilege. If there is ever any doubt that there is overlap here in terms of parliamentary privilege, there certainly is in the mind of my colleague who initiated this whole complaint.

There is a time honoured tradition among activists. I consider myself an activist. As a trade union leader, I have been on a lot of picket lines and I have demonstrated on a lot of issues. There is a time honoured tradition in the corporate world called the SLAPP suit. If somebody is annoying someone else, let us say if Greenpeace is annoying Exxon, one way to slow down one's critics is to file a slap suit. Usually the big corporate entity has a lot better ability to withstand a prolonged legal battle than does the small citizens activist group.

The SLAPP suit has been an effective means ever since the ban the bomb movement in the late 1950s and the 1960s. If we are being too effective and we are starting to press a nerve in the corporate world, we might get our butts sued even though we know full well we are in the right and the corporate world is in the wrong. The corporate world can drag it out for year after year in the courts, and will exhaust our resources. It will effectively silence us, or it will at least handicap and hobble us.

That is what is happening here today. This is the most litigious government probably in the history of Canada. I have never heard of so many lawsuits in the course of one minority Parliament. There is a case where the government is suing the leader of the official opposition. I have noticed that the leader of the official opposition does not ask questions directly on the Cadman issue any more, even though it is a matter that the Liberal Party feels is critically vital and a matter that should be raised in the public. I presume that is the reason the leader of the official opposition stays away from that subject, because there is a lawsuit pending. Again it stems from this reasoning.

The government could do that with every annoying issue. It can and it would. I predict, as I said before, there would be lawsuits flying back and forth across this place so frequently we would think we were in a snowstorm.

The first step the Ethics Commissioner does is consult with the parties and gets their statements from them. Again, on behalf of the member for West Nova, I will argue his case in his words. He wrote in a letter to the Ethics Commissioner:

> It is, indeed, preposterous to suggest that a legal action—whether real or merely threatened—against a Member about a very public issue automatically makes that issue one of potential private loss or gain under the Code, thereby silencing the Member with regard to that public issue.This would mean that any citizen wishing to silence any Member of Parliament need only engage a publicity agent to announce that he is commencing legal action against the Member. In conclusion, I believe [the member for Dufferin—Caledon's] position of to be a perversion of the Code, which is not and was never intended to be a vehicle for attempted gagging or intimidation of Members of Parliament.

I agree that is a perversity. It is an interpretation of the code that was never intended. We have stumbled across it now, and it is incumbent on us to deal with it now, to fix it, to correct it. I compliment my colleagues of the Liberal Party for choosing to use their opposition day motion to get this issue on the floor of the House of Commons.

We cannot allow this to continue, or I am going to get sued next, or my colleague, the member for Moncton—Riverview—Dieppe. He is fairly outspoken and has many strongly held views on many subjects. I have no doubt he will get his butt sued sooner or later in an attempt to stop him from talking and to silence him.

● (1150)

It is a complex opposition day motion. It has four separate elements to it, two of which are not action oriented and two that are. One is that the House affirms its confidence in the Ethics Commissioner and that the House reaffirms all of the well-established privileges and immunities, especially with regard to freedom of speech. Those two, I suppose there can be no disagreement on. All members of Parliament know that we cannot operate without those basic rights.

I do not understand why my colleague from Dufferin—Caledon is alleging there are two classes of people in the country if members of Parliament have privileges that members of the public do not. There are very sound and established reasons that members of Parliament have a so-called super freedom of speech. There are checks and balances in place as well in that what a member says here cannot be used anywhere else anyway.

For my colleague to say that the member for West Nova would have had an advantage over the other player in the court action by having the ability to speak about that court action in the standing committee is kind of bogus, because whatever he says at that standing committee cannot be used in any other subsequent proceeding. It did not exist for all intents and purposes. When and if that libel action goes to court, the judge will rule on the evidence presented in the courtroom, not on what was said at a parliamentary committee, because any good lawyer would stand up and say that it is inadmissible. What the member said at the standing committee to the other player in that court action would be of no use and no value.

Whatever seems to be a special privilege is offset by a corresponding limitation. In other words, that is one of the reasons a witness at a standing committee does not have the right to remain silent. The reason is self-evident, but the safeguard, the check and balance, is that the person has to answer the question, but what he or she says cannot be used against him or her in any subsequent court proceeding. In fact, it is even fruit of the tainted tree in terms of evidence. Whoever wanted to charge one with that issue would have to find some independent body of information not related to the testimony the person gave at the committee. I think that is brilliant, frankly. It took us a thousand years or so to arrive at that, but that is one of the fundamental rules of privilege as it pertains to Parliament that we now come to understand as being fundamental.

Sometimes it is important to take one step back from the day to day events of Parliament, to pause and reflect on first, how beautiful an institution this is and how well it actually does work, and second, how we make sure that it is never eroded or undermined and that the efficacy is not chipped away at by interpretations such as this. It has to be fluid, just like the Canadian Constitution has to be flexible and adaptable. It is not static; it is dynamic. So too is Parliament and the rules that govern Parliament.

We have stumbled across an area that needs attention and it is an appropriate time to do this in a minority Parliament. In the twilight days of a parliamentary session, I think our time is well spent if we address this issue now, to lay that good foundation so that we can do more effective work in the future unencumbered.

We support this opposition day motion and will be voting in favour of it. I thank my colleagues from the Liberal Party for choosing what we have before us today as their opposition day motion .

● (1155)

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, as the member for Winnipeg Centre has said, we are both vice-chairs on the committee and we have both sat on it for some time. I do respect the member for Winnipeg Centre, who always gives very reasoned arguments. I rarely agree with anything he says, but he is always courteous and gives good arguments in committee and in this place. However, on this occasion, I cannot agree with many of the comments he made.

One of them was that the member for West Nova did not know about this. Does he not read the papers? It was in all the papers, although he may not have been served. When I read the papers, I contacted the court and got a copy of the statement of claim. If that had happened to me, I certainly would have done so. Then what I would have done, to comply with the law, is contact the Clerk and say that I might have a private interest. I am not saying I have an interest, but I may have a private interest. To me it is quite obvious that the member for West Nova chose not to do that.

In this situation, or a similar situation where a member of Parliament is sued or a member of Parliament is suing himself or herself, in the House of Commons or in committee a member of Parliament can use all kinds of tactics to his or her advantage with respect to that lawsuit. These include the advantage of intimidation, or the advantage of knowing whatever he or she can do to destroy the lawsuit, if he or she is being sued. This is called a pecuniary interest if a member is being sued for $2 million, which is what the member for West Nova is saying.

Would the member not agree that in this situation or any other type of situation, where the member himself or herself is doing the lawsuit, that those situations would take place? There is the issue of intimidation, of a member taking advantage, as a member of Parliament, over a private citizen. The private citizen does not have those rights, but the member of Parliament does in this situation.

● (1200)

Mr. Pat Martin: Mr. Speaker, I understand my colleague's point and he made it with previous speakers as well. The point I am making is nothing in today's motion says that members of Parliament should have the absolute freedom to go around and say whatever they want and not be sued. All the same limitations will still continue to apply to an MP. If members do say something that is possibly libellous and they get sued, that should not automatically put a gag order on them to deal with that issue while that court action plays itself out. That is the difference here.

To answer my colleague's question about the advantage or disadvantage, he should have more confidence and more faith in our judges and in the judicial system. When this lawsuit is finally heard by a judge, and I do not believe Mr. Mulroney will see the lawsuit all the way through, the judge is not allowed to use anything heard at the parliamentary committee. It is excluded; it is privileged. Any good lawyer representing Mr. Mulroney, who will be well represented, can stand, if there is something damaging about the questioning of the member for West Nova to Mr. Mulroney, and ask that it be excluded and the judge will only be allowed to consider what is presented as testimony in that court case. I simply do not buy that an MP would have an unfair competitive advantage in the subsequent court case based on what happened at the committee.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I thank the member for his comments, but I am not sure I want to thank him for the prediction that I might be sued some day and join the "I've been sued by Tories" club, which the member for West Nova and Ajax—Pickering have printed T-shirts.

I want to ask him a question with respect to the terms "contingent liability" contained in Mary Dawson's report, which is an expansion of black letter law that says "liability", the term "private interest", a term in the Conflict of Interest Code now and can be plainly read, the term that has been used by the member for Regina—Lumsden—Lake Centre of "legitimate lawsuit" and, finally, the term used by the member for Dufferin—Caledon about a "potential conflict".

It seems to me, and this is the question, the Conservative side has put on blinders. Those with immense legal experience, experienced lawyers, and have taken the silk, like the member for Dufferin—Caledon. They seem to be morphing from what the black letter law says, that private interest leads to a conflict of interest and exclusion or recusal.

What Conservatives now say is that it is a pecuniary interest. If one knows about a lawsuit from reading the paper and a person has not been served yet, this is a legitimate lawsuit. How do the members opposite know that? How does anybody know that until it goes to court and creates a potential conflict of interest?

Is the whole Conservative view of this not really far away from what the Conflict of Interest Code says, and even what Mary Dawson said when she expanded it to include contingent liabilities? I would like his comments on that.

● (1205)

Mr. Pat Martin: Mr. Speaker, yes, it seems there is a creep, so to speak, taking place in the interpretation of the Conflict of Interest Code, as it pertains to MPs, in the Standing Order, the idea of private interests or possible private interests or contingent liability. We are dealing with sections 8, 12 and 13 of the Conflict of Code. The member for West Nova was found to be in contravention of all three, but for subtly different reasons, which I do not think are important enough to go into.

What is important is we need to amend the Conflict of Interest Code in the Standing Orders to make it abundantly clear that members of Parliament are not automatically deemed to be in a conflict of interest just because they are players in a libel suit. Nothing in what we recommend says members should not be used if they say something libellous. They made their beds and they can sleep in them. However, they should not be precluded or barred from speaking about that subject matter for the whole duration of the lawsuit until it gets resolved. The Standing Orders need clarification on that.

Again, I remind people that the very last page of the Ethics Commissioner's report on the inquiry into the comments made by the member for West Nova says:

> Concerns have been raised about the use of lawsuits, more particularly libel suits, to prevent a Member from performing his or her duties in the House of Commons. I cannot predict whether this may indeed become a problem and I hope it does not. Should this become a serious concern for Members, however, the Code could be adjusted to except libel suits from the ambit of "private interest" for the purposes of sections 8 and 13.

This is exactly what the opposition day motion put forward by the Liberals intends to do. That is why we recommend that all members support it and clarify this issue once and for all.

Mr. David Tilson: Mr. Speaker, I have listened to the member's comments as to why he is supporting this resolution and I assume he therefore supports the decision based on the law we now have.

Based on this law, the member for West Nova clearly violated the conflict rules. He clearly violated the legislation. He did it in three areas. I assume therefore that the member, because he supports this request for a change, agrees with the Ethics Commissioner that the member violated the law.

Mr. Pat Martin: Mr. Speaker, again, if we read the language that Madame Dawson chose very carefully about the member for West Nova, if he was in contravention of the section 8 and section of the code, it was not by design, it was by accident. He inadvertently found himself in that situation and there was no fault assigned, or blame or accusation that he conspired to be in violation of the code. It was one of those inadvertent things that happened by a series of events beyond his control.

This is another good reason why we need to amend the Conflict of Interest Code, because it could happen to any one of us tomorrow morning. It may be happening to me right now as I speak. Somebody could be filing papers in some courtroom somewhere, saying that I said something libellous and I would be barred and precluded from raising that subject until the court case had played itself out, which as we know could be 18 months or 2 years down the road. This is an impossible situation and it cries out to be corrected.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, it gives me great pleasure to rise and address the House on the motion of my friend and sometime mentor from Scarborough—Rouge River, who is a very eloquent defender of parliamentary rights and privileges without respect to party calling or any other loyalty. He is loyal to this institution. This motion, I truly believe, derives from his sense that there is a wrong and we should right it.

The member for Scarborough—Rouge River may be seen as leaping to the defence of the member for West Nova. I believe it was the Bloc intervenor who said earlier, and I am paraphrasing his French, that he is no fan of Liberals but he does defend the right of all parliamentarians to represent their communities and to speak out.

I am a fan of the member for West Nova, and I do not mind saying that, but it is very important to parse this and to say very clearly that we are not here as a party defending only the member for West Nova. We are here talking about each and every member of Parliament, and Parliament as a whole, with respect to their rights and privileges to represent the people of Canada.

We are here speaking for the institution. To paraphrase the famous Jewish rabbi, Hillel, if I do not speak for Parliament, if we do not speak for ourselves, who will? And if not now, when?

It is quite ironic, however, to say that here we are talking about a statement that was made outside the House regarding a matter that was very much part of the business of the House by way of extension in committee. That was the Mulroney-Schreiber affair. We are talking about a statement that was made about former prime minister Brian Mulroney. In almost two hours of debate now, there has been no mention of Brian Mulroney, what he did, what was said and why we are here.

Is that not the strongest evidence of the chill about speaking out to issues, about speaking to power, so to speak? I might even sound like an NDPer here, if you will forgive me, Mr. Speaker. As for speaking to issues that are before us, they are not being spoken about at all because of the de facto chill that is in this place.

This means that we are not speaking at all in these two hours about Brian Mulroney accepting cash while he was still a member of Parliament and the statement the member for West Nova made, which was that he believed Brian Mulroney accepted money while he was an office-holder, when we know after the fact from the testimony that Mr. Mulroney met with Schreiber while he was prime minister and subsequently received money. It is not a stretch. I would love to see how this lawsuit turns out, if it ever gets there.

Is this not more than just a libel chill we are talking about? Are we not really talking about a democratic chill? The libel chill is the agent used to chill democracy, to chill the right of the citizens to expect the member for West Nova and the members in the House to get up and pursue issues that are important to the continued democratic well-being of the nation.

I must get back to the idea of libel chill. Libel, of course, is something that is written. In this case, what is alleged, let us guess, is the form of defamation known as slander. There are many defences in the common law to any suit with respect to defamation, the first of which, the primordial one, is the truth. The truth is always a defence. The second, or the second branch, is the various defences of privilege, qualified and others.

I come from a municipal background. In municipal councils across this country, there is not the form of parliamentary immunity and privilege that there is here, yet there is a qualified privilege for elected officials. There is a qualified privilege for people speaking out on public issues.

● (1210)

I will quote now from a British House of Lords decision in 1974, without I hope offending any politician of any stripe, which puts in a nutshell why it is important for elected representatives to be able to speak out. The case refers to members of a local council at meetings or any of its committees speaking in colourful terms about issues and persons.

What was stated is that the reason there is a qualified privilege protecting non-parliamentarians but elected representatives is that:

> —those who represent the local government electors should be able to speak freely and frankly, boldly and bluntly, on any matter which they believe affects the interests or welfare of the inhabitants. They may be swayed by strong political prejudice, they may be obstinate and pig-headed, stupid and obtuse; but they were chosen by the electors to speak their minds on matters of local concern and so long as they do so honestly they run no risk of liability for defamation of those who are the subjects of their criticism.

Does that not encapsulate what we really think of democracy? We are not sending to municipal councils and to this place of Parliament the most careful individuals who never say anything outrageous, of course, and as a body all of us have the right to say things that are on the minds of the people. Sometimes those statements get pretty interesting.

The principles laid down with the common law for councillors surely are expanded upon from the 1689 bill of rights, over which a king eventually lost his head, over which centuries of parliamentary privilege have evolved, to the point where what happens in this place, in the Parliament of Canada, is ruled by the rule of privilege that predated the creation of this Confederation in 1867. It certainly predates the Constitution Act of 1982 and has been ruled by the courts to be exempt from the charter of rights in almost every case.

There are exceptions with respect to the Speaker. In fact, the firing, hiring and disciplining of staff is an example, as are many other administrative issues that deal with the private rights of individuals when they brush up against parliamentary privilege, but by and large, and my friends on the other side may not like this, it is the state of the law. The parliamentary privilege is immune from the charter of rights. It is an element in being that is different from the laws of the rest of this country.

I think of other countries across the world where one can close out democracy by threatening to sue or suing someone. I do not think Canada wants to be on the list of some of these countries. In Singapore, for instance, it was de rigueur for political leaders in power to libel-chill opposition members to the point where they had to resign from Parliament and go out and make some money to defend lawsuits. It is not the kind of democracy or the vehicle for democracy that I think we want.

To pick up on the point of the member for Winnipeg Centre, and let us just pick on his party because he brought it up, his party often takes on certain groups or classes of entities in our community. I can think of the rhetoric and talk regarding big oil and big profits in these days of high gas prices. If this ruling, the interpretation of the Conflict of Interest Code in this case, were to stand and if we were to do nothing, it would not be difficult to envisage the big oil companies suing the leader of the New Democratic Party and anyone else in the party who espoused the view that big oil is making horrific profits at a time when the community is suffering from high gas prices.

If that were the case, if every member of the New Democratic Party were sued for pecuniary damages and there were hearings at the natural resources committee or the environment and sustainable development committee with respect to big oil profits and gas prices, it would mean that no member of the NDP could serve on the committee, vote or ask questions.

When the Bloc member said he is no fan of the Liberal Party, I suppose I should say in fairness that per se I am no fan of the New Democratic Party, but I would defend to the death the right of the New Democratic Party to intervene on an issue that it thinks is pretty important, and which I can see from the perspective of all Canadians is important, and that is the price of gas.

● (1215)

This is not a wild expansion of what happened in this case. It is not something that opposition members can say would not happen, particularly with respect to the rhetoric that we have heard from the other side today.

Let us keep in mind that the conflict code says that if a member has a private interest or a conflict of interest, that member should recuse himself or herself from a matter before a committee or in Parliament. That seems pretty clear.

Where the train falls off the track and gets derailed is in the interpretation of "private interest" and "conflict of interest" and whether a lawsuit is meritorious or not.

The member for Regina—Lumsden—Lake Centre, who is very experienced in the House, has been involved in procedure and House affairs for some time, so he did not just fall off the turnip truck. He not was told to make this statement. He believes it. He said that in the case of a legitimate lawsuit against a member where there is a pecuniary interest and so on, the member should recuse himself.

With all due respect to the member and any member in the House, what is a legitimate lawsuit? An individual can go into court, start a notice of action with a statement of claim attached, at a cost of $120, and serve someone. It is considered legitimate if it is accepted by the court with a court stamp.

My friend the member for Dufferin—Caledon, the other twin pillar of reasoning over there, said there are remedies for that because the individual being sued can go to court and get the action thrown out. He would have us and members of the Canadian public believe that all one has to do is phone up a judge, meet him at Tim Hortons and tell him the lawsuit should be thrown out because it is vexatious. It is not that easy.

My colleague failed to mention that there are proceedings in court that have taken years with respect to whether a statement of claim discloses a cause of action or not, and the threshold is not that high. For an action to survive, one just has to show there is a scintilla of a cause of action, which will or will not be proven subsequently. As for what a "legitimate lawsuit" is, I have no idea. If it is filed and served and it is in the courts, it is a lawsuit.

The next point was, what is a "private interest"? If someone is being sued for money, it is a private interest, I guess. The member for West Nova is being sued for $2 million. That must make it a very big private interest.

However, let me get back to the subject we cannot speak about, which is Brian Mulroney. He sued for many millions of dollars and eventually accepted nothing. His lawsuit against the Government of Canada was settled for costs. He did not get anything. Is that a private interest? Was that a legitimate lawsuit? Would that have put him in a conflict of interest?

I think there are many questions are being raised by the Conservatives' interpretation of what a legitimate lawsuit is and what an actual private interest is.

Finally, do the Conservatives agree that the commissioner, Mary Dawson, overstepped and misinterpreted the code? As an officer of Parliament, she is entitled to have an opinion. She is entitled to look at the documentation, the case law and the practice and precedents of the House and come up with a determination. Her determination was that liability, in the black letter law of the Conflict of Interest Code, includes contingent liability.

One has to ask oneself, as the member for Scarborough—Rouge River said, what does that mean? What does a contingent liability mean? Is it the same as a legitimate lawsuit? Or in the case of the member for Dufferin—Caledon's remarks, are we now going to include potential conflicts of interest?

Is the intention of those members in opposing these changes, which every other party seems to be onside with, to say that in the case where there is a legitimate lawsuit and where there is a potential conflict of interest all members should recuse themselves from matters before the House regardless of who the litigant is?

I do have to take issue with where the member for Dufferin—Caledon was coming from when he asked the House on May 7 if it matters who the litigant is. I ask members to look at what he said on May 7:

> Yes, I did raise the issue in committee and, yes, I did think it was improper. When a former prime minister of this country is suing him for $1 million he has no right to participate in that committee.

● (1220)

What if we substituted someone else for “a former prime minister”? What if we substituted Fidel Castro or someone we have low regard for, collectively or individually, when someone is suing him for $1 million, he has no right to participate in that committee?

It seems to me that there is a heavy embodiment of defence of the old regime with respect to the Conservative response to this motion. All of us should be looking to having a code by which we can all live. It strikes me that “There but for the Grace of God go I” is a good way to look at this.

Perhaps there will be a day when a Conservative member, who says something controversial having to do with matters before this House, will be sued for his or her comments by a group appearing before a committee. Perhaps that member would want to, on his or her own, suggest that he or she has a defence to the action even though it is alleged that the member made the comments. The member may decide to deal with it outside. The member may decide that he or she does not need the Ethics Commissioner or the Code of Conduct to tell him or her that he or she cannot represent his or her citizens. That is what this is all about. It is about whether we are representing the people of Canada.

We are sent here as individuals to represent the people's interest and the privileges and immunities arrive out of the fact that it is the people's interests that are being protected. It is not to protect the individuals because they wear a nice suit, live in a nice house or are nice people. It is because the people of Canada in my riding, for instance, sent me here to speak out on concerns that are important to them. I will be judged, as will every member when an eventual election occurs, on whether we spoke out in the right way on the right subjects.

However, for now we are here bringing up subjects and speaking to them. To preclude a member of Parliament from participating in a committee or voting or speaking on an issue in this House is to deny the people who sent that person the right to speak. That is the whole basis of why a Speaker, when chosen, symbolically reluctantly moves to the chair and a new member is symbolically reluctantly moved into the House. It is because there was a fear of the sovereign that he or she would do something bad to the people who spoke out for the Commonwealth, for the people, in exercising their concerns.

As the first report of the Special Committee on Rights and Immunities of Members in 1977 stated:

> ...a fundamental right without which they would be hampered in the performance of their duties. It permits them to speak in the House without inhibition, to refer to any matter or express any opinion as they see fit, to say what they feel needs to be said in the furtherance of the national interest and the aspirations of their constituents.

It strikes me that, if this were to be challenged and defeated, we are now in a position of whether we are going to defend the old institution of Parliament and give in to trendy views of self-loathing with respect to this institution, which seems to be the debate.

I want to refer to a couple of excerpts from David Smith's book on parliamentary democracy called *The People's House of Commons*. It seems to me that in some cases privilege is attacked, what people say in the House is attacked, as it says at page 23, because there is a “loss of conviction on all sides in its superiority”. That is immunity in Parliament. “Hence the power of slogans such as 'the democratic deficit', multi-partisan in appeal within the Commons and popular with press, public, and academics outside” seems to take hold.

However, there is a bright note. We had the recent Supreme Court decision on the Canada House of Commons v. Vade case of 2005. I said earlier that the Supreme Court of Canada said that there was a certain immunity of Parliament, the privileges of Parliament, from the Charter of Rights. Over time, a certain loophole has evolved with respect to private matters as they respect other private person's rights butting up against Parliament's privilege.

● (1225)

> In this decision, the court stated that the core function of Parliament is 'to keep the government to account' and it is due to this particular function (plus the legislative and deliberative ones) that Parliament enjoys rights, powers, and immunities that keep certain aspects of Parliament and its members' activities beyond the reach of the courts.
>
> This was the first time that the concept of keeping government accountable was recognized by the Supreme Court of Canada as a foundational function for privileges of Parliament.

It seems to say that it has heightened an existing dimension with respect to privileges and immunities. It remains to be seen whether the Supreme Court in the future will incur upon the functions of independent officers of Parliament, like the Auditor General, who fall out of favour with the government of the day and whether Elections Canada, for instance, which has been beaten up lately, frankly, would survive an incursion.

In summary, I am happy to support the motion because it is to the benefit of all parliamentarians. Other than with respect to the actual wording and amendments to the Code of Conduct, which the member for Dufferin—Caledon spent most of his time speaking to, I think most members agree that Mary Dawson perhaps made a mistake in inserting the words "contingent liability".

● (1230)

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, one of the members from the Bloc Québécois referred to the legal decision involving former Minister André Ouellet. In that particular case, he went outside the House of Commons and criticized a judge. The question then went to the courts and he was held in contempt of court for what he said and he resigned.

Under the current law that we have today, that minister would not be able to come into this place or into committee and talk about it because it simply would not be allowed. Under the rules that are being suggested by the Liberal caucus, he would be able to come in and talk about it. Quite frankly, I do not agree with that. The Liberals may agree with that but I think it is entirely inappropriate.

If the Speaker rules that someone has said something inappropriate in here and asks the member to withdraw the comments or apologize, if the member does not do so the Speaker can ask the member to leave the chamber. The Speaker can kick the member out of this place. If a member has a financial interest involved in a matter with which the House of Commons or a committee is dealing, then that member, under the rules, must go to the Clerk and tell the Clerk that he or she may have an interest.

That rule is not being changed, which is why this motion is very strange. The mover of the motion said that members have the unfettered right to say anything they want. The Liberals know that is not true.

Has the member really thought this out? Does he realize the can of worms he is opening with this whole issue?

Mr. Brian Murphy: Mr. Speaker, the member rightly points out that there are other provisions with respect to conflict of interest and certainly we are dealing with a very case specific amendment to the code with respect to someone being sued and his or her participation being cut off by his actions. He also rightly refers to an action that took place outside the House for which there were remedies, et cetera.

What was different in Mr. Ouellet's case was that there was no issue of his abilities as a member being cut off. In the case of where a justice of the Federal Court, Justice Joyal, criticized this Parliament, we as a Parliament considered bringing that judge in for contempt.

There are checks and balances with respect to contempt by the judiciary toward parliamentarians and vice versa. The example mentioned by the member has nothing to do with an MP's ability to speak.

As the member for Scarborough—Rouge River said, what happens outside regulates itself. The member for West Nova will go through a lawsuit. It is the Conservatives who have imbued the actions outside with terms like "legitimate lawsuit" and "potential conflict of interest" to make it sound as if they are the judges of what is meritorious and what is not. However, it is very clear: private interest, conflict of interest, recusal.

With respect to Mary Dawson, I do not think she got it right in that case. She inserted the words "contingent liability". The matter needs to be reviewed for the protection of all members. The member for Dufferin—Caledon is sometimes quite outspoken and maybe he will join the "I've been sued" club some day. I hope not. The member for Winnipeg Centre suggested that I might be, but I hope for his sake he is never a member of that club.

● (1235)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the exemption being sought by this motion in the Conflict of Interest Code "consists of being a party to a legal action relating to actions of the Member as a Member of Parliament".

I would like the member's thoughts on this. It would appear to me that a party to a legal action could be the one, for instance, who is being sued as well as the person who is doing the suing. They are in fact a party to a legal action.

Does that mean that if a parliamentarian wants to launch a libel suit against someone in relation to matters relating to his or her duties as a member of Parliament, that member would also have to recuse himself or herself from participating in debates, in votes and in questioning on matters related to the lawsuit that the member may have brought? That raises a whole other kettle of fish because then it would put a member in a situation that if this current interpretation of the current code would stand, that a member will have to decide whether or not he or she wants to exercise his or her public rights and privileges of suing or giving up his or her privileges in the House.

This is a dilemma. I am sure it was never intended. I am sure that this kind of matter before us, this specific case, was never contemplated in terms of being a matter of pecuniary interest or private interest and that the issue of contingent liability raises very serious problems that will clearly impinge upon the constitutional privileges extended to members of Parliament.

Mr. Brian Murphy: Mr. Speaker, either way, under the current interpretation, just slapping a lawsuit on someone imposes some sort of pecuniary interest, gain or loss. When one sues, obviously one is trying to get money.

It brings me back to some comments the member for Dufferin—Caledon made about the lawsuit. Having notice of a lawsuit because one reads about it in the *Globe and Mail* that one is being sued is not the way the system works. The system allows people to file a claim and, in most cases across this country, they have six months to serve it.

The injustice and the political chicanery that took place here was that the member for Dufferin—Caledon had a copy of the notice of action with statement of claim attached before the member for West Nova was served. He said that he went down to the clerk's office and got a copy of it. Should the member for West Nova have done the same?

In fact, getting into litigation as implied undertakings of confidentiality, which that members knows about, it surprises me that he would put the member of West Nova or any of us, as the member for Winnipeg Centre said, any of us who might now be sued, the law says that we must have notice of it when we are served, not when we read about in the *Globe and Mail.*

This lawsuit frenzy, which that side over there seems intent on, will destroy not only this institution but individuals in this institution. As a recent poll shows, it is working counter to the Conservative government's claim that it wants it to be crystal clean, clear, transparent and accountable. It is not working.

Why do the Conservatives not get back to the nuts and bolts of Parliament? Why do we not work in an environment where if we say something in here we will not be sued for it. Why do we not have more respect for the old girl that is this place, the Parliament of Canada?

Mr. David Tilson: Mr. Speaker, I would like to return to the Ouellet case where he said something derogatory about a judge outside this House, goes through the whole court process and is found in contempt of court.

The question is: Should he be allowed to come back into this place or into a committee and deal with that in this place? Is this the appropriate forum for him to do that because it involves him personally? He was held in contempt of court. Should he be allowed to come into the House of Commons or into a committee and, for his own personal advantage perhaps, try to persuade the House of Commons to do a resolution, like it is now, and notwithstanding what the judge said, pass a resolution that will overrule that. Conceivably, that could happen.

Under the current law, Commissioner Dawson, I believe, if we follow the rationale in the scandal of the hon. member for West Nova, would simply say no, that he cannot do that. Under the resolution that is being suggested now, he can. He can come back into this place and take advantage of his position as a member of Parliament to try to persuade Parliament or even a committee to change the decision of the court or for some other reason, for his own personal advantage.

The question is—

● (1240)

The Deputy Speaker: The hon. member for Moncton—Riverview—Dieppe.

Mr. Brian Murphy: Mr. Speaker, the corollary to one being innocent until proven guilty in civil law is that the money is not paid until there is a judgment. The case he refers to is a finding of a court. It has been done. If there is a pecuniary interest or a private interest that flows from that, it makes imminent sense that the member could not come back into the House and deal with the issue of that judgement before committee or whatever.

The Conservatives believe their own speeches when they talk about legitimate lawsuits, potential liability, contingent liability, and potential conflicts of interest. If we say that just by the slapping down of a lawsuit and it becomes real, then why does the member for West Nova not just pay the $2 million? That is not the way it works. It has to go to court. This case will not go to court. Brian Mulroney will not take this case to court against the member for West Nova.

Brian Mulroney received $1 million just in costs for the complete destruction of his reputation. I am not saying the member forWest Nova does not have an equal and better reputation, he probably does, but he is being sued for $2 million after Mr. Mulroney received $1 million, and only for costs. The case is never going to court. It is not money in the bank. The member should know that.

He should also know that we are free to sue, but we are also free to defend in this country in civil litigation. It is the whole basis of our criminal justice system which carries over to civil liability. It is the reason we have freedom in this country.

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I wish to thank all my hon. colleagues for their interventions today. I believe this is a very important debate and I am pleased to take part in it.

However, before I get into the crux of my statements and argument, I just want to make one observation. I find it very interesting that the members opposite in the Liberal Party are now introducing a motion to basically challenge a ruling of an independent officer of Parliament. I find it interesting because they were very critical of the government when we took similar action.

As is known, we have a dispute with Elections Canada right now over advertising practices and costs of the 2006 election. The Chief Electoral Officer of Canada made a ruling. We disagreed with that ruling and now we are engaged in a legal action because we believe a court of law will prove that our interpretation of the electoral law will be proven correct.

While we have taken that legal action, members of the party opposite have been very critical saying on many occasions that the ruling of the Chief Electoral Officer at Elections Canada must be correct. Elections Canada made an interpretation therefore it must be correct, yet when the Ethics Commissioner made a ruling with which the Liberal Party members disagreed, they have done the same challenge. They are not going to court to try to overturn the ruling, but they are trying to change the rules of the Conflict of Interest Code.

It appears that there is a little bit of hypocrisy going on here if, in fact, the position of the Liberal Party is that Ms. Dawson made an incorrect ruling. The Liberals certainly have a right to do what they feel they need to do to overturn the ruling or to rectify what they consider to be a wrong, as do we.

I would just point that out. Let us make sure that if we are having a debate, we keep things on an even keel and make sure apples are apples and oranges are oranges in our discussion when criticizing other political parties.

I want to begin by going back a little bit in time for those people who may be watching this debate and may be feeling a bit confused about what actually is going on here, and try to set the context of how this motion came to be, and why the debate is taking place today.

As we all know, several months ago the ethics committee, a standing committee of the House, decided to hold investigations and hearings into what is known to be the Mulroney-Schreiber affair. I do not have to go into details about what that affair is. I think all Canadians, and certainly members of this House, are well aware of the dealings between Mr. Mulroney a number of years ago and Mr. Schreiber, but in any event the ethics committee decided it should have a set of hearings to try to get more information about that.

During the course of the lead up to that committee hearing, and into the early parts of that hearing, one of the members of that committee, the Liberal member for West Nova, made some comments outside the House which Mr. Mulroney found to be defamatory. Subsequently, Mr. Mulroney filed a lawsuit against the member for West Nova.

Once that had been done, another member of the ethics committee, the Conservative member for Dufferin—Caledon, in a point of order, asked the member for West Nova to recuse himself because the member for Dufferin—Caledon stated that there was a private interest involved, and since the member for West Nova was being sued by Mr. Mulroney, the member for West Nova should not have the ability to question Mr. Mulroney, should not have the ability nor should he be a part of the committee that is conducting the investigations because it would be a conflict of interest.

The member for West Nova did not recuse himself so subsequent to that the member for Dufferin—Caledon wrote a letter of complaint to the Ethics Commissioner asking her to get involved and subsequently give her interpretation, make a ruling, whether or not the member for West Nova should in fact recuse himself.

The Ethics Commissioner did a quick investigation and came back with a report stating that, as the member for Dufferin—Caledon suggested, the member for West Nova should recuse himself, should not be able to participate in the hearings, and should not have been able to question or cross-examine Mr. Mulroney because there was a clear conflict of interest.

That is where we are today because that was the genesis for this motion.

● (1245)

The Liberal Party clearly disagrees with the ruling of Ms. Dawson and wants to change the rules that we are governed by in this place to allow, in the future, members of Parliament, who have been served with a lawsuit, the ability to speak about that very lawsuit or about issues surrounding the lawsuit.

That is the question we have before us. Is the current code of conduct and code of ethics proper or should it be amended? I would suggest, with great respect to all of the members opposite, that I do not think that the motion we have before us today for debate should be carried or passed, for a number of reasons.

Let me begin, when making my argument, talking about what the code now says and then why it says it.

Right now the code basically says that the interests of the general public should supercede private interests of MPs. In other words, we were elected to represent the general good, not to represent our own self-interests or perhaps even our own partisan interests.

Second, the code states that there should never be any conflict of interest that any member of Parliament finds himself or herself in. That sometimes is difficult to avoid, but I believe it is very easy to interpret.

The code further goes on in section 8 to say that it provides a general prohibition on members acting in any way to further their private interests, whether they intended to or not.

The code also goes on to say, in section 13, and I think this is the critical section, that it prohibits any MP from participating in any debate in the chamber or in a committee in which he or she may have a private interest.

That is what the code states. I do not think there is any confusion about that and there should not be any question that the ruling by Ms. Dawson was a correct one, because here we have a situation where there is clearly a private interest by the member for West Nova.

As I said earlier, the member for West Nova is being sued by a private citizen, a former prime minister of this country, Brian Mulroney. Therefore, any discussion about that lawsuit or any discussion about elements of the lawsuit should not be allowed.

Why is that? Why would the code of conduct put those provisions in? Quite clearly, it was done so for a very good reason. As one of my colleagues, the member for Dufferin—Caledon, earlier pointed out, since the member for West Nova did not recuse himself and was subsequently allowed to cross-examine Mr. Mulroney during committee hearings, he in fact was allowed to gather information which could be beneficial to him in the upcoming lawsuit. The code of conduct clearly states that should not be allowed because he is satisfying or serving his own private interests.

While it is very true, as other members have stated, that information gathered from committee hearings cannot be used in any lawsuit, the fact of the matter is that the member for West Nova was able to gather information which would benefit him in his lawsuit. He does not have to take testimony from his cross-examination. He does not have to take testimony from Mr. Mulroney and enter it as evidence in the court case, but the mere fact that he was able to gather knowledge from his questioning of Mr. Mulroney benefited him.

Second, this case was such a widely known case and garnered such interest from the Canadian public. It was covered so extensively by members of the national media. Since the committee hearings themselves were televised, all of the information that came out of those committee hearings then became a matter of public domain. Canadians from coast to coast to coast would hear daily news reports about testimony at committee.

● (1250)

Canadians who had a great interest in the hearings were able to tune in and watch the committee hearings live. Many committee members, including the chair of the committee, the member for West Nova, constantly appeared on political talk shows during the hearings.

To suggest that the testimony itself could not be used in a court of law and therefore it could not be of any benefit to the member for West Nova is absolutely ridiculous. Everyone in Canada, who had an interest in this case, was able to ascertain what was happening on a daily basis. In some cases, it was on a minute by minute basis if they happened to tune in to the live proceedings.

The Code of Conduct was established to disallow any member from participating in a discussion about a lawsuit involving the member of Parliament. By doing that, it could advance the private interests of the member of Parliament. This is specifically prohibited in the codes that govern us.

As I mentioned earlier, I take very seriously all the rules that govern us. As members of Parliament, we should also be very cognizant of the fact that this motion could set a very dangerous precedent. I say that because we have many, what I would loosely call, rules that govern and guide us in our day to day work. We have the bible of procedures and practices, Marleau and Montpetit, the Standing Orders and codes of conduct.

If we choose to change Standing Orders or elements of the Code of Conduct, it obviously affects all of us, and it will have consequences. That is why, before we engage in any change, the history of this place has always been to be consultative, to consult widely and broadly, not just with members of the House but with others who have an interest, a knowledge and an expertise in parliamentary affairs.

I assume the motion is brought forward with every non-partisan intent in mind. I do not believe the member for Scarborough—Rouge River has brought it forward in a partisan way to try to benefit the Liberal Party of Canada. I believe he brought this motion forward because he believes the code should be changed. However, I argue that the ramifications and the consequences of the change, should the motion be approved, will be very detrimental to the dealings of everyone in the House.

Let me give a few examples. Some may consider these to be extreme, but I can see where some of these examples could actually happen and could quite likely happen.

If the changes are made to the code, if the motion is approved, it will allow members of Parliament to speak freely on any issue in which they may be legally involved. In other words, if private citizens decided to sue members of Parliament over any issue, those members would then be able to, in effect, use this place as a bully pulpit to speak about that issue without fear of consequence. They would be able to, either in debate, or in committee or in member statements, if they wished and depending on the subject material, speak about the issue quite freely, advance their own interests in other words and advance their own arguments before any court case was held.

In my opinion, this should not be allowed to happen. That would be giving a distinct advantage to a member of Parliament. It would allow the private interests of a member of Parliament to supercede the interests of the general public.

Second, I hear, time and time again, members opposite and members in this debate say that the way the current code is written allows for libel chill to occur. They are referring to frivolous and vexatious lawsuits being entered or being launched to try to curtail debate.

● (1255)

It is true, whether it be in this place or in the purview of the general public, many times individuals launch frivolous and vexatious lawsuits to try to engage in some sort of libel chill, to keep someone who is speaking the truth quiet. I suggest we do not have to alter the code to deal with that. The courts are the best judge of what is frivolous and vexatious.

We have seen this time and time again. When someone has launched a frivolous lawsuit, the defendant goes to the court, says so and asks the judge to make an interpretation. That is how we deal with frivolous lawsuits. We do not change the code because we think that in the future there will be a raft of these frivolous and vexatious lawsuits in an attempt to quiet debate and discussion. There are many legal remedies to deal with that.

However, if there is, what I call, a legitimate lawsuit, one that is proven by courts and interpreted by judges as to be not frivolous and vexatious, brought forward by a member of the general public against a sitting member of Parliament, that member of Parliament should not be allowed to use his or her privilege in this place to gain an advantage over the private citizen. Why should he or she?

The current code is absolutely correct. If we change it, we head down a very slippery slope, and not only in this case. I know this is a very narrow cast example. This was obviously brought forward because the member for Scarborough—Rouge River did not feel it would be appropriate to disallow the ability of the member for West Nova to speak on the Mulroney-Schreiber proceedings.

What happens in the larger picture if we agree to the motion? In fact, it could happen now but I think a precedent would be set if the motion were passed. However, if any government, regardless of political stripe, gained a majority in the House and simply did not like a Standing Order, a code or any independent officer of Parliament's ability to interpret and adjudicate, is it could simply change the rules. Quite genuinely, I would hate to see that happen.

I would hate to see any government of the day, in a majority situation, have the ability if a Standing Order did not serve its partisan purposes, to use its majority and arbitrarily change it. I fear the change proposed in the motion would set a very dangerous precedent. Normally and historically, any changes to Standing Orders or any rules that govern this place and members of Parliament have not been dealt with in this manner. It has always been dealt with in a consultative way, usually through procedure and House affairs.

A number of people have referred to the fact that the procedure and House affairs committee is not sitting, and that is quite true. As a member of that committee, I have intimate knowledge of why the committee is not sitting. I suggest that if, as an example, the Liberal Party of Canada, the Bloc Québécois and the NDP all agree that procedure and House affairs could resume sitting to deal with this issue and this issue only, there would be widespread support from all members.

Unfortunately, there is a motion currently before the procedure and House affairs committee, which the committee clerk and chairman ruled to be outside its mandate. That is the stalling point, because the majority members on that committee disagreed with the chair's ruling and with the law clerk of Parliament and got rid of the committee chair. Therefore, the committee is not sitting.

I believe the procedure and House affairs committee is the right venue to discuss whether there should be changes to the Code of Conduct. It should not be done in this manner in this place in a one day debate. It should take place in a highly consultative manner through procedure and House affairs by bringing in expert witnesses and having a rational, fulsome discussion and debate. That is why I will be opposing the motion today.

● (1300)

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I listened with some interest to my hon. colleague's comments and his reasons for voting against the motion.

I point out two things. First, his interpretation of why that committee is unable to deal with motions such as this is obscure and obtuse at the very least. The government has practised this willy-nilly form of obstruction among so many committees. It is unprecedented in Canadian history.

I experienced this in the Standing Committee on the Environment and Sustainable Development. For six weeks the government talked out the clock on a private member's bill. It has never been done before in the history of Canada. It did that every day, wasting thousands of dollars and setting new legal precedents.

On the issue as to whether the motion is viable, I am trying to understand my colleague's balance between the rights and responsibilities of Parliamentarians to speak and represent their constituents, yet not incur their own benefit, which is something our ethics code now currently prohibits, and at the same time, not encourage people within this place or outside of it with that libel chill of which he spoke.

By finding a contentious issue that was affecting some other Canadian or somebody from another country, or by not wanting a certain member of Parliament to speak to the issue, a person could simply file a lawsuit. A person could simply put a writ on a member and prohibit that member of Parliament from speaking to an issue again for the reasons countered in the courts, reasons unproven by the courts. Then our Ethics Commissioner would come forward and prohibit the member from speaking because of that lawsuit?

I am trying to understand the balance the member is trying to seek. How can he assuage the fears of people like myself and my party from creating that type of libel chill, that someone will sue us in the actions of our duties, thereby closing our comments and silencing our voices and the voices of the people we represent, which is again to the fundamentals of this place?

Mr. Tom Lukiwski: I have a couple of points, Mr. Speaker.

First, if comments were made by members of Parliament in this place and not outside of this place, lawsuits could not be brought forward. We are protected by privilege. It is only if we say something outside of this place.

With the whole larger issue of libel chill, I mentioned in my statement that there were legal remedies to prevent that. However, the courts are the best ones to judge what is a frivolous lawsuit as opposed to a real or legitimate lawsuit.

If there is a frivolous lawsuit, just for the purposes of libel chill, that is something I do not agree with, but the courts should be able to determine that. There are many remedies to stop that from happening, and I think the member knows that. Clearly, if there is an instance where a member of Parliament is involved in a lawsuit, the member should not be allowed in this place to speak of issues surrounding that.

How many times have we heard outside of this place, non-members of Parliament, when asked a question, say that the matter is before the courts, therefore they cannot speak to it? That is a standard operating procedure by general citizens, not members of Parliament.

All of a sudden we are saying that if there is a lawsuit, because a person is a member of Parliament, we will exclude that provision and allow the member to speak to it here. It is promoting self-interest, and that is something we have to take very seriously.

The overarching principle of this place is to put public interest ahead of private interest. In this instance, I believe the member for Scarborough—Rouge River thinks he is doing the right thing, because he does not believe the member for West Nova should be disallowed to speak of this issue, but it raises a host of other potential problems. I ask all members to carefully consider the ramifications that could result from the passage of the motion.

● (1305)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): I am still confused, Mr. Speaker, as to how the member would determine a legitimate lawsuit from a vexatious lawsuit.

If I understand his answer, and I want to give him the full opportunity to answer, it is legitimate until a court determines that it is vexatious. If a court determines, through the procedure that is laid out in our courts across the country, that it is vexatious, then it is vexatious, but until that point, even if it is Mickey Mouse suing a member of Parliament, it is not vexatious. It is legitimate.

As a final point, I want to know if the Mulroney lawsuit, where he alleges that the member for West Nova said that it was improper to say that he received money while prime minister, when in fact Mr. Mulroney agreed probably to receive money while he was prime minister and then received it as a member of Parliament, is a vexatious lawsuit or a legitimate lawsuit?

Mr. Tom Lukiwski: Mr. Speaker, as I said in my comments, of course it is up to the courts to determine what is vexatious and what is not. That is their role. By passage of this motion, we are basically just sidestepping that. Right? By passing this motion, we are basically saying that it really does not matter whether a lawsuit is legitimate or vexatious. No lawsuit has a bearing on the ability of a member of Parliament to speak to the issues surrounding that suit. That is the alternative. I suggest that this is not a good alternative.

There are times when libel chill has probably been a considered option, but I believe that the overarching principle that public interests supersede private interests must be observed. It is the same as the old saying, a bit of an analogy, "Better than one guilty person, or one innocent person...". Let me get this straight—

Mr. Paul Szabo: The guilty go free.

Mr. Tom Lukiwski: Exactly.

Mr. Speaker, while systems are not perfect, we have to put a system in place that serves the best interests of the public. We can all find examples from time to time that may sort of fall through the cracks, but let us not—

The Deputy Speaker: Order. We do have a lot of people trying to get in on this. I will go to the hon. member for Dufferin—Caledon.

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, the member for Scarborough—Rouge River wants to add the following paragraph to his motion:

> "(*b*.1) consists of being a party to a legal action relating to actions of the Member as a Member of Parliament; or";

I want members to think about those words.

Was the Mulroney-Schreiber lawsuit a result of the member for West Nova being a member of Parliament? A member of the House could be involved in some personal matter, not as a member of Parliament, a matrimonial matter, for example. He or she could be involved in some matter involving his or her spouse which involves money, support payments, or some other kind of thing. It could be argued both ways, I suppose. This motion would not cover that. In fact, I do not think the motion covers the matter that is before us.

I have a question for the member. Is this really appropriate for the amount of time that we will be spending on this? Should a committee not be reviewing these matters, and listen to the Canadian Bar Association, legal people who know things—

● (1310)

The Deputy Speaker: The hon. parliamentary secretary to the government House leader.

Mr. Tom Lukiwski: Mr. Speaker, I absolutely agree with the observations made by my colleague. That is why, historically, changes to the Standing Orders have gone before a parliamentary committee for full examination.

Many questions have been raised in the debate today and many more questions will be raised both pro and con because this debate is far from over.

Is it appropriate to make a fundamental change to a rule that guides the conduct of members of this place after one day of debate without hearing from expert witnesses, without hearing from members of the Canadian Bar Association, as my colleague said? I would argue absolutely not. This issue takes much more time and a much more fulsome and considered debate than one day.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, I would submit that we really do not need much debate on this issue. Members of Parliament come to this Chamber because they believe in fighting for various causes: good governance, the environment, and so on.

Let me use an example of a polluting company that is called on the carpet publicly by a member of Parliament who is trying to get legislation passed that would stop the company from polluting. All the company has to do is launch a lawsuit, keep it going long enough during the period of debate, and that vote would end up not counting.

One of the reasons we have parliamentary privileges is we can—

The Deputy Speaker: The hon. parliamentary secretary to the government House leader.

Mr. Tom Lukiwski: Mr. Speaker, the member makes a legitimate point, but I would suggest again that this is why this should be considered in depth by a parliamentary committee. As an example, if there are to be changes to the code, perhaps votes for example could be excluded, perhaps not. Perhaps the only exclusion would be the ability for the member to speak.

However, it is quite common for all members to recuse themselves if they have an interest in the issue at hand. If for example, even without a lawsuit, a member of Parliament had an interest, let us just say in a land deal, and for some reason the principals of the land management company were at committee discussing issues concerning that land deal, should the member of Parliament be allowed to participate in that and vote on that? I would argue not.

Many times we take it upon ourselves to recuse ourselves if we have a private interest in an issue. We should continue that. This motion would absolutely overturn that ability and that right.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I actually believe the last comment made by my hon. colleague was bordering on the absurd. We are asked to recuse ourselves from anywhere where we have a financial interest. There is a fundamental difference between that and being the subject of a lawsuit, when one is in the business of actually having to challenge, whether it is a government procurement scheme or challenging a minister.

We have a situation where the government is acting incredibly litigious against other members of Parliament whenever it is questioned. We would have a situation, under this government, where it could say to the hon. Leader of the Opposition that since he is under a lawsuit, he really cannot speak to any of the issues he has raised because somehow his privilege has to be taken away.

We are dealing with a very serious issue. If we were to allow the principle to stand, that anyone could be subject of a lawsuit and then not allowed to continue on their work, then we would be subject to any form of legal intimidation—

● (1315)

The Deputy Speaker: Order. A final response, the hon. parliamentary secretary, briefly.

Mr. Tom Lukiwski: Mr. Speaker, again, we covered this ground before, but one thing I find interesting is no one yet here today, who is speaking on this issue, and who seems to want to sort of push this motion forward so quickly, has answered or even spoken to a very fundamental question.

When we raise the issue of why it should go to a parliamentary committee for fulsome and further investigation and discussion, why has not one of the members who were speaking in favour of the motion said, "I'd like to hear from the Ethics Commissioner. She made the ruling. I'd like to be able to question her and ask her in depth questions about why the ruling was made". Members do not seem interested in getting to the root of the decision. They just seem interested in fast-tracking a motion that I think is seriously flawed.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to participate in this important debate on a motion raised by the member for Scarborough—Rouge River. I must admit, when the House has been seized with some matter that is of a complex nature, whether it be interpretation of the Standing Orders or our procedures and practices, the member has always been an active participant with sage words for the House's consideration.

I believe that the member has raised appropriately, based on the initial commentary of the Speaker with regard to his former question of privilege, the fact that there are other ways to do this. We have heard some suggestions. Why do we not send the matter to the procedure and House affairs committee where it could be taken care of?

The last time that committee took care of a conflict of interest issue of review, it created a subcommittee. It sent it to the subcommittee, I think it was in November 2006, and we did not get a report back until June 2007. I think that, under any criteria, urgent decisions by this place on a clear question should not take several months to address.

I have listened to the debate. I think that there has been ample discussion and presentation on the importance of free speech which is clearly the issue here. The crafters of the Constitution of Canada and our laws now in the Constitution have extended extraordinary privileges to members of Parliament. Those privileges, in brief, would include such things as the matter to speak freely in this place, to represent the interests of constituents without having fear of being taken to another jurisdiction and have it used against one in another jurisdiction or in a court of law, as one member said

The decision to grant the privileges to parliamentarians was carefully considered and carefully done in a way in which the public interest could be served only if members had that free speech, the right to speak freely, to speak frankly, to tell it like it is as it were, because it is important in this place that this is where the debate should take place. This is where one has to push the envelope, where we have to make very strict and firm arguments.

It may not be beautiful at all times, but it is our parliamentary practice and tradition. It is not a matter of trying to perform for some esoteric reason. It is to fight on behalf of what members believe to be the truth and fairness within the laws of Canada.

We have this extraordinary privilege and what we have before us now is a situation where an extraordinary matter, the privileges of parliamentarians, is being suspended by a very ordinary act. It is simply to launch a legal action. In this case before us, it is a libel suit.

The member for West Nova, in an interview outside of this place not covered by privilege, effectively indicated that a former prime minister accepted cash when he was prime minister. Mr. Mulroney contends that he received the money only as a member of Parliament after he had stepped down as prime minister. Consequently, he launched a $2 million lawsuit, the proceeds of which he indicated would go to charity.

That is all well and good, but during the hearings there was a lot of evidence and testimony that we had during the Mulroney-Schreiber hearings. It is not clear yet, and has not been established yet, whether or not the former prime minister actually had received money while he was prime minister or the promise of money.

He could have done certain things as prime minister with payment to be made only after he stepped down, but just as there is a contingent liability, if members would like to use that term, there also could be a contingent asset. It would be in order to circumvent the rules of this place, or in fact a statute of Canada, particularly the Parliament of Canada Act, which would deal with the issue of influence peddling.

● (1320)

Therefore, this is an extraordinary matter that is being undermined, mitigated and even shut out by an ordinary matter.

There has been some argument that we need this to happen. There has been some argument that we need to have this recusal of the member for West Nova to participate in debate or votes or questions, because, as one member put it, members could use this place to advance their case. They could use this place and abuse it to further their own private interests.

If members want to continue to argue their case and try to remedy their situation, they can do it outside of the Parliament of Canada, outside of this chamber or committee. They can do that. There is nothing to stop them. What could they do here that they cannot do out there?

We have the situation reversed. We have a situation where members can say things in the House that they cannot say out there, but in this particular case, we have a situation where the decision of the Ethics Commissioner is that members can say anything they want out there but we will not let them say it in here. It is exactly the reverse. This is preposterous.

The motion also, and I want to be clear on this point, refers to an exemption being proposed if a member is "a party to a legal action relating to actions of the Member as a Member of Parliament". Some will interpret the words "legal action" as meaning a lawsuit, a court action, but there are many actions out there that involve a pecuniary interest to members. It could mean appearing before some tribunal or city council trying to get costs back or a reduction of property taxes or something like that where a member has argued. A judicial review could be a legal action in the context of what is being done here.

I raise this because in this place we deal with matters which touch on virtually the full gamut of issues that have touched the lives of Canadians. We will be there arguing on behalf of the interests of our constituents and of Canadians as a whole, but sometimes we will have to participate in fora outside this place.

If I can go to a tribunal, argue a case successfully and get a judgment or a decision that would affect the public interest, that is fine. However, what if I am seeking costs, the costs of my taking the time to do it, to get the research, to pay for the transcripts and to get legal assistance or other professional expertise? In themselves, those costs, and the recovery of those costs because I have successfully argued a matter that is not a private interest, represent a private interest, which I presumably would be advancing.

The point I am trying to make here is that if this matter is not changed, things can occur which would say that members who are involved in some sort of a legal action, legal proceeding or litigious proceeding may have to be in a position to recuse themselves from discussing it in the House because they are out there trying to do something to get back costs. That is not the intent.

I did what I could to determine whether or not there was any evidence of contingent liability being a subject of discussion by those who were responsible in the House to determine what the elements of our Conflict of Interest Code could be. I could not find any.

In my view, and I hope members will look at it carefully, there is no evidence that the existence of a contingent liability was ever contemplated. It could be something like a frivolous lawsuit, somebody paying the thousand dollars and filing the necessary papers, and then the parliamentary secretary would say that the member has to wait because it is in the courts and that is the way we do this. If one gets sued, then one is going to have to recuse oneself and lose one's privileges and rights under the Constitution until that court deals with it. How long is that going to be?

There is a saying about how justice delayed is justice denied. Privileges being denied because of a frivolous and vexatious suit is an inappropriate outcome.

● (1325)

I also want to make the point that in the Ethics Commissioner's decision, she decided that the member forWest Nova, who was the subject of a lawsuit by Mr. Mulroney, must recuse himself and could not participate in debate or vote, the reason being that we are talking about whether or not there is a pecuniary interest, a private interest. That could be assets or it could be liabilities.

If we look in a dictionary, we will see that liabilities have a whole range of definitions. One of them happens to be a contingent liability. We are not sure what it is, but it could happen. Other things have to happen in order for that to be assessed and the amount determined.

Did the crafters of our code of conduct decide that people could say that they thought someone was wrong so they would sue and find out in a couple of years from now whether or not the courts would agree, but that in the meantime before it gets to court they just might yank it and then the individual could go back? That is the problem.

There is a further problem if we have a situation like this one where other parties are related to Mr. Mulroney or where Mr. Mulroney is involved in any other business. If there is anything that we do or touch or say that would directly or indirectly affect Mr. Mulroney adversely, should the members also recuse themselves or be recused and lose their privileges in regard to discussing those things? The example I would give is the spectrum wireless issue and Quebecor and whether or not the members should recuse themselves from talking about Quebecor because Mr. Mulroney is an officer of a subsidiary of Quebecor.

There is another aspect that has not been considered. I raised it in one of the questions. If we are talking about just being sued, as is the case with the member for West Nova, and there is a recusal required, what happens if one applies the same logic that has been applied to the member for West Novawhen a member of Parliament himself or herself launches a lawsuit? If that member of Parliament launches a countersuit in the case of Mr. Mulroney, or a lawsuit on any other matter that is before the House, the interpretation given by the Ethics Commissioner's report demands that the member recuse himself or herself from participation in any vote, debate or questioning on any matter related to that.

Is it the intent of our code of conduct that a member cannot sue without giving up his or her privileges? It is the reverse situation, but we always have to look at what happens when we flip it on its head, start from the bottom up, or go in reverse or inside out. We have to look at all the angles.

One of the members says that we should just send it to the procedure and House affairs committee, which has a good track record. Let me give the House example of how ridiculous it could become if we apply the rules.

We have a situation now in which Elections Canada has named 17 members of Parliament in the Conservative caucus as participants in a scheme to circumvent the election spending rules as they relate to national advertising. They have been specifically named. In fact, there were 57 Conservative candidates. Of them, 17 were elected. They are all MPs, but of the 17, 10 are ministers or parliamentary secretaries and are also subject to an even more stringent code, that being the code for public office-holders, defined as cabinet members, parliamentary secretaries and governor in council appointees.

If we were to apply the decision and the logic of the decision of the Ethics Commissioner in this regard, we would have a situation involving: the member forKelowna—Lake Country, the member for Cariboo—Prince George, the member for Okanagan—Shuswap, the member for Sarnia—Lambton, the member for Louis-Hébert, the member for Charlesbourg—Haute-Saint-Charles, the member for Lévis—Bellechasse, the parliamentary secretaries for heritage, national resources, the Prime Minister, and labour, the Minister of Public Safety, the Secretary of State and Chief Government Whip, the Minister of Transport, the former minister of foreign affairs, who has just been replaced, and the Secretary of State for Agriculture. All of those 17 members of Parliament, 10 of whom are public office-holders, should be recused from voting, debating or participating in any shape or form on any matter related to Elections Canada, because that matter is before the courts. The Conservative Party of Canada has taken the matter to the courts.

● (1330)

Elections Canada has made a finding. Not only has Elections Canada found that the Conservative Party of Canada violated the Canada Elections Act and overspent the advertising spending limit, but it has implicated and named specifically 17 members of Parliament. Those 17 members of Parliament filed election expenses returns after they became members of Parliament and those 10 became public office-holders. They filed returns. They and their chief financial officers swore and signed and said that the returns were fair and audited and everything was in good order.

Elections Canada said no to that. Elections Canada said that in its opinion that was not the case, that the returns were false and misleading. That is the allegation before these members. It would appear on a prima facie basis that the allegation, a contingent liability to either repay or to reduce the amount one is going to get back on an election rebate, is a pecuniary interest. It is not a contingent liability. It is a contingent reduction in an asset that members have determined is theirs. Elections Canada has said no.

It will now have to go to the courts, but until that is done, and it is going to take years, perhaps those 17 members of Parliament had better pay a visit to the Elections Commissioner and suggest that because they have this thing hanging over their heads they should not be participating and they should recuse themselves and not participate.

That is how ridiculous it gets. It is certainly not my suggestion or intention that this should ever happen, but if we want to apply the rules and the intent of the Conflict of Interest Code, we cannot do it on the narrowness of determining it in the worst possible case, a frivolous and vexatious libel suit. An ordinary action could be done by almost anybody on almost anything because it is their own opinion, not the opinion of the courts. Almost anybody could commence an action, in this case a legal action, and it would take away, in whole or in part, the privileges of a member of Parliament that have been granted to that member by our Constitution. That is how serious this is.

This has the potential to get much wider and to cover more subject matters and more integrated matters, because we know that things are inextricably linked. We know there are such matters. People have friends. If my friend is touched, I am being touched. Arguments could be made.

We need to protect the privileges of members of Parliament. That is what this is all about. This is not a partisan issue. It happens to be one member of Parliament who is caught in a situation. It is being used as a proxy for us to consider whether or not we are opening ourselves up to a situation that can get very, very nasty and could virtually grind this place to a halt.

That is why it has to be dealt with now. That is why I believe the motion, the debate and the argument brought forward by the member for Scarborough—Rouge River are cogent and wise and that this is the right thing to do. We should support this motion that is now before the House.

● (1335)

Mr. Richard Harris (Cariboo—Prince George, CPC): Mr. Speaker, certainly the member who has just spoken has once again shown that he is most capable of shameless hypocrisy in the House, as he has on so many other occasions.

Speaking of the Elections Canada issue, it is important to state some facts. First, it is the Liberals themselves who have continually brought up Elections Canada in the House while the Conservative members who are involved rightly made the choice to pursue this in the courts. It was never brought up in the House proactively by the Conservative Party. It was always the Liberal Party.

By contrast, a lawsuit was launched against the member for West Nova. That member chose to use the privileges of this House in an attempt to fight that lawsuit outside the courtroom before he made it to court. That, in my opinion, is a direct conflict of interest.

Speaking of hypocrisy, I would suggest that if the impartial Ethics Commissioner who makes decisions about ethical conduct of the members of this House had made a choice the other way, there would be utter silence from that side of the House.

I will remind the Liberals that when a member of the Conservative Party had an issue with the Ethics Commissioner, the same members who are speaking now vigorously supported the Ethics Commissioner at the time because it was in line with what their thinking was.

I would like to ask the member—

The Deputy Speaker: The hon. member for Mississauga South.

Mr. Paul Szabo: Mr. Speaker, the issue is about freedom of speech. That is what we are talking about. It is a fundamental right of all members of Parliament. It has to be protected if we are going to do our jobs.

I like the member as a person, but on this debate I have to disagree with him. He said that the member for West Nova could come to this place and argue his case. Think about it. The Ethics Commissioner said that there is a contingent liability and he may affect that contingent liability, i.e., reduce it. Can the member for West Nova use this place to reduce the contingent liability by arguing his case? No. He can do that outside. He does not have to do it here. If he can do it out there, it does not matter whether he can do it here.

He is not arguing his case because to do that here would be to mitigate the liability. How is he going to do that? The court case is out there. The only way he is going to help himself and enhance his position is to have the court case dropped by Mr. Mulroney. That means he would have to come in here and start kissing Mr. Mulroney's ass. Is that not the way it is?

I have to disagree with the member. The member for West Nova is not going to come in to this place and argue his case. The proof of that is that during committee—

Mr. Richard Harris: Mr. Speaker, on a point of order, I know the member was swimming upstream on his rebuttal, but to use a phrase like that I think is unparliamentary and I would like to ask him to withdraw it, please.

The Deputy Speaker: The hon. member himself was using unparliamentary language when he was up. He kept using the word "hypocrisy", which was out of order. I did not rule the member out of order and I am not going to rule this member out of order. The response has already been given. I will go to the next questioner.

Questions and comments, the hon. member for Dufferin—Caledon.

● (1340)

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, in his presentation, the member gave the impression that if this rule is not changed, we are all going to lose our freedom of speech in this place and it is going to happen more and more frequently.

I am sure the member has read this because I know he is a very diligent member and likes to read things, but I am going to read a brief paragraph from page 21 of Commissioner Dawson's statement:

> The lawsuit instituted against [the member for West Nova] resulted from his statements to the media outside Parliament. Furthermore, the questions before the standing committee were substantially overlapping with the very statements that were the essence of the lawsuit. A similar conjunction of circumstances is unlikely to occur frequently. Only where questions debated and voted on by the House or committee relate to the private interest of a Member is he or she not permitted to participate.

I would like the member to comment on this, that it is obviously very rare that this situation could occur.

Mr. Paul Szabo: Mr. Speaker, rarely, but it can occur. That is the point: it can occur. In this place privileges cannot be flipped on and off at a whim. They have to be protected. It is fundamental. It is constitutional. That is the issue here that the member does not get.

I do not believe that the member for West Nova, in his participation in those hearings, over that period since last November, ever once raised an issue where he was arguing his case, not once, not in this place, not there. He participated in debate. He participated in votes. He participated in questions. He addressed Mr. Mulroney in the hearing. Not once did anybody question whether or not he was arguing his case to enhance his own position, not once through all of that time, since last November.

Why is it now that there is this fear that somehow he is going to say in here something that is going to enhance his case when he can say it out there? That is the point.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, what is concerning about this case is that as part of our work as legislators, we do have to raise allegations. We do have to accuse. That is one of the fundamental roles we have in Parliament. Certainly we have parliamentary privilege within the House.

If we are doing our duty at committee, whether it is accusing a government official or whether it is cross-examining how moneys are being spent, we do bump up against private interests, we do bump up against corporate interests, we do bump up against political interests, where we do take a certain amount of risk. We understand that risk. When we go out and speak we have to be somewhat judicious, but at the end of the day, we have to make accusations.

My concern with what is happening here is that if someone decides to initiate a lawsuit against a member, the precedent has been set: that member then should not be on a committee; that member should not be able to speak to an issue.

If a member is making an accusation, whether it is in a procurement business deal or whether it is against another member in the House, if a member continues to attack, that will be something that is dealt with in the lawsuit. We do know very well that lawsuits can carry on for six months, a year or two years, long enough past the period that it is a political threat. Then it can be dropped quietly at that point.

What is being done here is taking a member, a key member on a committee or a key member in any party out of the picture for the length of time that the member could do political damage.

I would like to ask the member, in his long experience, what kind of threat that poses to us in being able to do our jobs, and also whether or not we set the precedent—

The Deputy Speaker: The hon. member for Mississauga South.

Mr. Paul Szabo: Mr. Speaker, we operate in this place on the presumption of honesty. The argument that I have heard being made by some of the Conservative members is that members will say or do anything to enhance their own interest in this place and it is a presumption of personal interest and dishonesty. We must uphold the value that we operate on the presumption of honesty. Members should be able to discharge their responsibilities here. Any action against them is publicly known, in the public domain. All of those who are stakeholders in the matter certainly will be aware of it and will judge the commentary of any individual member of Parliament in his or her actions as a member of Parliament, whether it be debates, votes or questions, on its own merit.

The point remains, in this case here, the member for West Nova can be outside this House and before the media arguing his case all he wants to enhance his own benefit, but he cannot do it in here. The consequence is it creates a situation where he cannot do his job. He cannot enjoy the privileges that we have been granted via the Constitution. That member cannot enjoy today full free speech.

● (1345)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): I would ask the hon. member to address another potential sequence here rising out of the Ethics Commissioner's interpretation of these rules.

As I understand it, the Prime Minister has sued the Liberal Party. That is okay; that is going on outside the House. As a possible outcome of that lawsuit, the Prime Minister may succeed in getting damages and costs, or if he loses the case, there will be an award of costs against the Prime Minister. The Prime Minister then is in a place where he has the same kind of contingent liability as the member for West Nova had.

Therefore, these rules run the risk now of actually kneecapping the Prime Minister in addressing any of these issues, and he has not recused himself and I do not think he is going to. Maybe under this ruling he has to recuse himself from dealing with these issues and those matters in the House and elsewhere in government. That was not the intention of these rules. The Prime Minister has just as much free speech as I do in this place, and these rules should not kneecap and handicap him.

What does the member have to say about that?

Mr. Paul Szabo: The member is absolutely correct, Mr. Speaker.

There is another example. There is a Federal Court challenge against the Prime Minister related to his conflict of interest with regard to Mr. Mulroney and setting the terms of reference for a public inquiry. He has a clear conflict of interest. There is a legal action, that is, a Federal Court challenge. There is another contingency because there could be costs here. That is a second example of where it could be argued very straightforwardly and in parallel to the Ethics Commissioner's ruling on the member for West Nova that the Prime Minister is in conflict of interest and should recuse himself from all matters related to that, as well as to probably the Elections Canada in and out situation.

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, I look forward to participating in this debate. I have heard my colleague from Mississauga South speak so passionately and knowledgeably about this issue. I will be supporting this motion because I genuinely believe the motion speaks to the core of the matter, which revolves around the concept of freedom of speech.

I want to acknowledge the hard work done by the member for Scarborough—Rouge River who put forth this motion on behalf of the Liberal Party. Over a 20 year period he has demonstrated a tremendous knowledge of House procedure and committee procedure. He is somebody who understands the rules. It makes a great deal of sense that a person of his calibre would put forward a motion to discuss the importance of parliamentary privileges and freedom of speech. The motion is very straightforward. It states:

> That this House reaffirm all of its well-established privileges and immunities, especially with regard to freedom of speech.

That is why I support the motion. As I said, this is a very important issue.

I want to quote some comments made recently in editorials in national and regional newspapers which speak to this issue. One in the *Globe and Mail* on May 20, 2008 said:

> If it is possible to silence MPs by filing a lawsuit against them, however frivolous, it may become far more difficult for opposition parties to hold governments to account. That may not concern the Tories now that they hold power. But when they next find themselves in opposition—

—I anticipate that will happen fairly soon—

> —they may come to regret endorsing the precedent set by Ms. Dawson's ruling.

There is another quote that I would like to put on the record:

> Now that [the Prime Minister] has filed suit against the Liberals for allegations about the Cadman affair, does that libel suit represent a personal interest that prevents all Liberal MPs from raising the issue again in Parliament?
>
> It's a chilling prospect.
>
> Dawson's ruling cannot be allowed to stand. If her interpretation of the law is correct, then the law must be changed.
>
> Freedom of speech was gained through centuries of struggle. It must not be given up without a fight.

Those two quotes speak to the matter of the motion. That is why I wanted to ensure they were on the record.

The message is very straightforward. Freedom of speech is a fundamental right of each and every member of Parliament regardless on which side of the House they sit. That is the issue here.

It does not matter if members are in an opposition party or the governing party. It speaks to any party because we reside in a democracy. This freedom is required to ensure that all members are free to serve the needs of their constituents without fear of frivolous lawsuits. It is also a freedom that the Conservatives have made every effort to trample as they try to silence the legitimate questions of opposition members regarding Conservative scandals. It is not one; there are numerous scandals, numerous problems the government is facing and it is trying to avoid opposition members speaking to those issues. That is why this motion is very important.

Today I want to speak about my personal experience on what has happened today and in the last few days. This is with respect to a larger issue. This motion does not necessarily speak to the freedom of speech, but a larger issue of political responsibility. We have seen the trend of suing MPs and political parties and that is why we are speaking to this motion. We have seen the utter disregard and disrespect for the media; blaming the bureaucracy whenever and wherever possible; civil servants who work day and night for years serving this country and the government blaming them when it has an opportunity; and misleading Canadians. This has been the way the government has dealt with political responsibility.

This morning I was in the government operations committee speaking about a very important issue with respect to a file of which we are all too well aware. It has to do with the NAFTA-gate issue, which is how it is being phrased by many. This particular issue is of importance. I have asked numerous questions in the House of Commons. A report has been completed by the Clerk of the Privy Council, Kevin Lynch, someone whom I respect, a public servant who has served this country with a great deal of honour, but someone who had a very limited mandate and a very limited scope.

I put forward a motion, with my colleagues' support, this morning the member for Ajax—Pickering and a few days ago the member for Toronto Centre. I will read the motion that was put forward. It is a very straightforward motion:

> That, pursuant to Standing Order 108(2) and given the importance of the issues contained within the "Report on the Investigation into the Unauthorized Disclosure of Sensitive Diplomatic Information" prepared by the Privy Council Office, Mr. Kevin Lynch, Clerk of the Privy Council and other relevant witnesses be immediately called to testify before the Committee on Foreign Affairs and International Development on those issues and that this will occur before the Parliament rises for the summer recess.

● (1350)

Can anyone guess what happened this morning at the government operations committee? The chair of the committee abruptly ended the debate, hit the gavel and ran out, again, trying to prevent members of Parliament from speaking to a very important issue. That is a demonstration of what the government members are trying to do in committee and in the House with libel chills. They are trying, in any way possible, to prevent elected members from doing their jobs. I find that problematic. It goes to the core of the matter and speaks to the bigger issue of political responsibility and to the fact the government is unwilling to address the issue.

I want to remind viewers and members why the issue is so important. As we all know, it was the indiscretion of the chief of staff and the ambassador to the United States, Michael Wilson, that led to this international incident. This story was not made up overnight. It was a reflection of individuals, hand-picked by the Prime Minister, who had access to privileged information, having conversations with the media that led to this international incident, dubbed as NAFTA-gate.

The report states, "It appears probable that Mr. Brodie spoke to the reporter on the subject of NAFTA".

Every time I stand in the House and ask the House leader, the government and the Prime Minister to give us further proof that the investigation was conducted in a manner that was open and transparent and that the mandate was enough to ensure it included Americans who were on the emails, including other people, they have chosen to neglect to mention that particular line in the report.

The other aspect of the report that is problematic is that when the—

The Deputy Speaker: Order, please. I have let the member go on for some time in the hope that he would find a way to make a connection between what he is talking about and the motion that is on the floor. That has not happened for about five minutes now. I would ask the member to please try to respect the rules of relevance.

Hon. Navdeep Bains: Mr. Speaker, I wanted to illustrate my personal example of the difficulty I had in committee with respect to freedom of speech and the difficulty I had putting forth this report in committee and asking questions in the House. This is tied to the issue of the motion today, which revolves around freedom of speech and parliamentary privileges. This speaks to our ability as opposition members to do our jobs. I was simply illustrating, with examples, the frustration I and many other Canadians have, illustrating a point that has been going on for months and months.

Mr. Speaker, that was the point that I was trying to make and I wanted to be very clear about it. I think it is very relevant in this context and I greatly appreciate your intervention but I wanted to ensure the point was on the record.

As members have said before, this Liberal opposition day motion states:

> that, in order to clarify and assure those privileges, Section 3(3) of the Conflict of Interest Code for Members of the House of Commons, which is Appendix I to the Standing Orders of the House of Commons, is amended by deleting the word "or" at the end of paragraph (b) and by adding the following after paragraph (b):
>
> "(b.1) consists of being a party to a legal action relating to actions of the Member as a Member of Parliament; or";
>
> that, pursuant to section 28(13) of the Conflict of Interest Code, the House refer the Thibault Inquiry Report back to the Conflict of Interest and Ethics Commissioner for reconsideration in the light of the amendment to the Code; and
>
> that the House affirm its confidence in the Conflict of Interest and Ethics Commissioner.

The point I want to make here is that we have and continue to have confidence in Commissioner Dawson. That is not the issue here today, and I want to be very clear about that because many people must think that we have a particular grievance against the commissioner. We do not. Our issue speaks to that particular report and it speaks to the fact that it does not allow freedom of speech and does not allow parliamentarians to do their jobs, especially opposition members to oppose the government.

I do want to go on and mention another important article in the *Edmonton Journal* on May 21, 2008, which speaks to this issue. The article reads:

> Allowing Dawson the benefit of the doubt, it may well be that parliamentary rules regarding conflict of interest need to be amended.
>
> Frankly, it's a bit shocking that the Harper government—

This is a quote, Mr. Speaker, from the article—

● (1355)

The Deputy Speaker: It does not really matter if it is a quote. You need to substitute the appropriate words.

Hon. Navdeep Bains: Mr. Speaker, the report alludes to the Prime Minister so I will insert the words "Prime Minister".

> —the [Prime Minister's] government would be engaging in this sort of nonsense, the very same brand of not-so-fancy footwork it once so vocally deplored. Opposition MPs must feel free to ask questions, however inane, embarrassing or clearly in the public interest. If the rules need to be changed, so be it. And as to libel suits, its the government that should chill out.

This article in the *Edmonton Journal* illustrates the motion put forward by the Liberal Party and the member for Scarborough—Rouge River.

The government cannot silence opposition members. It cannot silence elected officials from doing our job. The government would be setting a very poor precedent. We are elected to represent our constituents and to hold the government accountable.

I am a member of the official opposition and I take immense pride in the fact that I have the ability to ask the government, in the House of Commons and in committee, tough questions on a whole range of issues that speak to political responsibility, to Conservative missteps and numerous other examples. I cited NAFTA-gate because it is an issue with which I am having difficulties.

The government is setting the wrong precedent by trying to sue members of Parliament. As I said before, it is just a matter of time before the Conservatives will be back in opposition and then they will regret this decision and this course of action. They will come to the realization that this has set our country back. Many Canadians have sacrificed much for our freedoms. I do not think the government understands the seriousness of this issue.

The Conservatives cannot sweep issues of a political nature under the rug by setting this precedent.

The Deputy Speaker: I am sorry to interrupt the hon. member but he will have eight minutes left in his speech when we return to this matter.

Statements by members. The hon. member for Barrie.

STATEMENTS BY MEMBERS

[*English*]

BARRIE PUBLIC SAFETY SCHOLARSHIP

Mr. Patrick Brown (Barrie, CPC): Mr. Speaker, I stand in the House today to congratulate local high school student Joshua Whittingham, who was awarded a $500 cheque for winning the Barrie Public Safety Scholarship Essay Contest. I created this scholarship to help students finance post-secondary education costs.

Maintaining a low crime rate has always been a Barrie trademark. This essay contest is a way to educate our youth on the best ways to maintain Barrie's lifestyle as a safe community.

I would also like to congratulate Algonquin Ridge grade 4 student Meaghen Lavallee-Trobak, who was the runner up in the contest.

It is important to mention the judges in the essay contest: city of Barrie councillor, John Brassard; chief of police, Wayne Frechette; Simcoe County District School Board trustee, Diane Firman; and Simcoe Muskoka Catholic District School Board trustee, Connie Positano.

I would also like to thank Positano Paving, the company that co-sponsored the scholarship.

I would also like to thank all the students who participated in the contest. It is encouraging to know that we have so many bright minds in Barrie and that our youth care about the local community so much.

* * *

● (1400)

MINISTER OF VETERANS AFFAIRS COMMENDATION

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I rise in the House today to recognize Helen MacRae, who last Friday received the Minister of Veterans Affairs Commendation award.

Mrs. MacRae is a teacher, choir director, musician and composer who has been entertaining servicemen and servicewomen since the mid 1940s.

She is currently the accompanist for the Canada Remembers Chorus, which entertains veterans in legion halls, nursing homes and other locations around Prince Edward Island.

For the past five years, Mrs. MacRae has also found the time to organize free concerts, featuring wartime music entitled "We'll Meet Again". These concerts are an eagerly waited afternoon of singing, dancing and reminiscing by veterans.

The commendation is awarded annually to individuals who have contributed in an exemplary manner to the care and well-being of veterans or to the remembrance of the contributions, sacrifices and achievements of veterans.

I ask all members of the House to join me today in congratulating Helen MacRae, a great Prince Edward Islander and a great Canadian.

* * *

[*Translation*]

WORLD ENVIRONMENT DAY

Mr. Marcel Lussier (Brossard—La Prairie, BQ): Mr. Speaker, Environment Week, which coincides with World Environment Day, is in its 37th year.

This event gives us an opportunity to take stock of how far we have come and how far we have yet to go. According to André Porlier, director of the Montreal regional environmental council, governments are talking about the environment, but they are not taking action or allocating resources.

The Montreal regional conference of elected officials and Équiterre have selected June 5, World Environment Day, to raise people's awareness of environmental issues. They launched the climate challenge for businesses and individuals. The challenge is to commit to doing something for the environment, such as plant a tree.

I invite everyone to participate in taking small steps to help the environment.

* * *

[*English*]

URANIUM WEAPONS

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, last year, the United Nations First Committee passed a resolution urging member states to re-examine the health hazards posed by the use of uranium weapons.

Belgium has banned the use of uranium in all conventional weapon systems. However, at least 18 countries, including the U.S., use depleted uranium in their arsenals. They are considered weapons of mass destruction under international law.

According to a Canada-U.S. agreement, Canadian uranium exports may only be used for peaceful purposes. However, according to Dr. Douglas Rokke, a U.S. Army research scientist, and others, Canada provides raw uranium to the U.S. and other countries for processing. The resulting depleted uranium is then used in weapons.

One only has to watch the documentary film *Beyond Treason* to see the devastating effects of these weapons in countries such as Iraq.

I call upon our government to undertake every measure possible to ensure that depleted uranium weapons of mass destruction are banned forever.

* * *

STANLEY CUP

Mr. Fabian Manning (Avalon, CPC): Mr. Speaker, the province of Newfoundland and Labrador can see "Cleary" now. Danny Cleary, that is.

Last night, Danny Cleary, from Riverhead, Harbour Grace in the riding of Avalon, became the first NHL player from our province to hoist the Lord Stanley Cup after his team, the Detroit Red Wings, clinched the coveted prize.

Danny began playing hockey at a young age. In 1993, at age 15, he left home to play in the Ontario Hockey League.

In 1997, Danny first began his NHL career as a member of the Chicago Blackhawks, followed by four seasons with the Edmonton Oilers. Then in 2005, Danny became the most notable addition to the Detroit Red Wings.

Today in Newfoundland and Labrador, Danny Cleary is indeed the talk of our province and all of our citizens are beaming with pride and gloriously celebrating the tremendous and historic accomplishment of this fine young man.

I want to congratulate Danny and all his teammates. We are all so very proud. He can be assured that his family, friends and countless others across our province will all be there to welcome him home when he brings the Stanley Cup home to Harbour Grace.

WORLD ENVIRONMENT DAY

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, today is World Environment Day, but for the third year in a row, no one in Canada is celebrating.

For the first time in Canadian history, we have a government that is actually opposed to aggressive action to protect the environment. The whole world knows that the greatest challenge we face is global warming. Our international allies are making great efforts to ensure their greenhouse gas emissions are reduced and the terms of the Kyoto protocol are met.

However, for the last two and half years, the government has done nothing but destroy Canada's efforts to fight global warming. The government cancelled billions of dollars from programs to fight GHGs. The Minister of the Environment has refused to provide strict caps on emissions by the large polluters. When the premiers of Ontario and Quebec created a cap and trade system, the government did nothing but attack the effort.

The time is long past for action. The government should listen to Canadians, stop denying the science of climate change and global warming and work with the members of the House for a solid solution.

* * *

● (1405)

LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Mr. Speaker, it has now been two days since the Liberal leader has failed once again to acknowledge his campaign expenses being paid back. We are wondering just how long this is going to go on.

Where is his fundraising coming from? The wealthy elites, the people whom no one knows. At some particular point, the opposition leader has an obligation to be honest, forthright and open and tell the Canadian people what is going on, not just sit behind obscure rules that mean something only to the Liberal Party and not to the honest, decent, law-abiding citizens of our country.

* * *

[*Translation*]

MEMBER FOR PAPINEAU

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Speaker, I am sure you will agree, it is not every day that one of our colleagues in this House is honoured with an award for their entire career.

On May 31, 2008, in Toronto, the African Canadian Achievement Awards of Excellence commended and celebrated the many achievements of our colleague, the hon. member for Papineau, and her invaluable contribution to her community.

In her roles as teacher, union representative, president of the Fédération des femmes du Québec, and as an advocate for social rights and for Quebec sovereignty, the hon. member, who is originally from Haiti and loves the French language, has demonstrated, through her bold stands and perseverance, that one can contribute to the development of the Quebec nation without forsaking one's origins.

On behalf of all my colleagues, I would like to congratulate and sincerely thank the hon. member for Papineau for being a source of inspiration for all Quebeckers.

* * *

CADMAN AFFAIR

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, the Liberal Party's position on the Cadman affair has been contradicted not only by Chuck Cadman himself and the RCMP, but by specialized independent legal analysts, who confirmed yesterday that Tom Zytaruk's audio tape had been doctored.

In light of everything that has happened and how events have unfolded, the Liberal Party owes Canadians an honest explanation of its involvement in this affair. The Liberal leader needs to assure Canadians that the Liberal Party and his office acted properly. There are a number of questions they should answer.

The Liberal Party is using this tape to discredit the Prime Minister, even though he refutes the allegations and maintains that the recording was altered. When did the Liberal Party get the doctored tape? From whom did the party get the tape? Who in the Liberal Party got the tape?

From the start, the Liberal Party accepted the transcript and the Zytaruk tape as gospel. What is the party's involvement with Tom Zytaruk?

* * *

[*English*]

NATIONAL HUNGER AWARENESS DAY

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): Mr. Speaker, I rise today to recognize National Hunger Awareness Day and applaud the efforts of those all across the country who work tirelessly to reduce hunger among children, youth and families.

In a country that is as prosperous as ours, this year's HungerCount report, produced by the Canadian Association of Food Banks, paints a shocking picture of hunger in Canada. Allow me to read some of the most striking statistics.

Over 720,000 people are assisted by a food bank every month in Canada and 39% of those are children. Of the people who use food banks, 13.5% have jobs, yet still cannot afford to feed their families.

On behalf of all my colleagues in the House, I commend the efforts of all of Canada's food banks and their supporters and volunteers. With all Canadians working together, we can significantly reduce the number of Canadians who go to bed hungry on a daily basis.

● (1410)

LIBERAL PARTY OF CANADA

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, the Liberals need to come clean on their involvement with the doctored, edited and incomplete audio tape, which they continue to use in their attack against the Prime Minister regarding Chuck Cadman. Now that we have heard from two world renowned forensic audio specialists that the tape was doctored, the Liberals need to give Canadians a complete and honest explanation of their involvement.

There are many questions the Liberals must answer, including the following. The member for LaSalle—Émard received an advance of Tom Zytaruk's book. When did he receive the advance copy and with whom in the Liberal Party did he share it?

The book was scheduled to be released on March 17, but was leaked on February 27. Did any Liberals, including agents of the party or family members of senior staff, work with Harbour Publishing to promote the book's contents in advance of its official release date? Was the Liberal Party aware of, or involved with, the doctoring of the Zytaruk tape? Why did the Liberal Party not make sure the tape was authentic?

Canadians want answers from those unscrupulous Liberals.

* * *

NATIONAL HUNGER AWARENESS DAY

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, today is the third annual National Hunger Awareness Day. Each month more than 720,000 Canadians visit one of almost 700 community food banks for assistance. About two of every five users are children. For every person coming, the Canadian Association of Food Banks estimates there are another four or five struggling to get the food they need. This is wrong in a land of plenty.

We salute the agencies and volunteers in those food banks, but we know hunger exists because of a deep and persistent poverty. We lack a national plan to end poverty. The government thinks a job is the only answer, yet Canada has three-quarters of a million working poor who need help because they work at jobs that pay too little with few benefits and are part time or temporary. Poor paying jobs and hunger are an injustice, an indictment of wrong priorities by a government.

We in this party say food, clothing, shelter and a decent job are necessities of life. We call on the government to adopt a national poverty plan. We can eliminate hunger.

* * *

[*Translation*]

WORLD ENVIRONMENT DAY

Hon. Raymond Simard (Saint Boniface, Lib.): Mr. Speaker, today we are celebrating World Environment Day . This year's theme is “Kick the habit! Towards a low carbon economy”.

[*English*]

The Liberal Party, along with the other opposition parties, worked on Bill C-30, Canada's Clean Air Act, to ensure that the Conservative government would take real action to reduce greenhouse gas emissions. However, the Conservatives have refused to bring the bill back to parliament for debate.

The government does not believe in imposing hard targets for large final emitters. It does not believe in higher efficiency standards for cars and trucks. It does not believe in allowing Canadian companies to trade emission credits internationally.

[*Translation*]

The environment will be celebrated throughout the world today. It is time for this government to take concrete action. The first step would be to reintroduce the Clean Air Act.This would be supported by the three opposition parties, who have worked hard to ensure that the government implements real measures.

* * *

FIRST NATIONS

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I am calling on the Prime Minister to expand the scope of the ceremonies surrounding the official apology to Canada's aboriginals who suffered abuse in federal residential schools.

According to information sent to the opposition by the government, the apology in the House will take the form of a simple ministerial statement. The scant importance the government is attaching to this event is completely at odds with the spirit of reconciliation that should prevail under such circumstances.

Last week, the Bloc Québécois gave the government some proposals that are geared toward reconciliation. It is crucial that we learn from the errors of the past and take action now to improve what the future holds for the generations of today and tomorrow. This lack of collaboration must not been seen as a lack of sincerity and respect, or as a paternalistic act that would force the first nations to refuse to accept the apology.

* * *

[*English*]

ETHICS

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, the Conservative Party has drawn the attention of Canadians back to the Cadman affair to avoid its current problems with the member for Beauce.

Yesterday the Conservatives produced a sworn affidavit from Dona Cadman, in which she stated, again, that Conservative officials offered her husband a bribe in exchange for his vote. What is more, the audio experts provided by the Conservatives confirmed that the section of the tape where the Prime Minister talked about financial considerations was not altered and that those were accurately his words.

Yesterday, the parliamentary secretary falsely accused the Liberals of doctoring the tape, but when asked what parts were doctored, he could not answer.

If the Conservatives really believe the tape is false, they should be suing Tom Zytaruk and have him charged for conspiracy to incriminate the Prime Minister. Of course, they would have to sue Dona Cadman and her daughter as well.

This is a blatant yet closely diversionary tactic by the Conservative Party to change the channel on its silence on the security breach of the ex-foreign affairs minister.

* * *

● (1415)

THE ENVIRONMENT

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, Liberal star candidate, Justin Trudeau, has been doing some late night blogging. It turns out he is advocating for a job-killing, national carbon tax on Canadian families and small business. However, he conveniently fails to mention the real implications of a carbon tax. He wrongly says that it will be revenue neutral. Sure, the Liberals told us they would kill the GST, too.

The fact is if we are going to reduce greenhouse gases, we have to take action against big polluters, not middle class families, not seniors and not small businesses. Why does the Liberal Party insist upon waging a tax war against the average Canadian?

This government believes big polluters should be forced to cut their greenhouse gases. That is exactly what we are doing.

Perhaps Liberal Party candidates should spend more time with average Canadians, rather than punishing them with higher taxes.

ORAL QUESTIONS

[*English*]

THE ECONOMY

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the Canadian economy is paying the price for Conservative mismanagement. It was the finance minister who told investors around the world that "the last place" to invest was Ontario.

Will the Prime Minister admit that the first good thing he can do for Ontario's economy is to fire his finance minister?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the leader of the Liberal Party should look at the words spoken yesterday by the Liberal member for Scarborough—Rouge River. He said:

> I took a look at the economic data for the area I represent in the greater Toronto area and Ontario and the statistics are pretty good. For the last month that we looked at, employment was up; the participation rate in employment was up; the unemployment rate was down; the number of social assistance cases in the greater Toronto area was down; inflation is down; the prime rate is 5.75%; commodity demand, all up.

There are a lot of good things to say about the economy. Maybe that is why the Liberal Party supported the government's economic plan.

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, before the finance minister has destroyed all the good work done by the MP for Wascana, he should fire his finance minister before Scarborough is affected. That is the point.

[*Translation*]

For that matter, he should do the same thing with his Minister of the Economic Development Agency of Canada for the Regions of Quebec, because he is doing as much damage in Quebec as in Ontario. He need only listen to what was said yesterday by the Quebec counterpart of the Minister of the Economic Development Agency of Canada for the Regions of Quebec, who said that this is reminiscent of the Duplessis days, that he is out of touch with Quebec's economic reality. He must therefore change—

The Speaker: The right hon. Prime Minister.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, the Leader of the Opposition should quote his own member from Scarborough—Rouge River who said:

> I took a look at the economic data for the area I represent in the greater Toronto area and Ontario and the statistics are pretty good. For the last month that we looked at, employment was up; the participation rate in employment was up; the unemployment rate was down; the number of social assistance cases ...was down; inflation is down; the prime rate is ...up. For a buyer that is ...good.

That is why the Liberal Party—

Some hon. members: Oh, oh!

● (1420)

The Speaker: Order, please.

The hon. Leader of the Opposition.

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the Prime Minister is praising the Liberal record.

We have a Minister of Finance who says that companies should not invest in Ontario. We have a Minister of the Economic Development Agency of Canada for the Regions of Quebec who recommends against working with regional development partners in Quebec. We have a Prime Minister who makes us wonder—and I am asking him now—whether he cares what his ministers say or whether he shares their view.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the Leader of the Opposition began by criticizing the Canadian economy and when I quoted his own party member, he said the economy was doing well.

[*English*]

This is the problem with the Leader of the Opposition. A couple of questions ago, the economy was terrible. Then when I talked about his own member, he said it is great and it is due to the Liberal Party. The reality is this—

Some hon. members: Oh, oh!

The Speaker: Order. The right hon. Prime Minister has the floor. We have to be able to hear the response.

Right Hon. Stephen Harper: Mr. Speaker, the simple reality is this. The reason the Liberal Party has supported the government's economic plan and allowed it to pass this spring is that more Liberals support this plan than support the carbon taxes of their own leader.

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, yesterday the Minister of Finance deceived Canadians about the real state of the Canadian economy. He was economical with the truth.

He cited a report from the OECD to support his claim that everything is rosy. What he failed to quote was the prediction in that report that the Conservative government will have deficits in 2008 and 2009.

Why can the Minister of Finance not tell the truth to Canadians about these deficits? They deserve the truth.

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I would have thought that someone who taught at Harvard would have learned to read reports before he speaks of them.

If he actually read the report, he would see that it refers to all governments in Canada with respect to the risk of deficit, and it refers to a different accounting system, that of cash accounting as opposed to full accrual accounting.

This government will not run a deficit. I cannot speak for the provincial governments.

[*Translation*]

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, I can assure the minister that I actually did read the report and that it did predict deficits. Not only does the OECD clearly indicate the risk of a deficit, it also predicts higher unemployment rates in 2009 and thereafter.

Will the Minister of Finance admit that his bad policies have led Canada to the brink of a deficit?

[*English*]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, as I said, it would have been better if the member had actually read the report. There is a difference between "government" and "governments", between singular and plural. I am sure the member will read that report soon and he can raise it next week after members have a opportunity to read it.

The Liberals can badmouth the economy in Canada and they can badmouth hard-working Canadians, but they should at least get their facts right, even the Leader of the Opposition. There were 100,000 net new jobs in the past year in Ontario alone; 120,000 new jobs nationally in the first four months of this year.

* * *

[*Translation*]

REGIONAL ECONOMIC DEVELOPMENT

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, Quebec's Minister of Economic Development, Raymond Bachand, has accused his federal counterpart of showing contempt by putting an end to funding for non-profit economic development organizations such as Pôle Québec Chaudière-Appalaches. According to Mr. Bachand, Mr. [name of Minister of Labour] is destroying how Quebec approaches economic development, which is weakening Quebec.

How can the Prime Minister claim to be listening to Quebec when his Minister of the Economic Development Agency of Canada for the Regions of Quebec is going against what Quebeckers want by dismantling their economic development model?

● (1425)

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, this same Bloc Québécois member voted against the creation of the Economic Development Agency of Canada for the Regions of Quebec. This same member has said that regional economic development in Ottawa was a waste of time and energy. This same member regularly rises in this House to ask that we respect the provinces' jurisdictions.

Will this same member do what I expect him to do and also ask the Government of Quebec to respect the federal government's jurisdiction over regional economic development?

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, "this same member" will say the same thing as Jean Lesage, Daniel Johnson senior and junior, Jacques Parizeau, René Lévesque and Robert Bourassa: Quebec should have full control over economic development. That is what all the premiers of Quebec have said. Mr. Bachand said, and I quote: "He is a throwback to the days of Duplessis, who used to say to industrialists, 'Come to my office and I'll write you a cheque'—"

Is he not the true minister of patronage? The only first minister who inspires him is Duplessis.

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, where have this member and his party been for more than two years? We have introduced six new tools to support regional economic development. Recently, we also announced the 2008-2011 strategic plan, under which we will invest $212 million over three years to support regional economic diversification in Quebec, and we have targeted the hardest hit regions. We have also put in place tools for all the regions of Quebec.

Yes, we will continue to provide organizations with support, but for one-off projects.

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, the Minister of the Economic Development Agency of Canada for the Regions of Quebec is being disrespectful to people in the non-profit sector when he says that their funding requests are to cover the cost of paper and pencils. People who care about Quebec non-profit organizations, people like Pierre Boivin of the Montreal Canadiens, Daniel Lamarre of the Cirque du Soleil, and the president of Ubisoft, are investing in the sector. The minister does not understand anything about Quebec's economic structure and is doing his level best to mess it up.

Will the minister come back down to earth and restore funding for non-profit organizations?

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, when organizations started coming to the department with requests for perpetual funding to cover operating expenses, salaries and other such expenses, they were mistaken. No department, no government, could possibly support that.

If the Government of Quebec believes that these organizations are important, it is free to make decisions like that because this is a matter of shared jurisdiction. It can decide to pay for operating costs. Its budget is four times bigger than ours. It has $800 million and we have $200 million.

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, since the days of Jean Lesage, Quebec governments have demanded complete control over regional development, but the federal government has always refused. The minister is saying that the federal government has its own policies, and that it is just too bad if they are not in line with Quebec's development strategy.

Is the minister telling us that municipalities, the business sector, the community sector, and regional conferences of elected officials —in other words, everyone in Quebec—are all wrong and that Ottawa knows best?

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, once again, the Bloc Québécois is trying to mislead people. Economic Development Canada is not responsible for community development. We are responsible for economic development.

We will continue to support economic organizations with one-time projects—projects that have a beginning, a middle and an end. Every organization we help gets two years—almost two and a half years—to get itself off the ground. We are being very civilized about this and we are helping diversify regional economies in Quebec.

* * *

[*English*]

THE ENVIRONMENT

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, after listening to the exchange earlier, I cannot help but observe that if the leader of the official opposition really wants the Minister of Finance fired, he could bring his caucus here tonight and vote no confidence in—

Some hon. members: Oh, oh!

● (1430)

[*Translation*]

Hon. Jack Layton: Yesterday, the climate change accountability act was passed by this House—a world first. However, the Minister of Natural Resources said that the government would ignore the act, which would be illegal. No one is above the law.

Will the Prime Minister reprimand his Minister of Natural Resources for being irresponsible?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I do not understand the NDP leader's question. The reality is that this government has a fixed target for reducing greenhouse gases by 25% by 2020.

[*English*]

Also, Mr. Speaker, I cannot resist commenting on the NDP leader's earlier observation. I think what he would be doing is asking the leader of the Liberal Party to do a national campaign claiming that he is going to make the economy better by imposing new taxes on everyone. No one believes that.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, how can the Conservatives pretend to be all about law and order when they stand idly by as one of their own ministers of the Crown stands up and says he is going to ignore a law passed by this House of Commons on something as important as climate change?

The Prime Minister once said, and I remember it well, that any Prime Minister had a moral obligation to respect the will of the House of Commons. Now the House of Commons has passed a bill called the climate change accountability act, which forces any government, no matter what the party is, to be open and honest with Canadians about climate change. Why will he not insist that his minister follow the law?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the bill of which the hon. member speaks of course had no actual actions in it. It was a bill that spent no actual moneys. The bill was an empty shell.

The reality when it comes to greenhouse gas emissions is that the government's targets were made plain in the Speech from the Throne. The House of Commons adopted that Speech from the Throne.

* * *

AUTOMOTIVE INDUSTRY

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, earlier today on the GM picket line in Oshawa, I spoke to Eda Lauba, who has five family members affected by the plant closure. Eda wanted me to ask the finance minister the following question: why did neither the minister nor the member for Oshawa bother to show up to offer support? That was her question.

Does the minister not care or, since he has told the world not to invest in Ontario, is he afraid to look his constituents in the eye at this moment of family upheaval?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I appreciate the member for Markham—Unionville taking his quite regal and condescending visit to the people of Whitby and Oshawa whom I have had the privilege to represent for some 13 years now in Ontario and here. They are our friends and neighbours in Whitby and Oshawa.

I wonder if the member for Markham—Unionville told the people on the line about his party's plan to have a huge new tax on gasoline and what that will do for jobs at General Motors.

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, when the minister says I was condescending, he is not insulting me. He is insulting his own constituents who were very pleased to see me and shocked that he was not there, and one or two of them shouted out that he should resign.

There is another point. I told the picketing auto workers how the Prime Minister trivialized this closure as a one time event. They were shocked that he did not understand how a series of one time events was a serial killer of manufacturing jobs.

So, why do the Conservatives not get off their duffs and do something about his constituents?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I am sure the member would want to inform the people of Whitby—Oshawa about the reality of the auto innovation fund. I am sure he knows all about that since it is in the budget, on page 122. I am sure that the member wants to inform them why that fund is there and about the community development trust, the money that the Ontario government has.

The member opposite says, "Where is the money?" The money is at Queen's Park. It has the money already and it is in the provincial budget for innovation for the auto sector, just as it is in our budget for innovation in the auto sector for General Motors and other companies, for jobs—

The Speaker: Order, please. The hon. member for Honoré-Mercier.

* * *

● (1435)

[*Translation*]

REGIONAL ECONOMIC DEVELOPMENT

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, in a stroke of genius, the Minister of the Economic Development Agency of Canada for the Regions of Quebec decided to cut the budget for 60 not for profit organizations in Quebec. Again, when the Conservatives' right-wing ideology meets the interests of Quebec, then Quebec loses.

Yesterday, the Minister of the Economic Development Agency of Canada for the Regions of Quebec was clear: the federal government is on the wrong track. It either has to change course or change minister, but the latter is being obstinate.

When will he stop saying that everyone in Quebec is wrong and that he is the only one who is right?

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, that very same hon. member and the Bloc Québécois have stood up in this House I do not know how many times and asked us when the Economic Development Agency of Canada for the Regions of Quebec was going to implement measures to help the manufacturing industry.

The advisory committees have guided us. Last week, we implemented three specific programs to support the manufacturing industry and small and medium sized businesses, for a total of $212 million: help for productivity, help for innovation and help for export. What is more, we will support the economic development of the regions of Quebec as well as organizations that have one-off projects.

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, the Quebec,minister responsible for economic development, the mayor of Quebec City and elected officials from all the regions of Quebec: that is a lot of people who do not agree with the minister and who find him to be incompetent. But that does not seem to bother him. There is no room for compromise and Quebec is simply being steamrolled. To heck with economic development, he is imposing his right-wing ideology. We knew he did not like Montreal, but now we realize that he does not like Quebec at all.

Will he stop knocking Quebec down? If not, he should leave.

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, if we listened to the Bloc Québécois and the Liberal Party, we would no longer be able to support economic development in the regions of Quebec, since all the money would already be committed to organizations to cover their salaries and other expenses.

The following are examples of one-off projects we have supported recently: $1.5 million for the submarine project in Rimouski; $1 million for the glacier experience centre in Baie Comeau; $1.25 million for the Montreal Grand Prix; $24 million for cruise ships for the next two years; and $24 million to $26 million for Le Massif de Petite-Rivière-Saint-François. Those are all one-off projects.

* * *

CANADIAN HERITAGE

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, the groups responsible for organizing events and festivals in Quebec have been waiting for answers about funding from Canadian Heritage for months now. Just like last year, the summer season may end before they receive any assistance.

Does the Minister of Canadian Heritage, Status of Women and Official Languages understand that her inaction could have disastrous economic and cultural repercussions throughout Quebec?

Hon. Josée Verner (Minister of Canadian Heritage, Status of Women and Official Languages and Minister for La Francophonie, CPC): Mr. Speaker, this gives me an opportunity to talk about the immense popularity of the new program announced by the government to provide festivals with $30 million over two years. We received a record number of applications. The department's employees are working very hard to get the funding to the festivals that applied. This will be done in the coming days.

CITIZENSHIP AND IMMIGRATION

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, the Conservative government has denied visas to participants in conventions planned as part of the 400th anniversary celebrations in Quebec City, under false pretexts of security. The Conservatives, quite ridiculously, have denied visas to priests and laypersons for the Eucharistic Congress, even though Immigration Canada has had the list of participants for over two years.

Does the Minister of Citizenship and Immigration realize that she is threatening the convention industry in Quebec City, in the midst of the 400th anniversary celebrations, and that she is projecting a very negative image that could deprive all of Quebec, and Quebec City in particular, of major economic spinoffs?

Hon. Diane Finley (Minister of Citizenship and Immigration, CPC): Mr. Speaker, of course we want to ensure that the congresses are successful. I have asked my officials to work with organizers to make sure that all the applications are processed fairly and as quickly as possible.

If the hon. member has more specific details about particular cases, I invite him to meet with me after question period so that I may help him.

* * *

FOREIGN AFFAIRS

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, if a minister spends a weekend with his wife and children at his in-laws and he has an important meeting the following Monday, it is understandable that he would take with him the documents required to prepare for the meeting.

While studying the file, if he has the bad luck to be distracted and unfortunately does not notice that one of the classified documents has fallen to the ground, and he then leaves on Sunday without the document, will he have to resign for having left a classified document in an unsecured location?

● (1440)

[*English*]

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I feel like I am back in law school answering lengthy hypothetical questions, but with regard to the specific issue to which I think he is referring, the hon. member knows that the Department of Foreign Affairs is conducting a review of the matter and it will provide appropriate advice.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, once again, the Prime Minister is refusing to answer a clear and pertinent question. It is understandable that it would be unfair to punish a serious and conscientious minister for a small mistake that has no effect on security. However, the situation is quite different if a minister leaves a document with someone who has had close ties to members of organized crime.

Is that not the real reason why the member for Beauce was asked to resign? What the Prime Minister piously refers to as the private life of Ms. Couillard makes all the difference. Is that not the reason why this is a matter of public interest?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, that may be what was suggested by the member's hairstylist.

[*English*]

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, today we read shocking reports from the foreign affairs department that it does not even know if it has all of the classified documents that the former minister had in his possession. We do not know if they have been recovered. Who knows what other information is floating around?

Yesterday, the Prime Minister told Canadians that he would answer substantive questions in the House about the security breach. How about this? Given that even now the Department of Foreign Affairs cannot account for all of the documents, on what basis did the Prime Minister, a week ago in Paris, assure Canadians that there were no security concerns?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): On the contrary, Mr. Speaker, the Prime Minister indicated that he had a very serious concern. That is why the then minister of foreign affairs tendered his resignation and that is why the Prime Minister accepted that resignation. Rules regarding confidential documents were not followed and those rules must be followed.

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, weeks ago we asked questions about all of the documents that had ever been in the possession of the former minister of foreign affairs and we were told that they were indecent questions.

Today, foreign affairs admits that it has no idea if all the classified documents have been returned to the government. Canadians deserve serious answers from the Prime Minister about serious security concerns.

What proof does the government have that all of the classified documents have been recovered by the department?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Clearly, Mr. Speaker, we take the matter seriously.

A minister resigned and foreign affairs is conducting a review to determine what the procedures were, whether they were adequate, and if there are any other lingering questions that need to be addressed. So yes, this matter is being taken quite seriously.

The government did act and it is something that we can say is in contrast with the way these things were often handled on the other side.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, we have not seen the terms of reference of this so-called review by the Department of Foreign Affairs. All we have is a background statement from an official saying, “They are not all traceable. Some of them are traceable”.

How could it be that the government is asking the very department, that is unable to account for the documents, to review the problem which is now before the House of Commons?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, when an incident like this occurs, we think it is important to have a review. It is very different than what the hon. member did when he was the NDP premier of Ontario, when his own director of communications, I believe, or principal communications adviser, tried to leak confidential documents to a journalist.

To the journalist's credit, he refused to accept those documents. That individual was actually allowed to come back to his office, take away boxes of documents before the police arrived with their investigation.

We are going to ensure that there is a full review in our case by foreign affairs and it will be able to assess this matter in the public interest.

● (1445)

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, to get back to the subject matter in question, I wonder if the minister can account for the clear contradiction between the statements that are contained in today's *Toronto Star* from officials in the Department of Foreign Affairs, statements that are on the record, and the statements that are made by the Prime Minister.

Would he not agree that the only fair and public way to resolve this is to allow Parliament and a parliamentary committee to do its job and review the whole situation?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, the clear contradiction is between what he just asked and what he did when he was actually the NDP premier of Ontario.

In the case I just referred to, there were serious matters, confidential documents disappearing, attempted illegal leaks, violations of the law, and resignation of his staff. He said there was no inquiry, not even a legislative inquiry, required.

We are conducting a review of this. Foreign affairs is looking into this matter. It is very different than how he dealt with this kind of problem when he was once in charge of a government. God forbid that happens again.

* * *

CANADIAN WHEAT BOARD

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, the chair of the Canadian Wheat Board, Larry Hill, admitted this morning to the Senate Standing Committee on Agriculture and Forestry that an overwhelming majority of farmers are asking for marketing freedom for barley. This is absolutely in line with what farmers in my riding are telling me.

The minister himself witnessed the overwhelming support for marketing freedom when he attended my agricultural forum 2008 earlier this year in Yorkton, Saskatchewan.

My question for the minister is this. Can he tell the House where these numbers are coming from?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, I would be happy to do that and I would also thank the member for Yorkton—Melville for his tireless work on this file. Amazingly, Mr. Hill, the chair of the Wheat Board, is quoting from the board's own survey that was conducted by, and wait for it, Mr. Speaker, Liberal insider David Herle. Is that not remarkable?

The Liberals cannot even spin their own numbers into a success for their ideological crusade against western grain producers. How many ways do western farmers need to tell the member for Wascana and his clones over there that they want marketing freedom before he will listen? When will the Liberals get out of the producers' way and give them marketing freedom? They should support Bill C-46 today.

* * *

THE ENVIRONMENT

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, reports from Washington today describe environmental groups warning U.S. Congress and American consumers that the Canadian tar sands sector is "an environmental disaster that is poisoning U.S. refineries". Despite both domestic and international pressure, the government is barrelling full steam ahead.

On World Environment Day, this so-called environment minister's gift to the planet is one of the greatest and largest polluting projects in Canadian history. Why will he not even put a few environmental conditions on the Kearl oil sands project? Why is he giving Imperial Oil an unlimited licence to pollute?

Hon. Gary Lunn (Minister of Natural Resources, CPC): Mr. Speaker, first, I want everyone to know that for every environmental process, every regulation being followed, the toughest standards are being set. Our Minister of the Environment has set some of the toughest standards for oil sands projects. In our "Turning the Corner" plan, he has committed to reduce greenhouse gases by 20% by 2020.

I reassure the House that they will have to meet all of these standards, every one of them. Our government is committed to protecting the environment.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, if the minister wanted to reassure Canadians and the world that he was serious about this issue, he would support and not delay the environmental legislation proposed by the leader of the New Democrats and passed in Parliament last night in this place.

The Kearl oil sands project will put the equivalent of 800,000 cars on the road in pollution every year for the next 50 years. The government has the power to put some conditions on it. It has the power to protect the rights of first nations.

Will he, for once, stand in his place and stand up to the big polluters, put some real environmental conditions on this project and do his job?

Hon. Gary Lunn (Minister of Natural Resources, CPC): Mr. Speaker, I will state this again. We will protect the environment, and that is exactly what our government is doing.

We have imposed the toughest standards. Our government has brought in standards for all new oil sands projects. After 2012, they have to achieve a carbon capture and storage standard. Nowhere else in the world is this being done.

Our government eliminated the tax breaks for oil sands companies, which were brought in by the Liberals. Our government is taking real action to reduce greenhouse gases, unlike all the hot air from the—

● (1450)

The Speaker: The hon. member for Winnipeg South Centre.

* * *

ABORIGINAL AFFAIRS

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, given the importance of the statement of apology for future relations between aboriginal peoples and the Government of Canada, it is crucial that the statement be done right.

To date, the details of the apology have trickled down like a slow leak. This is disrespectful to first nations people, who should have been consulted every step along the way. Aboriginal organizations are concerned about timing, format, substance and access to the apology.

Why has the government been so fundamentally disrespectful?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, when it comes to fundamental disrespect, I ask the member to consider what her party did regarding apologies during 13 years. It did absolutely nothing. That was disrespectful.

We have moved ahead, as promised in the throne speech, with a meaningful and respectful apology. There have been ongoing consultations. It continued this week, with the Prime Minister and I meeting with more survivors. I will be meeting with more again this afternoon. I have talked to all of the churches this week. I will be meeting with more first nations organizations and survivors.

We want this to be a meaningful and respectful occasion, and I ask the member to consider that as she poses her questions.

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, it is fundamental to the residential school apology process that an opportunity to be given to the survivors to respond. There is a precedent for non-parliamentarians to address the House. The government could introduce a motion to the House to allow victims an opportunity to immediately speak to the apology on the floor of the House.

Out of respect, will the government introduce such a motion?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, as I said, we are committed to having a meaningful and respectful apology. That apology will happen in the House of Commons next Wednesday. That will be a historic event, to which we are all looking forward, especially the survivors themselves.

There will also be ceremonial duties and ceremonial opportunities that follow the apology. We look forward to those as well because they are equally as important.

All in all, it is going to be a wonderful day, something that first nations and aboriginal people have been looking forward to for a long time.

* * *

[*Translation*]

AIR TRANSPORTATION

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, Montreal's Trudeau Airport is fraught with crime and corruption and no one at Transport Canada is taking responsibility.

CATSA, which manages the security system, contracted it out to a private company. There is no check done on individuals or the procedure to be followed and there is no surveillance. The minister remains unfazed. Yesterday, his colleague, the head of the RCMP, had to authorize a raid by 60 officers.

Has the Minister of Transport, Infrastructure and Communities lost the confidence of his colleague, in addition to the public's confidence, in matters of security?

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I thank my colleague for his question.

This allows me to point out the security measures that are in place. As we know, over the past few years, almost $2.6 billion has been spent on security measures in our Canadian airports.

Although the former government was unable to do so, we instituted the use of restricted area identity cards. That system is working. That is concrete proof that cooperation between the Department of Transport and my colleague's department—

The Speaker: The hon. member for Eglinton—Lawrence.

[*English*]

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, the facts speak differently.

Yesterday 60 police agents raided Montreal's Trudeau Airport for the second time in 20 months. That follows breaches in security exposed by a journalist and two parliamentary committees, which summoned witnesses and presented reports. Yet corruption and criminality at the airport continue to erode public confidence in its safety and security.

Surely the Minister of Transport is aware that he is accountable for all security failures. Since nothing he has proposed has worked so far, is he prepared today, with a plan of action, to clean up the mess of lawlessness building up at the airport under his watch?

● (1455)

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we are taking action. My colleague should know that over the last five to six years, governments in Canada have invested over $2 billion in the security and the safety of the Canadian public in our Canadian airports.

One of the demonstrations that this thing is working is a RAIC system, which is an access to limited areas identity card. That has been put in by our government. As a complement, the actions that are undertaken by CBSA are proving we are cracking down on those—

The Speaker: The hon. member for Papineau.

* * *

[*Translation*]

PEARSON PEACEKEEPING CENTRE

Mrs. Vivian Barbot (Papineau, BQ): Mr. Speaker, last December, the Minister of International Cooperation said that the government did not plan on closing the Montreal office of the Pearson Peacekeeping Centre. In March, she told me in this House that she would look into it and get back to me. It is now several months later, and the Montreal office is empty and calls are being transferred to the Ottawa office.

Will the minister admit that the Montreal office of the Pearson Peacekeeping Centre is, in fact, closed?

[*English*]

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, as the member is aware, the organization is a respected one that does very worthwhile work around the world. It is an independent organization and it makes its operational decisions on its own.

We continue to support its good work in so many countries around the world.

* * *

[*Translation*]

AGRICULTURE AND AGRI-FOOD

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, the UPA, the Fédération des producteurs de bovins du Québec and the Fédération des producteurs de lait du Québec have put out an urgent appeal to the government concerning the Levinoff-Colbex slaughterhouse. Since the mad cow crisis started, the federal government has done absolutely nothing about cull cattle in Quebec, according to Michel Dessureault, president of the Fédération des producteurs de bovins.

Producers decided to inject more than $30 million, and the Quebec government is prepared to give $19 million. How much is the Minister of Agriculture and Agri-Food—the real one, with the moustache—prepared to announce right now to ensure the survival of the only large-scale slaughterhouse in eastern Canada and also of the entire slaughter industry in Quebec?

[*English*]

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, we continue to have discussions with the owners and operators of Levinoff–Colbex in Quebec. We are working toward a resolution that would see them stay alive. The one thing that is hurting them is the cost of their feed stocks. The cull animals that they buy have gone up by two and three times, which is great news for producers but it is really hard on the processing line. We see that across the country.

At this juncture, the farm gate is alive and well and serving those processors. We continue to have discussions with the dairy producers and the beef producers in Quebec.

* * *

[*Translation*]

HEALTH

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, while this government is busy fighting tooth and nail against the British Columbia Supreme Court decision to allow Insite to continue operating, Quebec plans to open a similar facility in Montreal in light of the undeniable success of Vancouver's site.

Should we conclude, given the determined opposition of this government, that the facility in Montreal, which has the full support of the community, will never see the light of day?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, drug users need our help and our compassion.

[*English*]

Let me be clear again. We respectfully disagree with Justice Pitfield's decision, which permits the injections at Insite to continue. Yesterday our government filed notice that we planned to appeal this decision.

This much is clear. People who are addicted to drugs need our help and compassion. They need treatment, not warehousing. Injection is not medicine. It does not heal the addict; it does quite the opposite.

This is the compassionate framework within which we will consider any future application.

* * *

ETHICS

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, many questions have been raised in the House about an audio tape. The Liberal Party has used this tape to smear the Prime Minister, despite the fact that the Prime Minister has always been truthful and has maintained that the tape has been edited.

Strangely, over the last number of days, there have been no questions on this matter from the opposition.

Could the government please tell the House if there is something of which we should be aware?

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, right from the beginning, we said nothing inappropriate happened in the Cadman matter. The RCMP said that there was no evidence of wrongdoing. Chuck Cadman himself said that there was no inappropriate offer. Now expert forensic analysis shows the Zytaruk recording is incomplete, doctored and edited in numerous places.

When did the Liberal Party obtain the doctored tape? From whom did it receive it? Why did the Liberal Party not ensure the tape was authentic. Was the Liberal Party aware of or involved with the doctoring of the tape? When will the Liberal Party give Canadians a complete and honest explanation of its involvement in the false and malicious smear of the Prime Minister of Canada?

* * *

● (1500)

AUTOMOTIVE INDUSTRY

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, when it comes to standing up for auto jobs and auto workers, this government is as bad as the last.

First, the Conservatives say that there is nothing they can do to help our ailing auto sector. Then they come up with a paltry pilot project that does not get the job done at the moment. It is not acceptable. A pilot project is not an auto strategy that includes trade provisions.

The hybrid truck promised to the workers in Oshawa will now go to communities in the United States and Mexico.

Why is the finance minister not knocking down the executive doors of General Motors, demanding why it broke a Canadian collective agreement? Why is it always left to workers to defend the jobs of our nation?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, what workers, the CAW members, their leadership and the executives at General Motors and other companies know is what we know in the knowledge advantage in "Advantage Canada", and that is the future of the auto sector depends on innovative technology.

How do we get to that future in the auto sector? We get there—

Hon. Bob Rae: Why would Ontario be the last place to invest?

Hon. Jim Flaherty: I do not need lectures about the auto sector in Ontario from the member for Toronto Centre, after what he did to the Ontario economy.

We have a $250 million auto innovation fund in the budget. I hope the Liberals will support the budget legislation.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, the truth of the matter—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. member for Windsor West has the floor. We will have some order, please. If members wish to carry on a discussion, I would urge them to do it in the lobby.

Mr. Brian Masse: Mr. Speaker, the truth of the matter is that under the old regime and this regime, we have gone from fourth in the world in auto assembly to tenth. It has been a legacy of loss of jobs here.

A one-time fund for one plant at one moment is not a winning strategy. We need is to stop picking winners and losers. Oil company executives who want to have their tar sands projects fast-tracked are the winners and manufacturing families are the losers left behind by these policies.

Where is the green auto strategy that brings all workers together and produces the vehicles here? Why do we not have that leadership, for crying out loud.

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the auto innovation fund is exactly for that. It is for innovation and for green technology.

The reason the auto strategy was successful before, and I am sure the member knows this, is because of the innovations such as the flex line in the Oshawa car plant and the Oakville car plant.

Had we not had these innovative technologies through government assistance in research and development, we would not have the auto sector we have today, an auto sector with a future with the auto innovation fund.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of a number of distinguished visitors:

His Excellency Sredoje Novic, Minister of Civil Affairs of Bosnia and Herzegovina; His Excellency Dr. Safet Omeovic, Minister of Health of Bosnia and Herzegovina; His Excellency Dr. Ranko Skrbic, Minister of Health and Social Welfare of Bosnia and Herzegovina; and the members of the Balkans Primary Health Care Policy project.

Some hon. members: Hear, hear!

* * *

BUSINESS OF THE HOUSE

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, with respect to the government's plan for the business of the House going forward, I would note that there are now two weeks left before the regular summer adjournment and to date, the government House leader has given no precise indication of any priorities among the various items of business that are now notionally on the order paper. They are all lumped together in one continuous stream, one incoherent gob. Will the government House leader say which are the three top priorities from that list that the government would want to see concluded before the adjournment on June 20?

Second, with respect to the residential school apology that is planned for Wednesday, June 11, unfortunately, despite questions in this House, there are no meaningful details about what exactly is planned for that day. Could the government House leader tell us what consultation has in fact been had with Assembly of First Nations National Chief Phil Fontaine? What advice has the national chief offered? Will the national chief and the appropriate elders and others be invited onto the floor of this House to hear and receive the apology directly and to respond in person?

There is precedent for that, Mr. Speaker, as you know. The aboriginal people of this country should not be assigned to the gallery or left outside. They should be right here on that occasion with us. I wonder if the government House leader could give us the assurance that they will be.

● (1505)

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, this week we have focused on the economy by debating and passing at report stage the budget implementation bill as part of our focused on the economy week.

[*Translation*]

The bill guarantees a balanced budget, controls spending and keeps taxes low without imposing a carbon and heating tax on Canadian families.

It also sets out much-needed changes to the immigration system in order to maintain our competitive economy.

[*English*]

It will also include the new tax-free savings account, TFSA, an innovative device for individuals and families to save money. That bill is now at third reading and we hope to wrap up debate tomorrow on the important budget implementation bill to maintain the health and competitiveness of our economy.

Next week will be we have work to do week. Since the Speech from the Throne we have introduced 59 bills in Parliament.

[*Translation*]

These bills focus on fighting crime, sustaining our prosperous and dynamic economy, improving Canadians' environment and their health, strengthening the federation, and securing Canada's place in the world.

[*English*]

To date, 20 of these bills have received royal assent, which leaves a lot of work to do on the 39 that have yet to receive royal assent. I know the Liberal House leader suggests perhaps we should work on only three, but we believe in working a bit harder than that.

To ensure that we have the time necessary to move forward on our remaining legislative priorities, I will seek the consent of the House on Monday to extend the sitting hours for the remaining two weeks of the spring sitting, as the rules contemplate. I am sure all members will welcome the opportunity to get to work to advance the priorities of Canadians and get things done.

I will seek in the future the consent of the opposition to have next Wednesday be a special sitting of the House of Commons. This is to accommodate the special event about which the Liberal House leader was speaking. The day would start at 3 p.m. with an apology from the Prime Minister regarding the residential schools experience. I will also be asking the House and its committees to adjourn that day until 5:30 p.m. to allow for solemn observance of the events surrounding the residential schools apology. Residential school survivors and the chief of the Assembly of First Nations will be offered a place of prominence in our gallery to observe these very important formal ceremonies in the House of Commons.

Tomorrow and continuing next week, we will get started on the other important work remaining by debating the budget implementation bill. After we finish the budget bill, we will debate Bill C-29, to modernize the Canada Elections Act with respect to loans made to political parties, associations and candidates to ensure that wealthy individuals are not able to exert undue influence in the political process, as we have seen even in the recent past.

We will also discuss Bill C-51, to ensure that food and products available in Canada are safe for consumers; Bill C-53, to get tough on criminals who steal cars and traffic in stolen property; Bill S-3, to combat terrorism; Bill C-7, to modernize our aeronautics sector; Bill C-5, dealing with nuclear liability; Bill C-54, to ensure safety and security with respect to pathogens and toxins; Bill C-56, to ensure public protection with respect to the transportation of dangerous goods; Bill C-19, to limit the terms of senators to eight years from the current maximum of 45; Bill C-43, to modernize our customs rules; Bill C-14, to allow enterprises choice for communicating with customers; Bill C-32, to modernize our fisheries sector; Bill C-45, regarding our military justice system; Bill C-46, to give farmers more choice in marketing grain; Bill C-39, to modernize the grain act for farmers; Bill C-57, to modernize the election process of the Canadian Wheat Board; and Bill C-22, to provide fairness in representation in the House of Commons.

I know all Canadians think these are important bills. We in the government think they are important and we hope and expect that all members of the House of Commons will roll up their sleeves to work hard in the next two weeks to see that these bills pass.

● (1510)

Hon. Ralph Goodale: Mr. Speaker, I have two points I would like to make.

With respect to the details for next Wednesday, the government House leader has provided for the first time a bit of detail. I wonder if he could provide to the House leaders of all parties a written description of how he sees that day unfold so that we can all have it clearly on paper to be able to decide the appropriate response.

Second, with respect to that same event on Wednesday, I hope the government would reconsider the point about where aboriginal people are placed in this chamber on that day. There is precedent for inviting persons to join us on the floor of the House as a gesture of respect and inclusion. I hope that the government will take that into account. This is a solemn occasion and it should be treated as such. I think aboriginal Canadians should join with us on the floor of the House rather than being somewhere else.

Hon. Peter Van Loan: Mr. Speaker, the hon. Liberal House leader is quite right that it is a solemn occasion. This is an occasion for the government to offer an apology for the residential schools experience, an apology that has not been forthcoming for many decades under previous governments that had an opportunity to do so.

It is important that it be a solemn apology in this House using the rules of this House and that it follow a format that indicates it is clearly not something different, not a special event, but actually the business of the government and the business of the House to make a formal apology. It must be done in that fashion and that is the approach we are adopting so that it does have the solemnity and seriousness which it merits.

GOVERNMENT ORDERS

[*Translation*]

BUSINESS OF SUPPLY

OPPOSITION MOTION — CONFLICT OF INTEREST CODE

The House resumed consideration of the motion.

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I am glad to have the opportunity to speak on this Liberal opposition day. The Liberal motion seeks to amend the current code of ethics so that a member who is being sued is not deprived of his or her right to speak. Freedom of speech is indeed at issue today.

On May 7, one of our colleagues in this House lost his right to speak at the Standing Committee on Access to Information, Privacy and Ethics and in all committees examining the Mulroney-Schreiber affair, as well as in this House. He is the only member who cannot legally speak today, on this Liberal opposition day. I am talking about the member for West Nova. This makes no sense, and it is essential that the code of ethics be amended to correct this situation.

I would like to give a bit of background. On May 7, Ethics Commissioner Mary Dawson handed down a decision that gagged the member for West Nova and prohibited him from taking part in any parliamentary investigation into the Mulroney-Schreiber affair. This decision opens the door to using SLAPP suits against elected members. We know that this happens frequently in the private sector. This would enable private interests to restrict parliamentary independence and prevent members from discussing issues of public interest.

This decision comes in the wake of a complaint filed in November 2007 by a Conservative member, who asked the ethics commissioner to investigate in order to determine whether the member for West Nova, a Liberal member from Nova Scotia, had failed to meet his

obligations under the conflict of interest code for members by taking part in a study by the ethics committee on the Airbus affair involving Mr. Mulroney.

In his request, the Conservative member referred to the legal proceedings instituted in mid-November against the member for West Nova by Brian Mulroney, who is seeking $2 million in damages. The member for West Nova allegedly made libellous comments about Mr. Mulroney when he appeared on *Mike Duffy Live* on October 31, 2007. The issue is whether the member was in conflict of interest when he took part in the work and debates of the Standing Committee on Access to Information, Privacy and Ethics regarding the Mulroney-Schreiber affair.

More specifically, it must be determined if the lawsuit against the member for West Nova means that he now has a personal pecuniary interest that might incline him to use his public role—his participation in the Standing Committee on Access to Information, Privacy and Ethics—to gain information and thus discredit Mr. Mulroney so that the lawsuit would be dropped, and he would not have to pay out the millions of dollars being claimed.

In her decision, the Ethics Commissioner agrees with the Conservative member and concludes that the potential damages award in the libel action instituted by Mr. Mulroney against the member for West Nova constitutes personal interest which could reduce the value of his assets. Given this interest, the member for West Nova should recuse himself and no longer participate in parliamentary business pertaining to the Mulroney-Schreiber affair.

The member for West Nova is now stripped of an important part of his parliamentary privilege, a principle that goes back to 17th-century England and gives members protected rights, rights such as freedom of speech and freedom from arrest, and allows the House to freely conduct inquiries and proceedings without fear of unjustified interference from the courts or the executive.

So much for the facts.

Let us move on to the interpretation of the code of ethics. We must ask ourselves: was it the intention of those who wrote the code to silence members this easily? I do not believe that the authors of the code would want members to be silenced this way. I do not believe that they would want the most important privilege for members of this House to be taken away, in whatever way and for whatever reason.

● (1515)

On that, concerning parliamentary privilege on the freedom of speech, I would like to quote from the book we call Marleau and Montpetit. As we will see, it is very informative. Indeed, Marleau and Montpetit is always very informative. I quote:

> The privilege of freedom of speech in parliamentary debates or proceedings is generally regarded as the most important of the privileges enjoyed by Members of Parliament and witnesses that appear before parliamentary committees.

> The right of parliamentarians to freedom of speech is protected by the Constitution Act, 1867 and the Parliament of Canada Act, R.S.C., 1985. Section 4 of the Parliament of Canada Act confirms that the Senate and the House of Commons each enjoy all of the privileges of the British House of Commons at the time of Confederation. This includes the parliamentary freedom of speech guaranteed by Article 9 of the British Bill of Rights of 1689.

Here is what Marleau and Montpetit has to say about parliamentary immunity:

> Freedom of speech permits members to speak freely in the Chamber during a sitting, and members and witnesses to do so freely in committee meetings, while enjoying complete protection from prosecution or civil liability, or, in the case of witnesses, reprisals, for any comment they might make. Members are able to statements or allegations about outside groups or people, which they may hesitate to make without the protection of privilege. Though this is sometimes criticized, the freedom to make allegations which the member genuinely believes at the time to be true, or at least worthy of investigation, is fundamental to the privileges of all members. The House of Commons could not work effectively unless its members, and witnesses appearing before House committees, were able to speak and criticize without being held to account by any outside body.
>
> Although the parliamentary privilege of freedom of speech applies to a member's speech in the House of Commons and in other proceedings of the House, including committee meetings, it may not fully apply to reports of proceedings or debates published by newspapers or others outside Parliament. Privilege may not protect a member republishing his or her own speech separately from the official record of the House of Commons or one of its committees. Comments made by a member at a function as an elected representative—but outside of Parliament—would likely not be covered by this privilege, if the member were quoting from his or her own speech made in a parliamentary proceeding.

Marleau and Montpetit says more about the work of a member.

This freedom of speech is extremely important in this chamber. In fact, it is the most important of our privileges. This would be very dangerous to freedom of expression, which is recognized as necessary for hon. members to truly play their role. Parliamentary immunity is necessary for hon. members to do their work, and much of their work is done in this House and in committees.

This is strangely similar to a SLAPP suit. If the Liberal motion does not pass, it could result in a large number of what are commonly referred to as SLAPP suits, in other words, lawsuits filed with the intention of silencing people.

We know that large companies, who have not necessarily had a very environmentally conscious attitude, have been criticized by the public. These large, rich and powerful companies have filed very large suits against average citizens who do not have any money, which results in muzzling those citizens. Usually an average citizen who is sued for $1 million, $2 million or $3 million for criticizing the environmentally irresponsible attitude or behaviour of a large company ends up, despite his or her good intentions, going home and focusing on mowing the lawn and paying less attention to the environment and the conduct of large companies, even when that conduct is irresponsible.

That is a SLAPP suit.

● (1520)

That is what seems to be happening now. A lawsuit has been filed against a member of this House, who has lost the right to speak freely. This kind of SLAPP suit would be even more effective because it would be automatic. It would be part of the code of ethics. SLAPP suits filed by big companies against private citizens work because intimidation silences them, not because of the law.

This would give too much control to the rich and powerful. From now on, "tyrants" or perhaps even "dictators" might be more appropriate descriptions than just "the rich and powerful". This would be a new threat against members of Parliament, a new kind of blackmail and manipulation, a new kind of democracy. Democracy as we know it would cease to exist.

I would like to talk about what the Standing Committee on Access to Information, Privacy and Ethics went through at the height of its work and hearings surrounding the Mulroney-Schreiber affair. We received lots of letters from lawyers representing all the parties involved. Many of the letters were from Mr. Mulroney's lawyers, and some were from Mr. Schreiber's lawyers. The letters we received constantly attempted to undermine our mandate. The lawyers questioned our questions and the members' conduct.

We felt manipulated. They picked apart every aspect of our mandate and continually asked us about the questions we intended to put to the witnesses, the documents we were expecting, and the names of the witnesses who would be appearing before us. In their letters, they commented on committee members every day, every week. They commented on our biases and on the kinds of questions we asked. They even invited certain committee members to dinner.

As you know, Brian Mulroney's lawyers even asked to see our draft report before anyone else, before it was even done, so they could fix it.

Given the number and tone of the lawyers' letters we received, the subjects discussed in those letters, and they way the letters addressed these issues, I began to believe that the member for West Nova would not be the only one getting sued. I fully expected every member of the committee to be sued too.

If the Liberal Party's motion does not pass today, it would mean that anyone could sue any given MP to prevent the MP from talking about a subject in which he or she is an expert. We know that the member for West Nova was very familiar with the Mulroney-Schreiber affair.

There are 308 members here; there are 308 areas of expertise. Someone could file a lawsuit—you may say it would be frivolous, and that would likely be true—concerning each one of the specialties of every member in this House, and we would no longer be able to talk about our specialty. We would have to talk about other things.

One hundred Liberal MPs could sue the Conservative Prime Minister over 100 different topics, in order to prevent him from further discussing them in this House. That makes no sense. Absolutely no sense.

If the ethics code is left as is, the door will be open to vexatious, unfair and unjustified lawsuits. That makes no sense and would be the complete opposite of democracy, because it would make it possible to easily, capriciously, frivolously or even fraudulently silence any MP.

And then there is the matter of compensation. Imagine that a lawsuit had been able to silence a member of this House—although this is currently the case. Nevertheless, imagine if, in the future, a member were denied the right to speak on a certain topic, and that the lawsuit were dropped the following day, as soon as the subject blew over or the case was lost.

● (1525)

What compensation could be given to a member silenced for days, weeks, even months? If Mr. Mulroney loses his case, what compensation will the member for West Nova receive for the real loss of his freedom of speech since May 7, 2008?

We have to give serious thought to these matters. The Conservative Party must think carefully about opposing the Liberal motion and it must consider the compensation that it would give to a member who is deprived of his freedom of speech. Can you imagine that? What is the loss of an MP's freedom of speech worth?

I do not wish to answer this question, Mr. Speaker. I will leave it to your imagination and I am certain that you will be on the money.

In conclusion, I find that the code of ethics, in its present form and as interpreted by the ethics commissioner, will deprive members of a power and a privilege— freedom of speech—while giving a new power to irresponsible plaintiffs. The rich and powerful will become ever more influential and tyrannical. As I mentioned earlier, it is possible that any of the members could be sued over any matter at all, to prevent them from speaking out.

The Bloc Québécois must support the Liberal Party's motion in order to restore the freedom of speech of the member for West Nova and to protect that freedom for all other members who could be sued in future.

● (1530)

[*English*]

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I have a question for the member for Saint-Bruno—Saint-Hubert. The motion says specifically that this amendment will deal only with actions with respect to members as members of Parliament. In other words, it will not apply to members of Parliament as private citizens. Commissioner Dawson's report will still apply if a member is sued or sues as a private member.

The question is, does she still support the resolution? If she still supports the resolution, should there not be a definition in this change that will define an action for and against a private citizen and an action when it involves a member of Parliament?

[*Translation*]

Mrs. Carole Lavallée: Mr. Speaker, I thank the member for Dufferin—Caledon very much for his question.

I have a hard time imagining a case where a member would be sued as a private citizen regarding an issue that is before this House.

For example, if my neighbour sues me because my fence is not in the right place, I do not believe that will change anything about my right to speak in this House. However, if the member for Dufferin—Caledon would like to give me an example, I am prepared to look at it.

Mr. André Arthur (Portneuf—Jacques-Cartier, Ind.): Mr. Speaker, I would like to congratulate the member for Saint-Bruno—Saint-Hubert on so passionately defending something that any reasonable person would find quite elementary.

Has anyone thought about the fact that, if the member for West Nova is being gagged in his attempts to address an issue, not only his own rights, but also the rights of his constituents are being infringed on.

The people of West Nova are certainly interested in the Mulroney-Schreiber affair. But these Canadians no longer have a voice in Parliament on this issue.

I have one final comment. Do we need to amend the code of ethics because it is defective, or should we not instead make Ms. Dawson listen to reason about a clear lack of judgment that ignores the separation of powers in a democracy?

Mrs. Carole Lavallée: Mr. Speaker, I am very glad that the member for Portneuf—Jacques-Cartier is asking me questions about what is going on today. He is right. By taking away the member for West Nova's right to speak freely, we are depriving ourselves of his expertise.

I will have more to say about the Ethics Commissioner later. I have a hard time understanding how anyone in this House could oppose the Liberal Party's motion.

As the member for Dufferin—Caledon said earlier, perhaps it could be tightened up a bit and polished here and there. But I am not convinced and I am still waiting for him to give me an example.

Regardless, I think that we are depriving ourselves of a member's expertise, just as we are depriving the voters of West Nova of their member, from whose expertise in this matter everyone should be benefiting.

With respect to the Ethics Commissioner herself, I sincerely believe that she did her job as a legal expert, a jurist, a legalist. Some may disagree with her interpretation, and I respect those who do. Perhaps their knowledge of and experience with the law are greater than my own.

Nevertheless, we can ask her to redo her work. We can also have this debate here in the House and come to an agreement together. If there is one lawyer on this planet—in this case, the Ethics Commissioner—who interprets that section differently, that means there will be others. Let us not take that risk. Let us change it now.

● (1535)

[*English*]

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I will provide the member with a couple of examples. One could be the situation where a member and his or her spouse is involved in a family law matter. There could be a matter that involves the House under the Divorce Act.

Another example could be where the home of a member of Parliament, as a private citizen, is involved in a matter that could be an environmental issue and an issue of the environment could be debated in the House or in a committee.

The reason I raise these issues is that I believe the motion being debated in the House is defective and that there are other areas that need to be considered. We are rushing this through. It has never been done before. A matter such as this normally goes to a committee and it is more appropriate that the committee reviews these things.

Perhaps the commissioner who made the decision could come and talk about these things. Perhaps the counsel, the Canadian Bar Association and other people who have been involved in these issues in the past could come and provide their advice to members of Parliament.

Why would this matter be dealt with in this place and not in the Standing Committee on Procedure and House Affairs?

[*Translation*]

Mrs. Carole Lavallée: Mr. Speaker, today I gave this speech and I am responding to questions and comments in good faith. The Bloc Québécois and I would like to give his right to speak back to the member for West Nova, just as we would do for any other member who could be prosecuted in a personal matter or in a matter connected to his or her work in the House of Commons.

Perhaps the bill is not perfect, perhaps it could be amended and fine-tuned and perhaps we could debate it further. It is possible that the member for Dufferin—Caledon is right, and we should make these changes.

I would not want members to vote against this bill for partisan reasons, because they want to silence a member in front of a witness called to appear before the Standing Committee on Access to Information, Privacy and Ethics. I would not want the member to be sent to sit on a committee that, quite frankly, does not currently exist because the governing party has used stalling tactics to block this committee's work, just as it has done with other committees. I do not want this matter to be postponed indefinitely because of partisan politics.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I congratulate my colleague for her excellent work on the committee.

I was a member of the Standing Committee on Access to Information, Privacy and Ethics when the code was adopted. The member for Dufferin—Caledon probably discovered the flaw. However, we have never before had a situation where a member of a committee calls a witness, is sued by that witness and then does not have the right to rise in the House or in the committee and to discuss the matter. That is utterly ridiculous.

I listened to the member for Portneuf—Jacques-Cartier earlier. I know that he was used to being sued when he was a radio host. However, that never stopped him from going back on the radio the next day. Today, however, we are faced with a lawsuit by a witness and we are prevented from speaking in committee and in this place, the House of Commons. That is utterly ridiculous.

We must vote for this motion in order to restore power to the members, the power that citizens conferred on them when they were elected.

Mrs. Carole Lavallée: Mr. Speaker, I wish to thank my colleague from Argenteuil—Papineau—Mirabel for his comments, which were quite complete.

● (1540)

Hon. Christian Paradis (Secretary of State (Agriculture), CPC): Mr. Speaker, I am pleased to speak to this debate today in the House. I am responding to the motion by the member for Scarborough—Rouge River, which reads as follows:

> That this House reaffirm all of its well-established privileges and immunities, especially with regard to freedom of speech;
>
> that, in order to clarify and assure those privileges, Section 3(3) of the Conflict of Interest Code for Members of the House of Commons, which is Appendix I to the Standing Orders of the House of Commons, is amended by deleting the word "or" at the end of paragraph (*b*) and by adding the following after paragraph (*b*):
>
> "(*b*.1) consists of being a party to a legal action relating to actions of the Member as a Member of Parliament; or";
>
> that, pursuant to section 28(13) of the Conflict of Interest Code, the House refer the Thibault Inquiry Report back to the Conflict of Interest and Ethics Commissioner for reconsideration in the light of the amendment to the Code; and
>
> that the House affirm its confidence in the Conflict of Interest and Ethics Commissioner.

The motion has to do with the rights and immunities of members. I will quote from Marleau and Montpetit, on page 71:

> The rights, privileges and immunities of individual Members of the House are finite, that is to say, they can be enumerated but not extended except by statute or, in some cases, by constitutional amendment, and can be examined by the courts. Moreover, privilege does not exist "at large" but applies only in context, which usually means within the confines of the parliamentary precinct and a "proceeding in Parliament"... Members must avoid creating unnecessary conflicts with private rights and thereby having issues of parliamentary privilege brought before the courts.

Marleau and Montpetit goes on to say:

> By far, the most important right accorded to Members of the House is the exercise of freedom of speech in parliamentary proceedings.

However, Marleau and Montpetit states, on page 75:

> The privilege of freedom of speech is not limitless and grey areas remain. ... The parliamentary privilege of freedom of speech applies to a member's speech in the House and other proceedings of the House itself, but may not apply to reports of proceedings or debates published by newspapers or others outside Parliament ... Thus, comments made by a member at a function as an elected representative—but outside the forum of Parliament—would not be covered by this special privilege.

The second edition of Maingot's Parliamentary Privilege in Canada states, on page 42, that parliamentary privilege protects the member "when he speaks in Parliament, but when he speaks outside, or publishes outside what he says inside Parliament, Parliament offers no protection; only the common law does, if it is offered at all."

Speakers have reminded members of their duty to be careful in using their privilege to speak freely. We know all too well that members are not always as careful as they should be.

Outside the House, as Marleau and Montpetit points out on page 76, "Members also act at their peril when they transmit otherwise libellous material for purposes unconnected with a parliamentary proceeding."

Marleau and Montpetit adds that the publication of libellous material has been considered by most courts to be beyond the privileges of Parliament when it was not part of the parliamentary process to begin with.

Maingot states on page 42 that a member could not come to Parliament for protection if he was sued for comments made outside Parliament. Maingot goes on, citing a series of British suits from 1794 that support the principle whereby parliamentary privilege does not apply to comments made outside Parliament.

In the Abingdon case, in 1794, involving a speech published in several newspapers by Lord Abingdon, the court ruled that the legislative provisions on libellous material applied to Lord Abingdon because he made the comments in question outside Parliament.

In the Creevey case in 1813, the court ruled that a member is protected when he speaks in the House but not "when unauthorized by the House."

Maingot concluded that members could not complain in the House if they were convicted for libellous material outside the House. Maingot cites the report of the committee on defamation, presented to the British Parliament in 1975 by the Lord High Chancellor and Lord Advocate, whereby, "no parliamentary privilege attaches to the repetition outside Parliament of statements previously made in the course of Parliament proceedings."

● (1545)

As Maingot points out, the Canadian system is similar to the British system when it comes to the application of parliamentary privilege within Parliament and subjecting members to the laws of Canada regarding statements made outside of Parliament.

The opposition motion we are debating here today raises some fundamental questions for members, questions that have to do with their parliamentary privilege to speak in this House and the limits of that privilege outside this House.

Members enjoy freedom of speech in the House in order to be able to fulfill their duties as elected officials. At the same time, members must be accountable for the statements they make outside the House, just as all Canadians are.

The principle has two components. On one hand, members must be able speak freely in Parliament and, on the other hand, they must also obey the laws governing freedom of speech for all Canadians. In this way, the parliamentary institution is protected, so that debate may be free and unfettered, while any statements made outside Parliament are subject to the laws of the Canadian legal system.

However, parliamentary privilege is not absolute, despite the fact that it is critically important for members and their ability to carry out their parliamentary duties.

In some cases, the House has decided to limit privileges in order to achieve other objectives, particularly by creating the Conflict of Interest Code. For instance, under the code, members cannot take part in a debate or a vote if it could further their private interests.

Section 8 of the code is clear:

> When performing parliamentary duties and functions, a member shall not act in any way to further his or her private interests or those of a member of the member's family, or to improperly further another person's or entity's private interests.

Section 13 is more precise:

> A member shall not participate in debate on or vote on a question in which he or she has a private interest.

These principles had been enshrined in the Parliament of Canada Act before they were written into the code.

In my opinion, in order to guarantee a comprehensive set of ethics rules governing members, it is essential that the House put some limits on these privileges, particularly that of freedom of speech. A fair balance must be established between high ethical standards and the privileges of individual members.

The Conflict of Interest and Ethics Commissioner recognized that ethical standards and members' privileges need to be reconciled. She says in her report:

> I must balance this consideration, however, against the recognition that it is one of the main objectives of the Code to ensure that Members perform their public duties in a way that fosters the confidence of the public in the way these duties are performed. The purposes and principles of the Code are set out in sections 2 and 3 of the Code. I quote, Office of the Conflict of Interest and Ethics Commissioner 21 for example, the introductory words of subsection 2 (1) and paragraph (b) of that subsection:
>
> "2.(1) Given that service in Parliament is a public trust, the House of Commons recognizes and declares that Members are expected
>
> …
>
> (b) to fulfil their public duties with honesty and uphold the highest standards so as to avoid real or apparent conflicts of interests, and maintain and enhance public confidence and trust in the integrity of each Member and in the House of Commons;"

In other words, she had to choose between members' rights and the need to establish rigorous ethical standards. The commissioner decided that observing the principles laid out in the code was more important.

Like the commissioner, the government believes that ethics override member privileges. Canadians elected us so that we would guarantee strict ethical standards, and that is what we will defend.

I should add that the commissioner's conclusions mirror the practices of other legislative bodies. Again in her report, she mentions the following:

> Recognizing that the House of Commons shares its traditions and its privileges with other legislative bodies in Canada, and that the language used in many of the ethical codes and statutes established by those bodies is similar to that used in the Code, I consulted my counterparts at the Senate and in the provinces and territories to determine how they interpret the term "liabilities". Most have responded and have confirmed that they interpret "liabilities" to include contingent liabilities. Many added that they interpret pending lawsuits as falling within the ambit of the term "liabilities".

Consequently, the limits proposed in the report are in line with the limits imposed on legislators in other jurisdictions. I would add that, in all reality, the limits on privileges set out in the commissioner's report would be relatively minor.

● (1550)

This is what the commissioner stated in her report:

> The fact that Mr. Thibault should not have participated in the proceedings before the Standing Committee does not mean that any Member can be prevented from taking part in proceedings before the House of Commons or a committee by the institution of a lawsuit against that Member. To trigger that result there would have to be some connection between the lawsuit and the question before the House of Commons or committee such that the private interest of the Member was engaged.
>
> The lawsuit instituted against Mr. Thibault resulted from his statements to the media outside Parliament. Furthermore, the questions before the Standing Committee were substantially overlapping with the very statements that were the essence of the lawsuit. A similar conjunction of circumstances is unlikely to occur frequently. Only where questions debated and voted on by the House or a committee relate to the private interest of a Member is he or she not permitted to participate.

Therefore, I am of the opinion that the opposition is exaggerating the impact of the commissioner's findings on parliamentary privilege. Nothing is more important than being able to count on an effective code. Otherwise, what good is it?

The motion moved by the opposition today is also prejudicial to the process established by the House to deal with conflicts of interest.

When the House adopted the code, it also chose to give the Conflict of Interest and Ethics Commissioner the authority to interpret and apply the code.

The Conflict of Interest and Ethics Commissioner is an independent officer of Parliament. She must be independent to effectively carry out her responsibilities.

However, I believe that we are establishing a dangerous precedent by asking the House to change the code when the commissioner rules against a member. Our entire code of ethics would become meaningless if such a practice were adopted. In fact, it would become easy for a majority government to amend the rules if it did not agree with the commissioner.

The House decided to appoint an independent ethics commissioner for good reason. Therefore, we must respect her decisions.

The motion moved today by the opposition, which we are debating outside the usual process for parliamentary study, leads me to ask the following question: is the member for Scarborough—Rouge River proposing that members should not be subject to existing laws when they make comments outside Parliament? Is he suggesting that members should not be held accountable for comments they make outside Parliament?

The government believes that Canadian tradition with respect to parliamentary immunity should apply to the same degree it always has. Members should be able to speak freely in this House, but they should also have to take responsibility before the courts for comments made outside Parliament. Changing that would create a double standard for members and the people they represent with respect to things said outside Parliament.

The government also believes that we must respect normal parliamentary procedure when the time comes to consider changes to the Standing Orders. To do otherwise would offend both the privileges we enjoy as members of Parliament and the Canadians we serve.

During the last election campaign, the government committed to restoring accountability to Parliament and putting an end to the culture of entitlement.

This opposition motion seeks to do exactly the opposite. This motion implies that when members do not like the rules of the House, they can simply make a motion to change them, without a thorough review. It implies that members believe that they, unlike all other Canadians, are not accountable for what they say outside the House.

Today's motion is a front. The opposition claims that it respects parliamentary privilege, yet it is seeking to undermine parliamentary procedure and responsibility, which are crucial to our parliamentary democracy.

The member for Scarborough—Rouge River has written a book on the power of the Houses of Parliament. In his preface, he emphasized that the people must respect their Parliament.

With today's motion, the opposition could end up undermining the people's respect for their Parliament because the motion disregards prescribed parliamentary procedure, the advice of experts, and the thorough study of the repercussions this change to the rules could have on parliamentary privilege.

That is why the government cannot support this motion. I invite all other members to vote against it as well.

[*English*]

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, this is a rare opportunity for a member to actually respond when that member has been quoted, in this case, I think, quite unfairly, by the hon. member in his remarks.

First, he said that this proposed amendment should have more study and more consultation. I should say that there was quite a bit of consultation. In the drafting of this motion, I had a lot of help from a lot of experienced people.

Having said that, I think the motion had proper consultation and is properly drafted. I would actually accept that such a matter would be referred to the procedure and House affairs committee in the ordinary course. That is normally what we do around here but the problem is that the procedure and House affairs committee is currently not meeting. It is essentially dysfunctional and has not met for a couple of months. The members cannot hold a meeting because they do not have a chair, or they do not have a person who would be the chair or they do not have a chair who could be supported. Essentially, it is in gridlock. That is why this motion purports to deal with this.

I would put the issue back to him. In his remarks, the member stated very clearly that my motion and my position in here is that members of Parliament should not be accountable for remarks they make outside the House.

That is totally false, totally wrong. My motion deals only with the remarks and the free speech of members inside the House and at committee. Things that happen outside are still to be governed, and will always be governed, by the rules of the land. In fact, the lawsuits we have referred to in this place all carry on.

The Prime Minister has commenced a lawsuit against the Liberal Party. The Prime Minister probably has, should he not succeed in this, a contingent liability, just as the member for West Nova has. The only thing is that no member of the House, at this point, has been dumb enough to write a letter to the Ethics Commissioner claiming that. Also, no member has been dumb enough to write a letter to the Ethics Commissioner saying that the Prime Minister has an asset in suing and that he should cease, desist, recuse and file a notice.

I ask the member to please try to correct the record. My motion deals only with remarks of members inside the House and does not affect what happens outside the House.

● (1555)

[*Translation*]

Hon. Christian Paradis: Mr. Speaker, I listened carefully to the comments of the member for Scarborough—Rouge River. I am not in a position to say what his intentions are, since they are his own. I can, however, tell you that in the motion, it is clear that the question of privilege he is raising here goes beyond this House.

We must understand that it refers to the report that was presented in the case concerning the member for West Nova. The motion states:

> —that...the House refer the Thibault Inquiry Report—this is a quote, which is why I am naming my colleague—back to the Conflict of Interest and Ethics Commissioner for reconsideration in the light of the amendment to the Code

We can see—

The Acting Speaker (Mr. Andrew Scheer): Order. I heard the hon. member name the hon. member for West Nova.

Hon. Christian Paradis: Mr. Speaker, I was quoting the motion, and his name is written in the motion. I made sure to say that I was reading the text of the motion, otherwise I would not have named the member for West Nova.

The Acting Speaker (Mr. Andrew Scheer): It is not serious, but even if the name is written in the motion, members must not name him.

Hon. Christian Paradis: All right, Mr. Speaker. I will say "in the inquiry concerning the member for West Nova".

Essentially, there is a rule in effect that the opposition does not like. Now, people are saying that everything will be sent back to the commissioner after having changed the rules of the game. The commissioner has explained the notion of "contingent liability". She consulted with people from the Senate, and everyone agrees.

The motion, as it is written now, is clear: parliamentary privilege would be extended beyond this House.

If my colleague says that is not the intent, it is not up to me to correct myself in the House. Perhaps he should review his motion and rewrite it to mean what he has just explained.

[*English*]

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, when I first arrived in this place, one of the first things I received was a book on procedure from the member for Scarborough—Rouge River. I have never thanked him for it and will thank him now. I know that he has put a lot of thought into procedure in this place, but with due respect to him, I think it is quite clear from the debate that is going on today that this motion is defective.

A number of things need to be looked at. We need to have a lot of discussion on the whole topic.

Much time has been spent on the issue of contingent liability and whether we should or should not have it and on the issue of whether this applies to the private actions of members of Parliament. Clearly the resolution does not apply to that.

Finally, there is the very issue that is before us today, the issue involving the Schreiber and Mulroney matter. Is that a matter of a private action of a private citizen against a member in his capacity as a member or is it a matter of a private citizen versus another private citizen? The resolution does not clarify that.

My question for my colleague is this: should more discussion take place, not necessarily in the House of Commons?

● (1600)

[*Translation*]

Hon. Christian Paradis: Mr. Speaker, I thank my colleague for his question.

Obviously, we are talking about a fundamental issue pertaining to the rules of procedure of this House. I agree with him that this motion is related to the Mulroney-Schreiber affair. We know that a private lawsuit has been launched against the member for West Nova.

So yes, this issue does warrant much more thorough study, and expert opinions should be sought. We run the risk of setting a precedent based on whatever is making news. We are talking here about the internal workings of the House of Commons, which are important in and of themselves. I agree with him that further study is certainly warranted.

If he is implying that we should consult more, I agree completely. We need to look at this issue in detail. It is a fundamental issue that we cannot gloss over, because it will have an impact for a very long time. We need to keep the principle in mind. Why should legislators change the rules every time the commissioner makes a decision the members do not agree with, in the hope of getting decisions they like? It is a frightening thought, and we do need to look at this issue. We need to proceed properly and thoroughly.

[*English*]

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, I listened with great interest to the parliamentary secretary and find his logic just a bit inconsistent.

In my 11 years of being in the House of Commons, the Standing Orders have changed from time to time. I have to tell the House and Canadians who are watching on television that I venerate this institution and I do not think changes should be made lightly.

However, there is no doubt that from time to time Standing Orders change. As a matter of fact, the Standing Orders were changed substantially when there was a Liberal minority government. The opposition members at the time, and the member's party was then in opposition, were very enthusiastic about changing some of the parameters around opposition days and what was votable.

Those changes seemed to be a success and have been made permanent. However, any change to the Standing Orders, regardless of the venue through which it flows, must come back to the House for a vote, an expression of the will of the House of Commons.

I find a disconnect in his logic. He argues that this is not the place where the debate should happen or where the vote should take place. In essence, this is where the House expresses its will, no matter in what avenue this change is brought to the House. Our motion does support the Ethics Commissioner in her decision, in which she asked for clarity around this. This is an appropriate motion and this is the place where we should be debating and voting on it.

[*Translation*]

Hon. Christian Paradis: Mr. Speaker, I have the utmost respect for the experience of my colleague, who has been here for 11 years. Like her, I am not against change. On the contrary, things change and so do the rules of procedure. I am a lawyer by training, and I know that law and procedure must be based in reality. There is no doubt about that.

However, my friend says that my logic may not be consistent. What I am saying is that we have to look at the big picture. What we are talking about is the fact that the commissioner issued an opinion and made a decision concerning the matter involving the member for West Nova. Now, we are talking about changing the rules and referring the matter back to the commissioner.

This raises a question. A highly partisan motion, if I may say so, has been introduced, relating to an item that is in the news. A private lawsuit is involved. What we are saying is that we need to look at this more closely and discuss it in a much healthier and more neutral setting.

● (1605)

[*English*]

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, I am very pleased to speak on this point today. I will be splitting my time with the hon. member for Eglinton—Lawrence.

I am speaking in support of this motion sponsored by my colleague, the member for Scarborough—Rouge River. This is a very important motion. As a matter of fact, it is fundamental to how we operate as members in the House of Commons.

There are several objectives in this motion.

First, it affirms the confidence of the House in the Conflict of Interest and Ethics Commissioner. I think that is fundamental to this motion. This in no way says that we disagree with the commissioner. As a matter of fact, I was very impressed with my colleague when he stood up to say that he did accept the ruling of the commissioner.

Second, it amends the Conflict of Interest Code for members of the House, which is an appendix to our Standing Orders. Our Standing Orders are basically the rule book under which this House and committees operate.

Third, it refers an inquiry report that concerns specifically my colleague, the member for West Nova, and which was tabled in the House on May 7, 2008, back to the Conflict of Interest and Ethics Commissioner for reconsideration in light of the amendment we are considering today.

Finally, the motion calls upon the House to reaffirm all of its well-established privileges and immunities, especially with regard to the freedom of speech. It is this privilege in particular, the freedom of speech, on which I want to concentrate my remarks today.

Parliamentary privilege is defined in the *House of Commons Procedure and Practice* on page 50. It states:

> —the rights and immunities that are deemed necessary for the House of Commons, as an institution, and its Members, as representatives of the electorate, to fulfil their [parliamentary] functions. It also refers to the powers possessed by the House to protect itself, its Members, and its procedures from undue interference, so that it can effectively carry out its principal functions which are to inquire, to debate and to legislate.

These rights and immunities can be grouped into two categories, the first group being the rights of the House as a collectivity. The second group consists of the rights and immunities of individual members of the House.

With respect to the rights and immunities of individual members, the most important aspect of freedom of speech is in parliamentary proceedings. Quite frankly, without it, members would be unable to function in their parliamentary roles. These functions include debating issues and legislation as well as being able to ask questions: questions of the government, questions of other members, and questions of witnesses who appear before our communities.

Any form of interference or intimidation that impedes these privileges which allow the members of the House of Commons to fulfill their parliamentary functions must be dealt with immediately. I would like to remind members of the comments of Speaker Bosley on December 11, 1984, in a ruling concerning an alleged contempt of Parliament.

On page 1114 of the House of Commons *Debates*, and I know, Mr. Speaker, that you have probably read these many times, Speaker Bosley notes:

> —the privilege of a Member of Parliament when speaking in the House or in a committee is absolute.

I underscore the word "absolute". Of course, this important privilege, this absolute, carries with it great responsibility. As past Speakers have stated, members must use great care in exercising their right to speak freely, both in the House and in committee.

In the end, all members of the House are ultimately accountable to their constituents and may well pay a political price for abusing this privilege that is necessary in order that each of us individually, and all of us collectively, are able to carry out our parliamentary functions.

Why must our freedom of speech be free of intimidation or obstruction when we seek to debate issues and when we seek to legislate or inquire? Quite simply, to get to the truth and to better serve our constituents.

Our privileges are so fundamental that the Speaker, on behalf of all members, seeks these privileges at the beginning of each Parliament. Therefore, it is appropriate to deal with this motion today and to allow all members of the House to express their views on the motion before us.

In the end, a final decision as to whether or not the Standing Orders need to be amended belongs within the House as a whole. In the end, if modifications to the Conflict of Interest Code are required, that decision rests with this House as a whole.

● (1610)

True, the motion in the name of the member of Scarborough—Rouge River, if adopted, would amend the Conflict of Interest Code for members of the House of Commons. However, in her ruling concerning the member for West Nova, the Ethics Commissioner admits that the code could be adjusted.

Earlier today, the member for Dufferin—Caledon, as well as other Conservative members, suggested that any proposed amendment to the Standing Orders or to the Conflict of Interest Code should be done appropriately at the Standing Committee on Procedure and House Affairs. He suggested that there, and only there, was the proper place for such matters.

He blamed any logjam on the opposition. There is indeed a logjam, as this committee has been filibustered for seven months by government members to the point where it is now suspended without a chair because there is nobody from the government willing to stand up and have this committee go forward.

I believe the member for Dufferin—Caledon needs to be reminded that any proposed amendment to the Conflict of Interest Code or Standing Orders made by a standing committee such as the committee on procedure and House affairs must ultimately be ratified by this House as a whole.

The member also suggested that other avenues existed to make these proposed changes. Again, it is the House of Commons as a whole that has the final say on these matters, regardless of what avenue is chosen to pursue them.

Allowing all members to express themselves, it is appropriate that this motion be here today. This motion follows a ruling of the Conflict of Interest and Ethics Commissioner on May 7 with regard to the member forWest Nova. In order to not take up a lot of House time or to be repetitive, I would invite all members to actually read this report.

By concluding that being a defendant in a libel lawsuit constituted a private interest, the Ethics Commissioner's ruling prevents the member forWest Nova from speaking on certain matters, not to mention that this report purports to remove the right of the member for West Nova to vote on the Mulroney-Airbus matter.

This is indeed a very slippery slope. The effect of this ruling potentially validates and gives credibility to a libel claim of any person or corporation deciding to sue a member of this House, before there is any conclusion to the suit. This libel chill could ultimately be used to prevent members from speaking freely in the House or during its proceedings.

I want to remind all members that this does not just apply to my colleague, the member for West Nova. It applies to each and every one of us in this House as parliamentarians. The best way to describe the seriousness of this issue is to quote my colleague from Scarborough—Rouge River, when he stated on May 26, 2008:

> Our free speech privilege is here. It is living. It is protected from the police. It is protected from the king. It is protected from the powerful. It is protected from the press. How could it be lost by the simple filing of a lawsuit at the hands of a single plaintiff who makes such an allegation?

To the credit of the Ethics Commissioner, she does state on page 20 of her May 7 report that the member for West Nova:

> —expressed a concern that a Member's role not be lightly set aside and that recusals based on lawsuits against Members could create a chilling effect upon Members' ability to fulfil their public duties and functions.

She went on to say:

> I agree that Members should not be precluded from participating in parliamentary votes and debates unless there is a serious justification for doing so.

In essence, the Ethics Commissioner did report the legitimate concerns of the member for West Nova. She also agreed about precluding a member from the House of Commons from participating in parliamentary votes and debates unless there is a serious justification for doing so.

In her final observation, she admitted that the code could be adjusted to except libel suits from the "ambit" of private interest.

The motion sponsored today by my colleague from Scarborough —Rouge River simply does what the commissioner suggested be done in her report, while at the same time expressing confidence in her as the commissioner. I am sure all members from all parties will be able to support this important non-partisan attempt to protect and reaffirm members' rights and privileges.

● (1615)

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I have a question for the member for Kitchener Centre. She has stated that this is a very important motion and it is indeed a very important and serious motion. She has also said that changes should not be made lightly and I quite concur with that.

I think she is even acknowledging, and she will correct me if I am wrong, that the more appropriate place for this matter would be in the Standing Committee on Procedure and House Affairs. I am also aware of what she said, that the House of Commons makes the final decision, but we have not heard what the Ethics Commissioner thinks about this particular topic. We have not heard about what other authorities think about this particular topic. We have not heard what maybe some of the legal people, who get involved in these matters, think about this particular topic.

She is a whip. There are whips around here. They can work out arrangements. I am just a guy sitting in the backbench here, but I have noticed that if whips want to solve problems, they can solve problems. This matter could be dealt with if the whips got together and this thing was worked out. I am sure she is going to challenge me on that but I honestly believe that.

There is clearly a substantial amount of opposition to this motion in this House, so for a matter as serious as it is, I would think that there should be an effort to try to reach unanimity on something as serious as this, and the only way we can do that, I believe, is in a standing committee.

Hon. Karen Redman: Mr. Speaker, I thank my hon. friend for the faith that he puts in whips, all of us as a group. I do enjoy working with my three fellow whips.

However, this decision and this change is very important. It is appropriately debated in this House and it is appropriately voted on in this House. While one of the avenues would be to go through procedure and House affairs, and because that committee is suspended and not working, I would say that this is an appropriate venue and again would reiterate that any decision of any committee would end up back here in the House and be voted on by all members of Parliament.

I would also underscore that this impacts every member of this House and their ability to function as parliamentarians. Therefore, it needs to be dealt with expeditiously. I would also point out that the bugbear of any kind of legislation for me is always unintended consequences.

We have not had this ethics legislation for very long. Clearly, we are working our way through this. I think the commissioner did express her view in the report on my colleague from West Nova and therefore it is appropriate that we both debate and vote on this today.

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, certainly, I will be supporting this motion. It goes to the very heart of why we are here.

I should point out that the Ethics Commissioner, in her report, invited the House to make the amendment that we are making today. All it takes is $50 lawyers and they are off the committee, off the topic, and off the issue. Anyone could be thrown off any case or any issue if this ruling were allowed to stand, including of course the very first person, the Prime Minister, who started a claim against the Liberal Party of Canada. He would not be able to participate in debates in this House, if this ruling were allowed to stand, which I do not agree with.

We have a situation here, and the members across seem to debate this issue but do not seem to have any logical or rational argument against the motion except that it should be studied further. To that extent, I have a certain amount of sympathy for that argument. Yes, the Standing Committee on Procedure and House Affairs would be the logical committee, but as the member has indicated, it has been basically shut down for seven months and I would ask her to elaborate to the House as to why this committee has been shut down for seven months.

What are the circumstances that led up to the committee being shut down? Is there anything that the majority of Parliament, the majority of Canadians, can do to stop this? Does the Speaker have any supervisory role? Just why is it that this state of affairs has been allowed to continue?

● (1620)

Hon. Karen Redman: Mr. Speaker, committees, historically and in my experience, have been very non-partisan places. I have been on finance, foreign affairs and health committees where there have been unanimous reports brought forward.

Unfortunately, in this climate, it has become very partisan and my colleague from Cambridge, who was the Conservative chair of that committee, I think felt somewhat uncomfortable, but continued to bang down the gavel and allowed government members to be acknowledged and filibuster.

Basically, it was all in avoidance of dealing with the Chief Electoral Officer and Commissioner of Elections Canada, who have refused to give rebates to the Conservative Party alone due to an in and out scheme. The Conservatives' refusal to deal with this motion and have it voted on at committee is what led to seven months of filibustering by government members.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, I, too, want to engage in this debate but for different reasons than the ones that have been enumerated so far. They have all been very eloquent and to the point.

I want to associate myself not only to the motion but to my hon. colleague from Scarborough—Rouge River who had the temerity and wisdom to put his motion forward before the House. I think it is called trying to solve a problem and he should be commended for that.

The problem, as I see it, and not as everybody else has necessarily seen it, is that this is not essentially what we are here to do. This is a correction of the mechanisms that we utilize to do what we are supposed to do. In other words, he is suggesting that we are being deprived of the tools that make us capable of fulfilling our duties.

I am surprised that government members are actually objecting to this motion, that other members of Parliament in the House would actually propose a solution to an impediment that would allow members of Parliament to work and do their jobs properly.

Some may wonder where I am going with this. Like all of those who are watching this sitting, they are saying they really do not understand what it is that the members of Parliament are complaining about. I will give an example of what this really means.

If a member of Parliament is in any way constrained to speak his or her mind on a matter of great importance to the general public because there is a dilatory action, like a lawsuit threatened or real, then we might as well shut this place down. For example, just this morning I picked up a newspaper and there I read, much to my surprise, that the Minister of Finance was going to come to the aid of General Motors. He was going to use a $250 million fund in order to accomplish that objective.

We can go to the heart of the matter for a moment, but just imagine that I said that this person is making promises he cannot keep. The Minister of Finance is leading people down the garden path, his government is deliberately distorting what it can or will do for the auto sector, and in particular the employees in Oshawa, because there is no such fund. He has no right to make such a promise. There is no such fund. Yes, there is an allusion to it in Bill C-50, but Bill C-50 has not passed the House yet.

If I were to say that the Minister of Finance is making this suggestion—

The Acting Speaker (Mr. Andrew Scheer): Order. The hon. member for Lanark—Frontenac—Lennox and Addington is rising on a point of order.

Mr. Scott Reid: Mr. Speaker, I am just going to encourage, if I could, the member to say something that has some relevance, even a peripheral relevance, to the matter under discussion, just for novelty's sake.

The Acting Speaker (Mr. Andrew Scheer): Maybe the hon. member for Eglinton—Lawrence could bring his remarks to the point of the motion.

Hon. Joseph Volpe: Mr. Speaker, I know you are always a dutiful listener. The members on the other side probably are not, so if they had been a little bit more patient, which is a virtue that they cannot exhibit, at least not publicly, although I acknowledge that he has indicated he was incorrect in what he had heard already.

I was going to say that if I accused the Minister of Finance of deliberately abusing the position that he had in order to satisfy his own electoral, and therefore personal and financial, needs in Oshawa in a way that he did not do anywhere else, all I would have to do is wait to receive a legal notice so that I could not vote on this in committee, that I could not express myself because I would be in some way disadvantaging someone, or in fact advantaging myself.

The member for Scarborough—Rouge River, with this motion, is saying he wants members of all caucuses to be able to go to committee and to raise the questions that they need to raise in the fulfillment of public policy. For example, in this instance, since Bill C-50 has not passed, since there is not a regulatory process for inviting applications for funding, and since the due diligence has not yet been put in place for the funding of any application, why would someone deliberately mislead a significant segment of the auto industry or the manufacturing sector in order to realize their own personal gain?

That is a logic that the Conservatives would think was acceptable when they are trying to shut down my colleague from West Nova. We have to exercise a little bit of caution here. We need to be able to tell the world that in Canada members of Parliament are going to be unconstrained as they seek solutions to problems.

For example, I would have wanted to ask the Minister of Finance where he got some of the information that he was going to be able to sprinkle some money on General Motors in order to put on a third line for a product that nobody knows exists and that nobody knows is under development. How did he get that information? Who gave it to him? Did he go to General Motors and say that the $200 million it received for the Beacon project entitles us to ask what is being done in the community, for the people who not only work at General Motors but the community that depends on its functioning for its livelihood.

Where is it going with the money that we gave it to stimulate research and development, to train people for a new technology, to bring in new technologies so that we could ensure the health and continuity of this part of this sector or the manufacturing environment?

Conservatives could easily come forward and say that here again I am attributing motive and therefore not being fair, and suggesting, for example, that his silence when the auto sector was complaining about problems associated with engine plants in Windsor, Chatham, St. Catharines and Brampton, that all of these had nothing to do with personal interests.

Suddenly, the Minister of Finance is faced with the problem in a riding adjacent to his own and immediately talks about parliamentary process that has not yet seen its course, but he is prepared to put up whatever amounts of money in order to protect his own interest.

Would that be a fair comment by any member? Clearly not, but they are legitimate questions to ask in a parliamentary environment. Certainly, they would not merit an attack on legal grounds, which I think is what my colleague from Scarborough—Rouge River is saying. Let members debate the issues that are important to people.

Is the substance of this debate of great and central importance to all of those people in Oshawa and in the manufacturing sector in Ontario? What they want to know is that the argument, whatever is in the essence of this motion, goes to the heart of members of Parliament being able to resolve the problems that they face on a day-to-day basis for themselves and their families.

● (1625)

I would have asked why, for example, we would be looking at some of these statements that are gratuitously thrown out in the press as an opportunity to gain some accolades and perhaps some support from an electoral point of view if this motion did not go through, if the government insists on beating down a motion that addresses the fundamental rights of members of Parliament to promote the interests of Canadians everywhere, we could, collectively, bring similar kinds of motions forward with respect to a finance minister who is being so irresponsible as to gratuitously throw out the public's money before it has been authorized for distribution.

That is a lot more serious accusation than the one against the member for West Nova, who has been forceful in getting to the heart of matters that are important to Canadians everywhere, that go to the issue of accountability and responsibility in government, which the government said were important.

The Conservatives said that accountability, responsibility, openness, and transparency were the things that counted in government but suddenly they are part of a big libel chill in order to silence the voice of members of Parliament everywhere.

For example, somebody like me could not ask the Minister of Finance if he has engaged in conversations with his Ontario counterpart on the auto sector or the manufacturing sector. I could not ask if he spoke to his colleague, the human resources minister, about job transitions for those individuals who will be facing unemployment today at that plant and elsewhere in southern Ontario. I could not ask him if he talked to his colleague, the Minister of Industry, to see whether he would support that kind of initiative and whether he managed to get it passed in cabinet so the general public could employ all of its resources to achieve such an end. That is what the motion really means.

Canadians want to know that members of Parliament can ask those kinds of questions without the libel chill that the government wants to put as a veil over transparency and accountability. The Conservatives want nothing to do with that. We want to open it up.

● (1630)

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I am almost afraid to ask the member for Eglinton—Lawrence a question for fear he will talk about something completely off topic, but I will take a chance.

I believe the Conflict of Interest Code is working. The member, obviously, does not because he is saying that the motion should carry.

The commissioner, in her report concerning the conduct of the hon. member for West Nova, made it clear that the effect of her interpretation would only apply in the rarest of cases. She does not have to hear every complaint that comes to us. A section in the code says that if she believes a complaint is frivolous or vexatious she does not have to hear it. The same goes with lawsuits. The courts can turf these things out if they are frivolous or vexatious or if they mean nothing.

I have a short question for the member and I hope he sticks on topic. God bless him, he has his right to grumble about the government, but this is an issue, as your whip said, that is very serious. I would ask him to do his best to stay on topic, although I know it is tough for you. Do you not trust the Ethics Commissioner to make a good decision?

The Acting Speaker (Mr. Andrew Scheer): I heard a lot of use of the second person there by the hon. member for Dufferin—Caledon. I am going to assume that he was asking the member for Eglinton—Lawrence the question and not myself.

We will go now to the hon. member for Eglinton—Lawrence.

Hon. Joseph Volpe: It is a question by proxy, Mr. Speaker.

Because the hon. member is also a lawyer, he would know that when he says that not all things have to be done all of the time, he is really suggesting that once it meets the test of the court's judgment, we will know one way or another whether it works.

Parliament works a little differently. It says that members of Parliament can speak all of the time, not until a judge says that it is okay to open their mouths and not until a lawyer says members can go ahead and say what they want. The hon. member, who has been here a short time, will know very soon the importance of being able to speak immediately to the interests of Canadians.

Canadians do not want to know whether a judge says that it is okay to say something in six months, seven months, eight months, ten months, next year, according to judicial decisions. These things do not have to be brought to court before we can speak to them. The test of the metal of members of Parliament is to be able to stand in this place and in its extensions, the committees, and address the issues that are important to Canadians as they emerge.

I want to take advantage of the opportunity of having a practised member of Parliament sitting and listening to this in great detail, my colleague from Edmonton—St. Albert, who said the following about the Ethics Commissioner:

> Her unfortunate decision, if allowed to stand, is a dangerous infringement on the protection of freedom of speech in Parliament which is enshrined in the Bill of Rights (1689) (U.K.) and forms part of the Constitution of Canada.

I think that member spoke most eloquently and directly to the fundamental rights of members of Parliament everywhere. I want to encourage his colleague, who was heckling me, as I used to do when I was in the classroom, that perhaps he should sit by the member's side and garner a few lessons on the practice of Parliament and the rights of citizens as they are expressed through parliamentarians and then he will support my colleague's motion.

● (1635)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, as he is an experienced member, does he think the debate on this appears to be a little on the partisan side? Normally on privilege matters like this it is not so partisan, which is one of the reasons we send it to a committee. It is less partisan and we usually end up with consensus and unanimity on these Standing Order changes.

I think the same speech writers write for all of the Conservatives speaking to this. We can see the theme in all of the speeches. It is more partisan than we would like it.

Hon. Joseph Volpe: Mr. Speaker, I will not even make any comments about how much the speech writers are getting paid in order to repeat the same speech.

I would like to call on the member of Parliament for Scarborough—Rouge River, but I would ask his permission first. He has been in the House a long time and has identified himself as an example of non-partisanship in this place. He was non-partisan when his party and my party was in government, he was non-partisan when the Liberals were in opposition and he again is now demonstrating his leadership and non-partisanship. I invite government members to pay attention and to support him.

The Acting Speaker (Mr. Andrew Scheer): It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Gatineau, the CBC.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rise today, like some other days when I come to speak, with some particular interest in this subject, which may be, quite frankly, of primary interest or exclusive interest to those members who are elected and sit in the House both currently and those who might sit in the future.

We are here today debating a motion from the Liberal Party on its opposition day that involves a fundamental issue for parliamentarians in Canada. It grows out of a series of events that involves the member for West Nova and really started as a result of certain comments he made on public television with regard to Mr. Mulroney. Those comments elicited a lawsuit from Mr. Mulroney against him for defamation.

Subsequently, the same member, who sits on the standing committee on ethics in this Parliament, had the opportunity to examine Mr. Mulroney when he appeared before that committee.

Subsequent to that, a complaint came from a member of the Conservative Party to the Ethics Commissioner that the conduct of the member for West Nova, in questioning Mr. Mulroney in front of the committee, broke the ethical rules that we are all bound by in the House as members of Parliament.

On May 7 of this year, the Ethics Commissioner presented her findings and recommendations. The report put forth a number of findings.

Perhaps I will just digress for a moment. The motion by the member of the Liberal Party, the member for Scarborough—Rouge River has, as one of its components, an acknowledgement that, in spite of the fact that he is obviously concerned about the ruling by the commissioner, the motion today, if it passes, will acknowledge that the finding she made and the determination and analysis she brought to bear is one that we are not criticizing. It is appropriate for that be part of the motion and I applaud my colleague for having included it. I think the last thing this Parliament needs is further criticisms of public servants and individuals who report to Parliament as parliamentary officers.

I have to say that there are points that could be argued as to whether her analysis was accurate, but at the end of the day it was a reasonable interpretation of the ethical code that we are bound by in the House. I believe we must recognize that and recognize the role she played, the integrity and sincerity in the analysis that she did and the results that she came to, in spite of the consequences that it has. The rest of the motion is an attempt by the member for Scarborough—Rouge River to correct those consequences by making amendments to the code and to, in effect, clarify what the proper role would be for a member of the House, who continues to sit in the House, having been made a party to a lawsuit.

We are all assuming that this would always be the type of lawsuit that would involve libel, slander or defamation, but it could be any number of other issues in terms of a relationship between the plaintiff suing a member of Parliament. I think we need to be cognizant of that fact.

● (1640)

In her determination, the Ethics Commissioner did take into account the concerns raised by the member for West Nova if it was found that he had breached the code by questioning Mr. Mulroney in the types of questions he asked. He raised a number of concerns, but fundamentally the concern he raised was the difficulty for members to perform their duties if in fact members of Parliament were compelled to recuse themselves in all situations where a lawsuit crossed over.

One of the concerns I have in terms of the burden it puts on us is the wording the commissioner used, that the work one is doing as a member of Parliament has to be closely related in terms of the interest that is at stake in the lawsuit. It is no more definitive than that. I think her ruling is in keeping with the code but it leaves a very serious consequence in terms of a potential abuse by someone taking a civil suit against a member of Parliament.

The concern is that in this Parliament in particular, and I am being very careful to not be partisan here, I believe there have been lawsuits of a greater number that have occurred in the last two and a half years than in any previous Parliament historically in Canada. The concern is that if this ruling stands and the interpretation that has been applied by the Ethics Commissioner is enforced on an ongoing basis, are we left with the potential abuse that a number of members of Parliament would be restricted from doing what had been their duties at that point?

The very basis of the conflict we are confronted with by the ruling from the Ethics Commissioner and by the motion that we have before the House today is to try to find the proper balance between the privileges we have as members of Parliament to freely speak on all issues at all times, perhaps very forcefully and aggressively at times, in order to properly do our jobs as members of Parliament. That is the one side. The other side is the potential abuse of performing those functions where it overlaps and contradicts the nature of the lawsuit that is going on. Trying to find that proper balance is really what today's motion is about, but it clearly sets out that conflict.

We have had comments on both sides from some of the other members who have spoken today, perhaps in some degrees to an extreme, but let me address those extremes on both sides.

The reality is that we do have some restrictions as members of Parliament in the way we conduct ourselves. I am going to use as an example the lawsuit that carried on, I think all the way to the Supreme Court, but it certainly went to the Federal Court of Appeal, on whether the human rights legislation applied to members of Parliament here on the Hill. Ultimately it was determined that in fact it did in that like all Canadians involved at the federal level in issues, in that case it was an employment issue, the human rights legislation applied to us and in some respects curtailed our conduct. We have accepted that.

It is generally accepted that we are bound as members of Parliament by the Charter of Rights and Freedoms, as all Canadians are. We hear from some, and I think again there are some members who have spoken today who have pushed it too far, that generally we have those restrictions but other than those, we have and should have absolute free rein.

● (1645)

Again, I would say, going back in history for hundreds of years, that in terms of our responsibility regarding our ability to do our jobs, we try to make any restrictions as absolutely minimal as possible so that we can represent our constituents as freely and, on a number of occasions, as aggressively as we possibly can. That is the idea, that restrictions are minimal, allowing us to do our jobs as broadly as possible.

On the other side of this balance, I can point to practices that have grown up, rules that have been put into place that give us as part of the privilege of being members of Parliament, permission to conduct ourselves in ways that we do not give to any other citizen in the country. We know that we can stand in this House and libel, slander and defame someone with absolute immunity. Civil courts cannot touch us. Criminal courts cannot touch us, or could not, when we had criminal libel. That is the epitome of the freedom that we have here.

There are other more minor ones. As an example, if we are involved either as a party or as a witness in a civil suit, we cannot be compelled as members of Parliament to testify or to pursue those lawsuits, either as a claimant or as a defendant, while the House is in session. There is a very broad interpretation about what it means for the House to be in session. We saw this as recently as a few years ago, in 2004. There were several lawsuits that involved one of the deputy prime ministers at that time where attempts were made to compel him to come and testify. In fact, there was an initial ruling by one of the courts that did say he had to and then, when it was pointed out what the history was, what the real rules were, it was struck down and he was permitted not to have to testify until he actually retired from office. We have those kinds of protections.

We have a number of privileges, some of them simple ones. We have access to this building; we can walk in freely, without going through security. Other citizens of Canada, other people attending this building, cannot do that. There are a lot of those simple privileges. We have very minimal restrictions. We have very broad freedoms in this House.

Fundamentally, the issue we are faced with today is the freedom of speech, the ability to speak out on an issue, including in this case, to question a witness in front of a committee, even when that questioning is going to overlap the very issues that are involved in the civil lawsuit that has been brought against the member for West Nova.

The determination we have to make in the vote later today is whether we are going to say that under those circumstances, the member is going to be allowed to continue to do his or her job, is going to be allowed to continue, again in some cases aggressively, to speak out on the very issue that is the essence of the lawsuit.

● (1650)

I think that every member of this House and every Canadian would like to think, and maybe it is a fond hope, that every member of Parliament would always conduct himself or herself in a responsible fashion, that we would not deliberately defame or libel anyone, that we would not take advantage of our freedom of speech here, our extended freedom of speech beyond what any other Canadian has even at other levels of government, that we would not treat that lightly, and that we would always treat it in a responsible way. That is obviously ideal. That is not going to happen. The reality is that on occasion there are going to be members of Parliament who are going to abuse it. I think we would all be extremely naive to think otherwise. That is one of the realities.

On the other side of the coin is the other reality, that if we do not accept that at times there will be that kind of abuse, hopefully extremely rarely, that there will be the other abuse where an individual, sometimes even another member of Parliament, will sue a member of Parliament as a means of shutting the member up. Someone will bring an action either with merit or without merit against the individual member of Parliament in order to ensure that the member is no longer engaged in the debate that is going on around the particular issue, that the member has to recuse himself or herself from all debate and involvement in that regard.

It is my personal position as a member of Parliament that that abuse is the greater risk than members of Parliament being abusive and irresponsible in their use of the very special privileges we have as members of Parliament.

As a lawyer, I can think of some of my comrades here who will say that if the lawsuit is without merit, one can move fairly rapidly in court to have it dismissed because it is vexatious or frivolous. Those are the kinds of terms that are in our rules of practice, actually and are pretty common across the country. Having been involved in some of those lawsuits, I can say that in trying to get lawsuits dismissed at an early stage, the reality is that our courts bend over backward—and I am not being critical of them; I think the approach they have taken historically is the proper one—but the courts are very unwilling to find at an early stage of a lawsuit that it is vexatious or frivolous and should be dismissed. It just does not happen very often. In fact, it is close to being in the rare category.

Even though we are not a particularly litigious society, we still have a lot of lawsuits. Very, very few of those get dismissed at an early stage because they are without merit. The case usually goes on, sometimes to the eve of the trial and sometimes through the trial, before the case is dismissed, even though in retrospect it may have had little or no merit.

We cannot rely on the courts to protect members of Parliament in that regard. If it appears on the surface that the case has any particular merit, it is going to be allowed to continue.

Then what we are faced with is the member of Parliament being shut out from the debate and from involvement in the debate sometimes for several years. It is not unusual for civil lawsuits in my province of Ontario to take that long.

At the end of the day, there are two potential abuses here that we are trying to deal with. This motion by the member for Scarborough —Rouge River addresses the more serious potential abuse, maybe even the reality since we are faced with it right now in one case. Therefore, members of the NDP are supportive of the motion. We will be voting in favour of it. Hopefully, that abuse that inevitably will come from certain irresponsible members of Parliament either in this Parliament or in the future will be an extreme rarity and we will never have to deal with it.

● (1655)

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I have listened very carefully, as have the members of the House, to the comments made by the member for Windsor—Tecumseh. I personally have a huge amount of respect for his opinion and the manner in which he has addressed the conundrum that we face.

I am not a lawyer, but to try to put it in a layperson's terms for the people who are watching this, the member relates to lawsuits that would be either a deliberate or an indirect attempt to muzzle a particular member and that this would not be in the interests of the diligence, and the due diligence, that goes through the committee system with respect to a matter.

He balanced that out with respect to the manner in which a member might impugn, in a further way, someone who is before a committee and that the member is a part of the lawsuit.

My colleague comes down more or less in the centre and says that it would be a far greater abuse if we were to deny the member the opportunity to continue having the facts before him or her and to do what the public expects the member to do.

Is there anything further though that could be done to empower either the Speaker or the committee chair to closely observe the proceedings and to maintain that balance? Is there anything more that is necessary in terms of the Standing Orders to empower the committee chair?

Is there any training that should be brought into the whole committee system through the chair to make those proceedings quasi-judicial in nature when it comes to these kinds of legal conundrums? After all, it is every person's right to have due process also in natural justice, and that could be denied. I am sure this is a further principle with the member would agree.

Would the member care to expand a little on the nature of the proceedings and how the chair could be more emphatic with respect to maintaining that balance?

● (1700)

Mr. Joe Comartin: Mr. Speaker, I practised criminal law for seven or eight years at the start of my career. Criminal lawyers see themselves as a bulwark of defence of our liberties and our criminal justice system. Within that context, they are very protective of any impingement on their ability, even in the extreme, to defend their clients from the power of the state. This is the approach at which I tend to look.

I am not willing to suggest we are taking any power away from the Ethics Commissioner. Her role is to make that interpretation of the rules. It is our responsibility to set those rules, collectively as a Parliament. The resolution before us today does that. It gives her, or any subsequent commissioner, a clearer guideline as to how to handle this kind of fact situation.

I would not go any further than that. The resolution is appropriate, as it stands, to give her that clearer guidance.

There are other disciplines here though. There is party discipline for a member who is prepared to abuse his or her role as a member of Parliament. It behooves the party leaders, the House leaders and the whips of their respective parties to consider that. In my short time here, less than eight years, I have seen a number of times where I thought there should have been that intervention. I suggest for all whips in particular, but for party leaders as well, that if they have somebody who needs to have the reins pulled in, that they do so.

The final control is the electorate themselves. If members are so blatant in abusing their powers here, they need to pay the penalty in a subsequent election.

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, the Conflict of Interest Code makes it clear that our interests as members of Parliament must always give way to the public interest. Yet here we are, by way of an opposition motion, attempting, in a short debate, to make such a major alteration of a code that goes to the very core of our public interest versus private interest.

How can the member support such a resolution when that is taking place? Will this decision not make the public more cynical than it already is of our process?

Mr. Joe Comartin: Mr. Speaker, let me give two quick answers.

For me this is not a short debate. I have been analyzing and debating this issue within my own intellect since the report came out from the Ethics Commissioner, so it has been going on in my mind for at least a month now.

In terms of the issue of public interest versus the private interests of individual members, I do not know how we can perform our jobs here in the public interest without doing that with an absolute maximum of freedom of speech. The essence of parliamentary democracy is the Westminster model. I do not think we can separate that.

Maybe I will finish with this. As politicians, we all see the polls where we stand. Lawyers are in a much different category, but the reality is it is always the other politician, not the one who represents me.

My constituents expect me to stand in this chamber and in committee and argue for their interests and to do it as aggressively and as strongly as I can. This resolution would allow us to continue to do that.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, earlier in the debate, prior to the hon. member's remarks, there was a statement by one of the Conservative members. It was his understanding that the motion would impact outside the House and committees and that it would give members rights and freedom that they do not have now.

I did not quite understand that, but I would ask the hon. member this. Is that any part of his understanding of this and would he not agree with me that all the motion does is reaffirm the rights and privileges of members to free speech, as they have always been, virtually forever, in this place? It does not create anything new outside of Parliament. It is solely within the House. It clarifies the continuing existence of those privileges right up to the present.

● (1705)

Mr. Joe Comartin: Mr. Speaker, I heard the comment as well. I do not see this expanding in any way the traditional freedom of speech we have had, and those very special privileges. It is not taking anything away from them, but I do not see them expanding.

The concern the member had, and again I may be misinterpreting, was whether this would somehow influence the judge and the jury in the civil suit. I believe there was a response. Anything that comes out in the House or in committee cannot be used in the courtrooms of the country. I do not know what the concern is there. That seemed to be the route he was going, but that is an unfounded fear.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, let me start by reviewing the text of the motion itself.

The motion contains a great deal of explanatory material, but ultimately it proposes to add a subparagraph (b.1) to Section 3(3) of the Conflict of Interest Code, which would read a bit differently than it does now. I will read what it would say.

Section 3(3) deals with whether and under what circumstances a member is considered to be furthering his or her own private interests and therefore potentially in a conflict of interest situation. It reads right now:

> For the purpose of this Code, a Member is not considered to further his or her own private interests or the interests of another person if the matter in question
>
> a) is of general application;
>
> b) affects the Member or other person as one of a broad class of the public; or
>
> c) concerns the remuneration or benefits of the Member as provided under an Act of Parliament.

The proposal is to add another section, which would be numbered (b.1), if the matter in question "consists of being a party to a legal action relating to actions of the Member as a Member of Parliament".

Essentially if members are involved in some kind of legal issue that has arisen because of an action they have taken in their capacity as members of Parliament, not their role within the parliamentary precinct within the areas where privileges are already protected, outside of the parliamentary precinct, or outside of the protections that are offered to us in debates in this chamber and in committees of the House, at that point they would continue to be protected. It amounts to a very substantial increase in parliamentary privileges. The question we ought to be asking ourselves is to what degree this might cause the rights of others in society potentially to be infringed upon, given that this is not the only process at work.

There are really two conflicting processes at work here, both of which are entirely legitimate for their different purposes. The first one is the actions that we take as members of Parliament, either in the House of Commons or in committees. That includes investigations into all kinds of matters, including the matter that was under review in the ethics committee last November, the Karl Heinz Schreiber-Mulroney hearings, and any other topic at which we are looking.

In that role certain rights are set aside for us in privileges. It is worthwhile remembering these privileges relate to our share in carrying on the business of Parliament. They are not our privileges, per se. They do not pertain to us as members of Parliament. We sometimes talk about our privileges, that our privileges were violated in this manner and could we please get a hearing before the procedure and House affairs committee as to the violation of our privileges. Strictly speaking, our share in the privileges that the House has in order to conduct its business were violated and only when the business of the House is in some way limited are these privileges being violated.

I learned this myself about a year ago. I thought my privileges had been violated because some members of the House had taken personnel records, including my confidential personal records from when I was a staffer, had rifled through them and then displayed part of them on national television because they thought it would get a good media hit. They then put it on the Liberal website. I thought this was an abuse of my privileges. I think it was actually an abuse of my rights as a citizen to expect some privacy. However, in truth, in the end, the Speaker was correct when he ruled that this was not a violation of my privileges, per se. Therefore, we have to be careful in understanding what privileges are and in the fact that while they are vitally important, they are very limited in their nature.

● (1710)

At the same time, the rest of the world has certain rights. Parliamentary privilege ought not to intrude upon those rights. There are legitimate processes that Parliament can intrude upon, including court proceedings.

The argument presented here by the member for Scarborough—Rouge River and by the other persons who have been advocating on behalf of his motion is essentially that court proceedings, as the rules are currently written and as the Conflict of Interest Code is currently written as a part of the Standing Orders, effectively can intrude upon the privileges of members.

The reverse can also potentially be true. It is for this reason that we ought to make a real effort to not hold separate hearings when something is before the courts, and frankly, I think we have been lacking in this regard in the current Parliament. We call this the *sub judice* convention. It is not black letter law. It is a convention.

It was on this basis, for example, that many people on the procedure and House affairs committee, including me, objected to efforts to have independent hearings into the legal proceedings between a number of Conservative official agents and Elections Canada relating to election expenses that Elections Canada was refusing to rebate.

In fact, I made quite a long point of order on this point to the chair of the committee last August or September. He ruled in my favour, but subsequently his decision was overturned by a majority of committee and things have proceeded to disorder from there. However, the point to be made here is that bringing evidence before the House of Commons can disrupt proceedings in court.

My colleague who spoke just recently suggested otherwise and in fact suggested that there is no danger that court proceedings can be disrupted by events that unfold here. I would disagree with him and so would the Ethics Commissioner, Ms. Dawson, who said on page 20 of the English version of her report into the matter regarding the member for West Nova that the member "contended that, even assuming he could obtain information" through the committee hearings at the ethics committee "that would be useful to his lawsuit, that information could not be used in the litigation because it would be subject to parliamentary privilege".

This essentially is the point that the member for Windsor—Tecumseh was making just a moment ago. The commissioner continued and said, "This is true, but, as discussed in relation to section 12", of the MP Code of Conduct, "information revealed during the committee discussions could lead to avenues whereby the same information could be obtained independently of the committee proceedings".

In other words, he really could have a major impact upon these hearings. Essentially what she is discussing and what we are discussing is a version of the *sub judice* convention, which has actually found its way, perhaps accidentally, into our Standing Orders via subsection 3(3) of the Conflict of Interest Code.

I think we ought to act cautiously in dealing with this matter. Let me suggest a few things.

First, thematically we are striking a balance between two conflicting legitimate processes that sometimes butt heads. When one faces this sort of situation, one ought to act as narrowly as possible. One ought to try to design whatever adjustment to the rules one is doing with the goal of dealing with the specific wrong that one thinks has occurred.

Not everybody here agrees that the member for West Nova has been unjustly damaged by this situation that pertains under the current code. Some do. Let us for a moment step into the shoes of the people who say that his rights ought to be protected and privilege ought to be expanded to cover a particular right that right now has no protection. If one makes that assumption, one ought to design the language as narrowly as possible in the change to the code in order to not cause restrictions on legal proceedings in the other parallel process that could be problematic.

● (1715)

I note, for example, that as an alternative to what the member for Scarborough—Rouge River proposed, there was a motion proposed by the member for Winnipeg Centre in committee, which would have said effectively that the definition of conflict of interest would not apply to individuals who are defendants in a defamation lawsuit. It was quite narrowly constructed. I believe that motion was passed by the committee, was sent here and was found to be out of order because of the fact that it was essentially not the purview of that committee to deal with this and ought to be dealt with by the procedure and House affairs committee.

That motion is more narrowly constructed. Had that motion been adopted, it would not face the danger under the current very broadly constructed proposed amendment to the code that is going to allow protection when the member of Parliament in fact is engaging in or is causing litigation against someone else.

Lest we think that does not happen, it very much does happen. The member for Ajax—Pickering engaged or at least said he was going to engage in a lawsuit against Ezra Levant on the basis that Ezra Levant had written an article in his publication, the *Western Standard*, pointing out that the member for Ajax—Pickering had been complicit in private personnel records, including my own, being kept, effectively stolen, and held in the Liberal research offices, scoured through and read in detail. I know this because I went through my own documents afterwards and found Post-it notes attached to them, with comments, which then to some degree were displayed on national TV.

For having raised that, Ezra Levant faced a suit. He would be in a situation, if this rule is passed, whereby the member for Ajax—Pickering is able to engage in actions in the House which would prejudice these proceedings even though he is the one who instigated the lawsuit. That is a very serious matter. Although he is a particularly litigious member, he is not the only person who engages in this sort of thing. The amendment to the rules that has been proposed by the member for Scarborough—Rouge River could have been drawn more narrowly so as to avoid this danger.

Let me suggest another change that could have been made and would have been narrower and therefore safer. Section 13 of the code could have been rewritten so as to narrow down the danger. This was mentioned in the Ethics Commissioner's report as being an area where the member forWest Nova was found to be in violation of the code because he had violated section 13. Section 13 now reads:

> A Member shall not participate in debate on or vote on a question in which he or she has a private interest.

This is actually something that I raised in my question to the member for Scarborough—Rouge Riverafter he gave his initial speech. Perhaps there is merit to narrowing that. Voting on a matter is very different from engaging in cross-examination and the extraction of evidence, which could have the effect, as the Ethics Commissioner noted, of causing the legal proceedings in question to be prejudiced.

There again, we could have looked at making an amendment to section 13, saying effectively that a member could vote and maybe even speak in the debate but not actually engage in cross-examination in committee. None of that is explored in this relatively unsubtle motion that is before the House.

I think this points to the need for having a little more time to look at this material and the proposed change and see if there are alternatives that are less aggressive than what is being proposed here. This is the merit of going to the Standing Committee on Procedure and House Affairs.

I know there are concerns that the committee is not sitting currently. There are ways around that. The other side could stop objecting to having the member for Cambridge sit as the chair of the committee and stop trying to dragoon the member for Oxford as chair of the committee when he does not want to serve on the committee. The committee would be up and running again and we could then deal with this matter. That, I think, would be a very simple way of starting to review this.

● (1720)

The Ethics Commissioner specifically mentioned in her report that she had gone to other jurisdictions, other provinces around the country, and asked their ethics commissioners how they handled this kind of situation and had drawn on their experience and the precedents from those other jurisdictions. We do not have the same opportunity.

However, if we had hearings, we would be able to call in witnesses, listen to what they have to say and make such adjustments as are necessary to find the appropriate balance. That is not going to happen, unfortunately, because of the way this motion has been introduced: in the House as opposed to in committee.

The question arises, then, why is this being done this way? There is no generalized crisis. There is a specific problem, some members would argue, relating to one member and one set of hearings. I could editorialize on that, but let me just finish my thought.

The Ethics Commissioner suggested that there might in the future arise a problem where litigation arises more widely. If that were to occur, this matter could be dealt with at that time.

I think a few things have been said here that a common sense interpretation of the facts would not bear out. I would just mention that the member for Windsor—Tecumseh, in his comments a moment ago, suggested that nuisance suits are unlikely to be dismissed very rapidly, that it takes a certain amount of time, which I accept. I think there is some validity to that comment.

However, if we tie that in with a statement made earlier that perhaps big oil companies would go after the NDP and would sue each member individually as a way of shutting them down and making it impossible for them to vote, why stop with that nightmare scenario? Perhaps every interest group in the country will find ways of looking at the voting records of members and simply sue everybody who is on the other side of the issue from them, thereby causing to pass all kinds of crazy legislation that is not in the interests of Canadians.

This is clearly preposterous. That kind of nuisance suit would be dismissed immediately. I really do not think there is the great danger that is said to exist by some members. Also, if that danger were to arise, we could then have a debate such as this one, in which we would pass the appropriate amendment, thereby eliminating that particular danger. However, I would argue that it is a danger that does not actually exist and therefore there is no cause to deal with it.

Pre-emptively acting against some danger that nobody had ever thought of before seems a bit over the top. Acting by means of a very aggressive, wide-ranging change to the rules seems even less appropriate. Doing so without the appropriate committee hearings and without hearing from, among others, the Ethics Commissioner herself, in whom I assume the member for Scarborough—Rouge River has confidence, as he mentions it in the motion, also seems peculiar. On this basis, I would encourage all members to vote against this motion.

I would encourage either the member for Scarborough—Rouge River or perhaps the member for West Nova to cause his colleagues to drop the objections they have to the procedure and House affairs committee running appropriately and allow it to start doing its business again. This could be one of the very first orders of business if it is brought before the committee and a majority of members thought this was the appropriate course of action.

● (1725)

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, while I thank my hon. colleague for his remarks, I believe he somehow misses the point of all of this. I think this motion has to be seen not as an aggressive act by the opposition but really as a reaffirmation of an age-old and very hard-fought right of parliamentary freedom. This freedom is required to ensure that all members are free to serve the needs of their constituents.

How are we to perform our duties without absolute freedom of speech? We cannot separate the two. If a lawsuit is brought against a member that somehow silences the member from speaking, then we are not able to perform our duties.

What we are trying to do here with this motion is uphold this tradition of parliamentary freedom. It is an absolute right. I would think that all of us in this House would want to fight for this to ensure that we maintain this right.

I would take exception to what my hon. colleague says and ask him if he would not in fact see the importance of this hard-fought right that we as parliamentarians have, this absolute freedom of speech, so that we can in fact serve our constituents. We are not serving our constituents if we cannot do that. I would ask if he could actually clarify that.

Mr. Scott Reid: Mr. Speaker, my colleague has a point in that I probably should not have used the word "aggressive". What I should have used is some phrase like overly broad or excessively all inclusive, or something of that nature in the criticism I was raising of the way it is written. That is why I took the time to contrast it with the motion proposed in committee by the member for Winnipeg Centre, which I think was narrower and therefore eliminated the kind of lawsuit that has been undertaken. I gave the example of the member for Ajax—Pickering and his lawsuit.

Right now, under this proposed motion, he has some protection that I think would be inappropriate, given the fact that he is not actually making a defence.

I would point out that the Ethics Commissioner, and I refer to page 20 of her report, made the point that information brought up in the committee hearings in this case could actually have an impact on the lawsuit itself. Again, I am making a series of suggestions as to the kind of narrow wording one could use, wording that refers specifically to this kind of problem could have been put in here, and I do not think anyone would deny that the concern she raised is a legitimate concern.

Trying to find a way to answer the concerns she raised and at the same time deal with whatever other concerns exist here is a reason for balancing it. I think there is a bit of absence of a balancing act here.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I would just say, "Oh my gosh", God forbid that something that happened in this place would have an impact on something that happened out in the rest of Canada. Things that happen in this place are supposed to have an impact on what happens outside. That is the reason why we have the privilege and free speech.

The member, in his interesting remarks, suggested, and he actually said that the passage of this motion would result in an expansion of the privilege right, of the right of free speech, and I did not quite understand that. I do not agree with him if he believes that to be the case, particularly in light of subsections 4(a) and 4(b) of the Parliament of Canada Act which strictly limits our privileges, including the right of free speech, to those in existence at the time the Constitution Act was passed.

I will read the section for the record, if it is useful:

> 4. The Senate and the House of Commons, respectively, and the members thereof hold, enjoy and exercise
>
> (a) such and the like privileges, immunities and powers as, at the time of the passing of the Constitution Act, 1867, were held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom and by the members thereof, in so far as is consistent with that Act; and
>
> (b) such privileges, immunities and powers as are defined by Act of the Parliament of Canada, not exceeding those, at the time of the passing of the Act, held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom and by the members thereof.

It is actually legally impossible for us to actually expand our privileges, including the free speech right, and so I would ask him to perhaps respond to that and maybe adjust his suggestion that we were so expanding them.

● (1730)

Mr. Scott Reid: Mr. Speaker, I will begin by commenting on the initial words of the member for Scarborough—Rouge River. He said, "Oh my gosh", we might actually have an impact on something out there, we would not want that to happen. I am being sarcastic, obviously, but there are things that we do want to have an impact on. We pass laws and they affect all kinds of things, the price of milk and the amount of money that seniors get in pension benefits and so on.

That is all good but as for having an impact on the proceedings of individual court cases, that is actually an area where we ought not to have an impact. That is the reason for the existence of the *sub judice* convention. In that regard, he must have just misunderstood what I was saying because he certainly would not want, I would think, to do that.

Basically, with regard to the observation made about the Parliament of Canada Act, it seems to me that he may be making the argument that his own rule could be illegal and could be struck down if it is found to exceed what the Parliament of Canada Act proposes. I do not know why he would want to propose a change to the Standing Orders, which might be found to be in violation of statute law, and therefore result ultimately in some kind of court action that would have this struck down or read more narrowly, perhaps in the manner that I had suggested it be written in the first place.

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, when we go to a committee, one of the favourite lines of an opposition party is that there has been no consultation, that the minister has not consulted, has not talked to anybody, and is just trying to ram this through.

Well, this has been raised in this place. The member for Scarborough—Rouge River has said he has consulted with a few people and has consulted with some very academic people. I am sure he has.

This matter is so serious to this place, surely to heavens we are not just going to talk to parliamentarians, surely we are going to look to other people, people in ethics, the Ethics Commissioner, and legal people. Why would we not do that? The only place we can do that is in the standing committee.

My question to the member is: What does he think we should do as far as obtaining further expert advice as to what we should do with this particular motion?

Mr. Scott Reid: Mr. Speaker, I would suggest that either this motion or the subject matter of this motion be sent to the appropriate committee, which of course is the procedure and House affairs committee, and it should be dealt with there.

I do not think there is a crisis or a panic in that this is not a widespread problem. I would point out that not passing this motion right away would presumably have the effect of not granting the member for West Nova retroactive immunity from the lawsuit that he is going to be getting should this pass, which is a very nice thing to have, indeed.

Hon. Shawn Murphy (Charlottetown, Lib.): Mr. Speaker, I want to thank the House for allowing me the opportunity to speak to this motion this afternoon.

I will be sharing my time with the member for Toronto Centre.

This motion involves the basic freedom of speech enjoyed or shared by all members of Parliament and a recent ruling by the Ethics Commissioner of the Parliament of Canada. Again, freedom of speech has been with us for many centuries now. It is well understood. It is consistently applied. It is part of what I consider to be parliamentary law. It is part of our Constitution. It was adopted when our Constitution was drafted in 1867 and the previous speaker referred to that, the member for Scarborough—Rouge River.

I will be the first to admit that there have been certain instances in this assembly where that right has been abused.

That is as opposed to civil law, where if a member of Parliament, outside the chamber, says something that is not true, which is defamatory against another member of the public, that member is subject to the same obligations, the same sanctions, and the same rights as any other person.

Those are the factual circumstances that led up to this particular investigation, apparently. I do not know all the facts but the member for West Nova said something outside the chamber that was offensive to a former prime minister. A lawsuit either has been threatened or has been started, and again that all took place outside the chamber.

A complaint was made to the Ethics Commissioner. The Ethics Commissioner adjudicated that because of the real or threatened lawsuit, the member for West Nova can no longer participate in the debates of this assembly concerning that particular issue.

I think that is wrong. It just ignores parliamentary law. It ignores the Constitution of this country, but having said that, the Ethics Commissioner, in a ruling where she knew she was opening a can of worms, invited Parliament to make the amendment that we are making right now.

I should also say that this rule is not a Canadian rule. It is enjoyed by all Commonwealth countries, including Great Britain, New Zealand, Australia, et cetera. However, we have to consider the ramifications for anyone who wants to argue against this motion, the ramifications to this assembly and the rights enjoyed by the members of Parliament.

If that ruling of the Ethics Commissioner were allowed to stand for any length of time at all, we would all receive these letters of libel, and I have received them and I have written them. They are very easy to prepare. One just writes a letter stating the facts, that one is offended, that one is going to seek damages, general damages, special damages, pecuniary damages, costs, and that an immediate apology is sought.

The letter is generally no more than a page or a page and a half. I would think one could get one done tonight for $50 if one were so inclined, and could have it issued by anyone in the assembly by 10 a.m. tomorrow morning.

Once that is done, if we were accept this ruling to its nth degree, that would mean the recipient of that letter could no longer participate in the debates of this assembly concerning that particular issue.

The abuses, if that were allowed to stand, are unimaginable. We could actually shut down debate on any issue by issuing these letters. The manufacturing sector could have a letter on the Minister of Finance's desk tomorrow morning complaining about statements that he made, and unfortunately, he would not be able to speak tomorrow about the crisis in our manufacturing sector.

The people who own and operate the tar sands could have a letter of complaint about certain remarks made about our Minister of the Environment, and then unfortunately, he would be shut down from participating in any of the debates or deliberations concerning that particular issue, and it goes on and on.

If anyone were to suggest that this is not a very serious issue and suggest that this should not be dealt with immediately, I would submit they are wrong.

● (1735)

A number of academics have spoken to this issue, and I have read at least six or eight columns of their comments. All of the academics unanimously agreed that this decision was either wrong, or, if it was right practically, it should be immediately amended so the rights, as we understand them, are restored so there is no disagreement.

I am not aware of anyone, except certain Conservative members of Parliament, who would disagree with that. I am surprised we are having this debate. I thought the motion would have gone through by consent but we are here today having a debate.

I have sat here for the last two hours listening to the arguments against the motion and most of it boils down to the fact that the Conservatives really do not have any kind of rational or logical argument against the motion, other than to suggest that it requires more debate because it is a serious issue, and I agree.

However, they then make the argument that the last speaker made, that it should be referred to the Standing Committee on Procedure and House Affairs. I also agree with that argument but that committee has been basically shut down for the last seven months, like a number of other committees in the House.

What went on in that committee was that the majority of the committee voted to have hearings on the in and out scheme. Obviously, the Conservative members did not want to deal with that so they filibustered. They read books, magazines and transcripts. That went on for seven months so eventually half of the committee was shut down. That would be a situation if it were one committee, but we have a situation where at least four committees are on the very same basis.

Once an issue comes before the committee, it is debated, deliberated and voted upon. If the Conservative leadership in the Prime Minister's office does not want it to go ahead, they filibuster the committee, which is what happened yesterday in what I believe would be the Standing Committee on Government Operations. That is suspended also.

That is what is behind it, which is why it has now come to the House for debate and a vote. I understand that every member of Parliament, except the Conservative members who have been told not to vote for it, will be voting for the motion so that the issue can be resolved as soon as possible.

The argument the Conservatives make on why they do not want to deal with these things when they go before the committee is that they say that it is the tyranny of the majority. I do not understand that. That is how they are in power in a minority government. They are here representing 36% of the people. When a motion goes to committee, it receives the motion, debates it and rules on it but Conservatives will not go along with it, which is why we are in this position. Again, we are talking about three, four or five different committees of the House, which is a very unfortunate circumstance.

The previous speaker made a comment that I found troubling. The member said that the committees of Parliament should defer to the courts or other adjudicative bodies. I have been in the House for eight years now and that is not the way the system operates and it is not the way the system should operate.

I have sat on the public accounts committee when we went through the sponsorship hearings. We certainly were not going wait for a court hearing to go on for seven, eight or nine years to adjudicate. Every last issue involving those is still going on six years after the fact. I would think it will go on for another six years.

If we ever get into the situation where this assembly and the committees of this assembly thought for a minute that they had to wait for every court decision to be concluded, every appeal to be exhausted, every other avenue of application and injunction, we basically would not do anything. It would be so simple for anything to be gutted from the committee. All someone would need to do is make an application to the court. We all know it would be tied up for at least three or four years and nothing would happen in Parliament. I did find that rather troubling. It offends the law of Parliament and the supremacy of Parliament.

● (1740)

This motion should receive the support of most members of the House. It should be concluded soon and, hopefully, we can move on.

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I have to hand it to the member for West Nova. He is obviously a very popular fellow because he has persuaded his colleagues in the Liberal Party to bring this motion forward. He was found guilty of three counts of violating the ethics code by the Ethics Commissioner of Canada.

I would like to ask the member a question about a portion of the motion brought forward by the member for Scarborough—Rouge River. Part of it says that he wants to refer the inquiry report concerning the member for West Nova back to the Conflict of Interest and Ethics Commissioner for reconsideration in light of the amendment to the code. In other words, he wants us to change it so it will make everything that he did legal and then we will send it back to the commissioner and ask her to hear it again. Is that appropriate?

● (1745)

Hon. Shawn Murphy: Mr. Speaker, it is my understanding that everyone in Canada, every member of every party, except the Conservative Party, every academic and every university professor who has studied or read about this issue agrees with this particular motion. If my friend across knows of any of the 34 million people who live in this country who do not agree, he should please tell us now because that is not my understanding at all.

The question at the end was that we wants to make right what the member for West Nova did. That is not at all what we are doing. I do not see, at this point in time, that this is all that relative to the member for West Nova.

What we are saying in this motion is that if members receive a letter, a notice or whatever, it does not immediately take away their rights as members of Parliament to come to this assembly or go to a committee of the House and participate in the debates that surround the concerns of this nation.

This motion goes right to the heart of parliamentary law, it goes right to the Constitution of this country and any watering down would be very unfortunate.

However, going back to what I said before, if the member across knows of anyone who disagrees with this motion, anybody at all, I would ask him to please say so now.

I have one other point while I am on my feet. I cannot understand how anyone could argue against this motion when we have a situation in this assembly where the Prime Minister has started a lawsuit against the Liberal Party of Canada. If we interpret the ruling the same way as Ms. Dawson has, then the Prime Minister cannot even appear in the House. He should not be here. In fact, if we took this to its nth degree, the Prime Minister, unfortunately, and I believe I am right in this interpretation, would have no choice but to resign his position as the Prime Minister of Canada, which would be unfortunate, but that is the way I interpret that ruling.

Mr. Brent St. Denis (Algoma—Manitoulin—Kapuskasing, Lib.): Mr. Speaker, I listened with care to my colleague from Charlottetown and he made a point of saying that the Ethics Commissioner, Ms. Dawson, was actually trying to be very helpful but that she was apparently constrained by the existing rules.

We should be thanking the member for West Nova for providing all members on both sides of the House with an opportunity to examine more carefully what appears to be an anomaly in the rules, which has allowed for what I would call her inadvertent decision.

I am wondering if my friend from Charlottetown could talk a bit more about the opportunity that this provides us to clear up an error that is not really helping any one particular member or another. It is for all members for the future.

Hon. Shawn Murphy: Mr. Speaker, I am not going to say that it was an error. The Ethics Commissioner took a narrow interpretation. I believe she ignored the Constitution but that is just my opinion. However, she did invite the House to make the amendment and I am sure she is watching this debate and would certainly agree with the motion.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I rise in my place because I have been listening with interest to the debate and the comments of my friend from Orangeville and others who I have known in other assemblies and other places and since my existence in other assemblies seems to have become a matter of some interest.

I do want to reflect on this issue since I have been a member of this place and a member of the Legislative Assembly of Ontario and having spent the better part of my public life in elected assemblies of one kind or another. Obviously all of us read the decision of the Ethics Commissioner with a great deal of interest and a great deal of concern.

I want to state for the record that there is a lot of talk on the other side of someone having been found guilty. What the commissioner in fact found was that there was a contravention of the code, as she interpreted it, made in good faith by the member for West Nova, who is a parliamentarian of great standing and goodwill, and that is recognized.

I think all parliamentarians would recognize that there is a problem with making the connection between a "liability", which arises, according to the judgment of the Ethics Commissioner, of any lawsuit and saying that any lawsuit gives rise to a liability; the mere existence of a lawsuit gives rise to a liability; the liability gives rise to something that is called a private interest; and the private interest then creates the conflict.

With great respect to the Ethics Commissioner, I think that the House itself has to now give real consideration to this. I do not think there is any argument with the efforts that the commissioner has made to be faithful to the code as she has seen it. However, I do have a great deal of difficulty with the notion that any libel suit that is carried out against a member of Parliament for whatever purpose, or with whatever intention in mind, should necessarily have the effect of denying that member the ability to carry on his or her responsibilities as a member of Parliament.

There is a brief reference in the commissioner's judgment to the possibility of a chilling effect but, with great respect to the commissioner, that chilling effect has been somewhat underestimated.

It is important for us to be as precise as we can as well about the exact recommendation that is being made by my colleague, the member for Scarborough—Rouge River, whose interest in these matters is extensive and whose knowledge and interest in questions of the privileges of members of Parliament is quite extensive.

What we are simply asking is that there be an exemption when it comes to the question of a private interest and that exemption would consist of being a party to a legal action relating to actions of the member as a member of Parliament. It is important for the public to understand that if any of us have private businesses and we are sued in the course of those private businesses, that issue that should becomes an issue of concern in terms of declaring what one's private interests are.

However, to assert that because the member for West Nova was sued by the former prime minister of Canada because of comments he allegedly made on the *Mike Duffy Live* program, in direct connection to the events surrounding the relationship between the former prime minister and Karlheinz Schreiber, which has been a matter of direct interest to all of us and a direct interest to the member for West Nova in his parliamentary responsibilities, and the idea that the very existence of that lawsuit, whatever its foundation may happen to be, should itself prevent the member for West Nova from carrying on his parliamentary responsibilities, he should recuse himself from any votes and recuse himself from any participation in discussions affecting this question of broader public interest, I have some real difficulty with that and, frankly, surprised by the members of the Conservative Party. This is not an issue that is related to the Conservatives, the Liberals, the New Democrats or members of the Bloc.

● (1750)

[*Translation*]

It is not a partisan issue. It is an issue that affects all of us as members of this House. And that is why we must speak openly about the possible consequences of legal action against a member because of his or her work. It could compromise members' abilities to exercise their own judgment as well as their full participation in public debates, which is an important aspect of the lives of all members.

[*English*]

As opposed, perhaps, to some of my other interventions in this place, this is not an intervention that is made by pointing fingers at the other side. It is made by simply asking this question. Is it not at least a possibility that the effect of this ruling would be to say to businesses or others, who are affected by debates in the House, that if they want to silence member of Parliament X or member of Parliament Y, there is a very simple way to do it, and that is simply to sue the member for something either he or she allegedly said or did not say?

In the eyes of the commissioner, the simple existence of the lawsuit, whether it has been heard by a court, according to the commissioner, creates the liability, which creates the interest which creates the need to disclose and which, in the case of the member of West Nova, creates in her judgment the need for him to recuse himself from any further discussion.

I believe that this touches on the responsibilities of members of Parliament and, frankly, touches on the question of how certain powerful interests, which can afford lawyers, lawsuits and to do this, can look at this ruling and say that here is the way to shut down, here is the way to stop so and so from saying anything and here is the way to stop so and so from participating in the debate.

What we are saying in our recommendation, in terms of the amendment to the code, is where lawsuits arise, not from our private activities, or our business activities, or our commercial activities, or anything else we might be doing with our lives, but from the exercise of our responsibilities as members of Parliament, we should not be prevented from participating in the life of Parliament as a result of those lawsuits.

The amendment proposed by my colleague, the member for Scarborough—Rouge River, is reasonable. It should be discussed by all members of Parliament and should be dealt with on that basis. We need to spend some time this evening reflecting on this as we go forward.

I am somebody who has been sued, although I have no live ones going on at present. I can assure everyone it has taken place in the past, as it inevitably does in this hurly, burly life that we lead in politics. It is a simple fact of life that these things happen.

If we are to do our jobs, it is very hard for us to see how the commissioner's ruling can be maintained as a ruling that will, in a sense, control our daily lives. I think there are charter implications for what the commissioner has said. She is stretching the definition of what a real liability is. Anybody suing somebody, could say now there is a liability, not knowing whether that claim is real, or serious or based in fact.

It would be wiser for us to say that where we are exercising our duties as members of Parliament, the mere existence of a lawsuit against us as members of Parliament for doing our job as members of Parliament does not create a liability and therefore does not create a conflict.

● (1755)

Mr. David Tilson: Mr. Speaker, I listened to the member for Toronto Centre talk about this issue. After listening to the debate all day long, really what this motion is all about is the Ethics Commissioner made a decision which the Liberal caucus does not like.

Under the system we have with a minority government, the majority of opposition members rule the day. Not only are we going to change the rules, but they are going to make everything retroactive. They are going make the Ethics Commissioner hear this thing again under the new rules, even though she heard it under the old rules, so the member for West Nova will be exonerated.

I hope the member for Toronto Centre would admit that. Quite frankly, the allegations that members in this place are losing their freedom of speech is absolutely a lot of bunk. The member knows that is not true. He knows what this is all about. It is to free the member for West Nova.

● (1800)

Hon. Bob Rae: Mr. Speaker, with great respect to my colleague from Orangeville, sometimes when I say something, it is not because I have some other intention. It is because that is what I actually believe. I actually believe there is a problem created when a libel suit prevents a member from doing his job. I actually believe the way to settle libel suits is to settle them in court. Of course they are public, of course they are known, of course they are disclosed, but that should not prevent a member from participating fully in the life of Parliament or from exercising his or her judgment.

The purpose of a conflict of interest code is to prevent real conflict. It is to prevent situations where interests are either not disclosed, are secret or are not there, or, for example, when one benefits personally from something which the member has not disclosed. That is the purpose.

This is not some partisan thing. I suspect there will be members of the New Democratic Party, of the Bloc and others, and I would hope individual members of the Conservative Party, who would understand, with great respect to the member, that free speech is not just bunk. It is a reality at which we have to look. Yes, the interests of the member for West Nova have been affected in terms of his duties in the House.

You said the member for West Nova has be "exonerated". First, he was actually exonerated by the Ethics Commissioner. What she said was, and you have not had the courtesy to quote this in the House in all of your submissions today—

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Toronto Centre knows about my intolerance of using the second person.

Hon. Bob Rae: I know that, Mr. Speaker, and I will correct it right away. The member should have stated what the commissioner said. She said that the member for West Nova always acted in good faith. Because the member for West Nova always had acted in good faith, I do not think it is right or appropriate for any member of the House to talk about him having been found guilty of something. There is no guilt involved.

It is a contravention of the code, which was caused unwittingly, and it could have happened to any one of us. I do not think any one of us ever thought that the implication of the code was as soon as someone stood up to sue us that suddenly we would prevented from participating in the rest of debate.

However, when the member talks about exoneration, the member for West Nova still faces a very powerful lawsuit from a very powerful and well financed individual, an individual who he has to deal with as a citizen of Canada. He will deal with that in whatever way he can and he will deal with it as best he can.

The suggestion that the existence of that lawsuit should prevent the member for West Nova from participating in the parliamentary life of this Parliament and from participating in debates is, on balance, a judgment which is simply too harsh. It is one that members should state their views to the commissioner as to how they feel about whether in their judgment this necessarily is the kind of thing we intended.

I do not believe we ever intended that the existence of a lawsuit relating to our responsibilities as members of Parliament would prevent us from participating in parliamentary debate and decisions. This was never our collective intention, and I do not believe that the decision can be allowed to stand for that reason.

[*Translation*]

Mr. Richard Nadeau (Gatineau, BQ): Mr. Speaker, I very much appreciated the speech the hon. member for Toronto Centre just gave. I know he is new to this House and I think he has a great deal of potential here. We will continue to listen to his speeches now and again to see if he stays on the same path.

Of course, today's debate has to do with the freedom of speech of elected members of the House of Commons. It is an extremely important issue that forms the very foundation of the parliamentary system and our work as legislators here in the House.

We all know that, since May 7, 2008, the hon. member for West Nova has lost his right to free speech within the Standing Committee on Access to Information, Privacy and Ethics as well as in the House of Commons, because of a decision by the Ethics Commissioner in the Mulroney-Schreiber case.

Incidentally, I will be sharing my time with the hon. member for Argenteuil—Papineau—Mirabel.

It is important, and I said this from the outset, for members to have freedom of expression to do their work as legislators properly. This right goes as far back as the English Bill of Rights of 1689. Mr. Speaker, I know that you were certainly among those who thought of the Bill of Rights. In this House, this goes back to another time, namely the BNAA, 1867. I am not talking about AA as in Alcoholics Anonymous, but the Constitution Act, 1867 and the Parliament of Canada Act.

It is extremely important for members to be able to work for the advancement of society as it evolves and in accordance with the duty we have to our electors.

Parliamentary immunity is necessary for members to be able to do their work. We have to avoid allowing a lawsuit against one hon. member from becoming a way to prevent all elected members of the House of Commons from doing their work as legislators. Can we say that enough?

Imagine if the rich and powerful sued the 308 members of the House of Commons with the evil intention of preventing them from speaking and legislating one way or another. We have to avoid that scenario. We have to prevent the intimidation and manipulation of the democratic process by such suits against elected members. Imagine 180 members of the opposition suing the Prime Minister to prevent him from speaking on a certain subject. We cannot allow that to happen.

We are in a similar situation with respect to our colleague in this House, our Acadian friend, the hon. member for West Nova. As you can see, Mr. Speaker, we have to prevent such a situation from happening. I hope you will be among those who vote in favour of the motion presented by the Liberal Party of Canada, as the Bloc Québécois will be. We know that you are a fine democrat and that you are in favour of the principle that I have just outlined.

The Bloc Québécois is in favour of the motion. We must protect the freedom of speech of parliamentarians and those they represent. We absolutely must keep the door closed on the use of SLAPP suits against elected members. The ethics commissioner herself opened the door to parliamentarians by writing, on page 24 of her report:

> Concerns have been raised about the use of lawsuits, more particularly libel suits, to prevent a Member from performing his or her duties in the House of Commons. I cannot predict whether this may indeed become a problem and I hope [this is still the ethics commissioner speaking] it does not. Should this become a serious concern for Members, however, the Code could be adjusted to except libel suits from the ambit of "private interest" for the purposes of sections 8 and 13.

● (1805)

The ethics commissioner was already expressing concern. Unfortunately, this happened, and fortunately, we are going to work together to correct this situation.

The opposition members responded by adopting a resolution in the Standing Committee on Access to Information, Privacy and Ethics. The Conservatives, as expected, opposed this resolution and prevailed with the Speaker of the House on a technicality—I repeat, on a technicality.

After trying to muzzle the parliamentary press gallery, women's groups and minority groups funded by the court challenges program, the Conservative government is now trying to gag the opposition, which is deplorable.

Moreover, in the wake of the Cadman affair, the Prime Minister threatened to sue the Liberal Party of Canada and its leader, the member for Saint-Laurent—Cartierville, as well as the Liberal members for Etobicoke—Lakeshore and Wascana. In the end, he sued only the Liberal Party of Canada. If he had taken legal action against the three parliamentarians, however, they would not have been able to continue asking questions about the affair. That is what is deplorable.

In addition, the Liberal member for Ajax—Pickering is being sued for libel by Chris Froggatt, chief of staff of none other than the member for Ottawa West—Nepean and the current Minister of the Environment. The latter is facing allegations of political interference in the Ottawa light rail project, a matter currently being reviewed by a parliamentary committee.

This is a fundamental issue. In this case, the ability to carry out his legislative work must be restored in full to the Acadian member for West Nova, especially since the ethics commissioner pointed out that he acted in good faith.

In view of this situation, we must absolutely ensure that we uphold the fundamental principles making it possible for elected members of the House of Commons to have all means available to them in order to represent their citizens, to carry out their legislative work and to ensure representation within the various components of Parliament—whether committees, sub-committees or even here, in the House—, and with respect to all matters affecting society, with no exceptions. This situation, this reality, this duty that we have must be protected.

In the particular case being debated, there has been a violation of the rights of one of our colleagues—and there is no partisanship in this—and that is unacceptable. There are mechanisms to correct the situation and to ensure, according to today's motion, that our colleague's ability to legislate be restored in full.

● (1810)

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I would like to thank my colleague from Gatineau for his speech.

The Liberal Party's motion is one in which I have a keen interest. I was a member of the Standing Committee on Access to Information, Privacy and Ethics when the code was adopted.

Naturally, those of us who were on the committee at the time never thought this kind of situation would arise, but somebody said "conflict of interest" and a witness who had appeared before the committee launched legal action. One of our colleagues went out for a press conference during which he commented on the testimony, and then he became the subject of legal action.

The lawsuit was not about statements he allegedly made personally; it was about statements a witness made before the Standing Committee on Access to Information, Privacy and Ethics. That witness was former prime minister Brian Mulroney. He decided to take his defamatory libel suit to the courts.

Who would ever have thought that could happen? It had to be the Conservatives. I realize that they analyzed every flaw in the legislation to find a way to prevent the member from coming back because there was open war between Mr. Mulroney and the member for West Nova. They discovered that they could ask the Conflict of Interest and Ethics Commissioner to intervene because there might have been a conflict of interest with respect to a witness's lawsuit against the member who made the statement.

A lawsuit was filed by a witness, and as a result, the member can no longer speak in committee or in the House of Commons. The member is being sued in his official capacity. He was working on the committee and made a statement outside. It was not personal. It was work-related. This could happen to any of us here in the House of Commons. Any one of us could make a public statement, and a witness who appeared before the committee and was upset about that statement could simply file a lawsuit—guilty verdict optional.

Consequently, because of the loophole in the legislation, the Conflict of Interest and Ethics Commissioner concludes that, since legal proceedings have been instituted against the member for West Nova, he can no longer talk about this affair.

The member for West Nova is a Liberal, and I do not see eye to eye with him. He is part of the Liberal gang that dipped into the employment insurance fund, that did not make any improvements and that did a whole lot of things that did not help seniors. I do not agree with their philosophy.

However, this parliamentarian was elected by his constituents, and he has the right to say what he wants in committee and in this House —only not about this matter anymore. The Conflict of Interest and Ethics Commissioner decided that because of Mr. Mulroney's lawsuit, the member could no longer talk about the Mulroney-Schreiber affair in committee or in the House of Commons. This is serious.

That is why the Bloc Québécois will oppose any procedure that would have this sort of effect. It does not matter that there was a loophole in the legislation; we just have to close it.

The Conservative member for Dufferin—Caledon is making fine statements. Great, he found the loophole.

But in this House, we have to say that this makes no sense. Our purpose in creating the position of Conflict of Interest and Ethics Commissioner and adopting a code of ethics was not to take away our own right to speak. That is completely absurd and contrary to the whole meaning of democracy and the British parliamentary system.

The Conservatives need to think long and hard about this. Never in the British parliamentary system has there been a law preventing a member from rising to speak in committee or in the House. The Conflict of Interest and Ethics Commissioner is well aware of this. There is a reason why, in her report, she says on page 24:

> Concerns have been raised about the use of lawsuits, more particularly libel suits, to prevent a Member from performing his or her duties in the House of Commons. I cannot predict whether this may indeed become a problem and I hope it does not. Should this become a serious concern for Members, however, the Code could be adjusted to except libel suits from the ambit of "private interest" for the purposes of sections 8 and 13.

● (1815)

The flaw is that one must declare his or her personal interests, including any legal action being brought against oneself. That is fine, except that as soon as a member is sued, that prevents him or her from speaking or voting in relation to the events linked to the legal action.

To reiterate, the hon. member for West Nova is being sued for his work as a committee member, because of a statement made outside the House. I can understand why the Conservative members and the former prime minister, Mr. Mulroney, did not like the statement he made. Well, we did not appreciate the fact that he walked around hotels and everywhere else with $1000 bills in envelopes. We will wait to see what happens next.

On the other hand, in this case, a loophole was found that allowed Mulroney to sue the hon. member for West Nova. What does that mean? That member can no longer speak in committee or in this House to discuss the matter. This goes against the spirit of democracy and the parliamentary system.

All these laws give us full immunity precisely so we may speak openly, in this House and in committee, and say what we think about any subject, without fearing that we will be sued at every turn. That is the fear at this time, and the Conservatives must be aware of this.

I have no problem if they win in the Mulroney-Schreiber case, but I hope they realize that members cannot be silenced because of the threat of legal action. That makes no sense. We must put an end to this as soon as possible.

I repeat, I do not approve of the Liberal Party philosophy, and I agree with the hon. member for West Nova even less. He is a Liberal, after all, and he shows no mercy for seniors or unemployed workers. That is how the Liberals are. They take money and try to give it to their friends. We all saw what happened with the Liberals. Nevertheless, they are members of this House, they were elected by the people and they have the right to speak in this House on behalf of their constituents, on all matters.

That is the beauty of the parliamentary system: when people are elected, nothing in this House or in committee can prevent them from saying what they think. The Conservatives have discovered a flaw, a loophole, I agree, but it has to be repaired as quickly as possible because an entire democratic system is affected by this.

The entire philosophy behind the parliamentary system has to be protected. We have to see to it and that is why we have immunity in committee and in the House. Obviously, when we leave the House, this immunity is diminished, even nonexistent. We know all that. The fact remains that, despite the law we have passed, despite the code of ethics we gave ourselves, we have just created a loophole in the existing parliamentary system.

My colleague from Gatineau, a history teacher, told as about the very nice history of the parliamentary system going back to the British North America Act. That is just fine, but I look forward to moving away from the British parliamentary system and to Quebec having its own parliamentary system. Nonetheless, we have to acknowledge history, and the hon. member for Gatineau is an excellent history teacher.

The past may be an indication of the future. We want to protect the freedom of expression of parliamentarians so that they can express themselves clearly in committee and here in this House on all subjects without any constraints. If we are real parliamentarians and real defenders of democracy, we have to do everything we can to close this loophole. Even the Ethics Commissioner recognizes that.

I was one of the members who contributed to creating the code. We never expected to end up in the situation we are in today. We never thought we would see a suit filed by a committee witness against an hon. member, in this case the hon. member for West Nova, preventing him from speaking in this House and in committee.

This is an aberration that needs to be corrected as soon as possible. I hope that all hon. members will vote in favour of this Liberal motion and that it will be unanimously passed by this House, in order to preserve democracy, not for those who came before us, but for the generations that follow us.

● (1820)

[*English*]

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I have tried to go through this motion and show the defects all the way through it. I am going to go back to the issue of the latter part, regarding sending the report back to the Ethics Commissioner.

The Ethics Commissioner has found the member for West Nova guilty on three counts of violating the ethics code. That is what she said. This motion essentially says that we should change the rules and send the issue back to the commissioner to hear it again.

I stand to be corrected but I believe this place, if it wanted to, could exonerate the member for West Nova, end of story, but instead those members are going to have the Ethics Commissioner do the dirty work. They are going to change the rules and make her say whether he is innocent or guilty. Is this an appropriate process of the House of Commons?

[*Translation*]

Mr. Mario Laframboise: Mr. Speaker, I do not want to correct my colleague because I know that he is very well informed on this matter. If we reread the Liberal Party motion, we see that it is calling for the Standing Orders of the House of Commons to be amended by adding paragraph (*b*.1) after paragraph (*b*).

The motion asks for the Standing Orders to be amended and for the Ethics Commissioner to revisit her decision once the amendments have been made. That is not at all what the member just told us. The commissioner based her decision on standing orders that had already been adopted.

I was a member of that committee. I was in Parliament when the code was adopted. We saw the loophole that was brought up by the member for Dufferin—Caledon. He made the statement in committee. He found that flaw. No problem, the Conservative Party lawyers went to work. They wanted to keep the member for West Nova from speaking, and they found the loophole. Except that it means that now everyone in this House is penalized. It means that the public or witnesses can file a lawsuit against us to keep us from asking them questions or discussing a topic, even though we are often the most expert in the matter. That must be corrected.

The Liberals have moved their motion and are asking that the Standing Orders be amended. And after that, they want the commissioner to revisit the issue. I think that the motion is very well constructed, and therefore the Bloc Québécois will support it.

● (1825)

[*English*]

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I was delighted to hear the remarks of the member for Argenteuil—Papineau—Mirabel, if for no other reason than he had other things to say. He was involved in the committee work that led to the creation of the Conflict of Interest Code and he was able to say that it was never envisaged when they developed the code that this type of outcome would happen. That is very important for the record. I am not sure I have heard it from others here today, but I thank him for putting that on the record. That is important both for us here in the House and for the Ethics Commissioner.

Then I ask him, in the event that a member here were to be advocating outside the House and inside the House, let us say, for the use of two official languages in one of the provinces and he or she got involved in a lawsuit and that lawsuit might entail the risk of costs being awarded against—

The Acting Speaker (Mr. Royal Galipeau): It is with regret that I must interrupt the hon. member.

[*Translation*]

There are 45 seconds remaining for the hon. member for Argenteuil—Papineau—Mirabel.

Mr. Mario Laframboise: Mr. Speaker, if I take a guess at the question, indeed, if the law is not changed, the member could be prevented from speaking in the language of his choice. That is completely absurd. The member for Scarborough—Rouge River is absolutely right. That was not the intent of the legislator when this text was drafted.

I am repeating this because it is important. No one could have ever imagined that a situation would occur in which a member is sued, and our own Ethics Commissioner—a position we created—denies that member the right to speak in this House and in committee on a particular subject.

[*English*]

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.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Royal Galipeau): In my opinion the yeas have it.

And five or more members having risen:

● (1830)

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): Pursuant to Standing Order 81(18), a recorded division on the motion stands deferred until later today.

* * *

[*English*]

MAIN ESTIMATES, 2008-09

CONCURRENCE IN VOTE 1—PARLIAMENT

Hon. Vic Toews (President of the Treasury Board, CPC) moved:

Motion No. 1

That Vote 1, in the amount of $58,467,000, under PARLIAMENT — The Senate — Program expenditures, in the Main Estimates for the fiscal year ending March 31, 2009, be concurred in.

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I am pleased to participate in the debate relating to the main estimates for the Senate.

I am glad that the New Democratic Party raised this matter because it draws attention to a very important issue, the need for Senate reform. The government clearly agrees that the Senate cannot stay as it is. Certainly, we understand the sentiment of those who support immediate abolition, as the NDP does and as that party is attempting to achieve through this supply motion, because the Senate is far from the effective institution that it should be. However, the government wishes to take a constructive approach. We support reforming the Senate. Only when it becomes clear that reform is not possible should abolition be pursued, but clearly, the status quo is not acceptable.

Canadians have made it clear that they want change. They no longer have confidence in the Senate as currently instituted and they do not regard it as a legitimate democratic institution appropriate to this millennium. Over the past few years, the consistency in polling results on Senate reform has been quite remarkable. Canadians consistently support either the direct election of senators, or alternatively, that there should be consultations on Senate appointments. For example, an Angus Reid poll just last month indicated that 60% of respondents supported the direct election of senators.

We have listened to Canadians and this government has made it a priority to renew and improve our democratic institutions so that we can have a stronger, better Senate.

A strong and united Canada requires federal parliamentary institutions that reflect democratic values in which Canadians in every region of this country can have confidence and faith.

[*Translation*]

This is why our government has taken concrete action to develop a practical and achievable plan to reform the Senate. Canadians are aware of the difficulties of an in-depth constitutional reform. That is why the government has adopted an incremental approach that will produce immediate results.

In particular, the government has introduced Bill C-19, concerning Senate tenure, and Bill C-20, which would provide for consultations with the Canadian public concerning appointments to the Senate.

[*English*]

Unfortunately, our efforts thus far have been stalled and obstructed in the Senate, demonstrating to Canadians that the Liberals in the Senate refuse to change.

Bill C-19 to limit the terms of senators to eight years of course was originally introduced in the Senate as Bill S-4. In the Angus Reid poll that I referred to earlier, 64% of respondents indicated they support limiting the terms of senators to eight years. In fact, the Leader of the Opposition at one time actually supported Senate term limits of only six years. He is on the record supporting those six year term limits.

[*Translation*]

However, even though we knew this strong popular support existed before the Angus Reid survey, and even though the Senate Special Committee on Senate Reform confirmed the constitutionality and goals of the bill, as did numerous constitutional experts, the Senate killed the bill by refusing to allow it to go to third reading, unless it was first referred to the Supreme Court of Canada.

This was definitely an unprecedented move on behalf of the Senate, and I would even go so far as to say that the senators who opposed the bill shirked their responsibilities as parliamentarians.

And it is a perfect example of why Senate reform needs to happen. It also shows the difference between the approaches of the government, the Liberals and the New Democratic Party.

● (1835)

[*English*]

The Liberal Party seems determined to maintain the status quo with regard to the Senate and thereby to maintain the entitlements that go along with an antiquated, undemocratic method of appointing senators.

The New Democratic Party, to its credit, recognizes that there is a problem, but the solution offered by the NDP is to simply give up, to stop trying.

As I have demonstrated, the government's approach is to listen to the people who continue to demand reform.

[*Translation*]

I believe that Bill C-20 is another important bill that responds to Canadians' desire for fundamental reform.

If the bill on Senate tenure is a modest step towards the renewal and modernization of the Senate, the Senate appointments consultation bill will allow us to address a much more serious problem, that of democratic legitimacy.

[*English*]

The government's view is that it is utterly unacceptable that in this, the 21st century, and in a federal country such as Canada that prides itself on its democratic values, democratic values that we promote abroad as an example to others, that we have a chamber in our Parliament that lacks fundamental democratic legitimacy. This lack of democratic legitimacy in the Senate impairs its ability to act effectively as a legislative body that plays a meaningful role in the federal parliamentary process.

The Senate consultations bill is a positive step toward correcting this problem. It provides a means for Canadians to have a say in who represents them in what would finally be their Senate.

I find it hard to understand how anyone can disagree with that basic proposition. How can anyone argue that it is okay for a prime minister to consult with friends and family, MPs and party organizers about who should get a good plum spot in the Senate, but not be able to ask Canadian voters for their opinion on who should represent them in their Senate?

[*Translation*]

Senate reform has proven to be difficult. But that does not mean that we should quit before we have even begun.

Canadians expect more from their government, and with good reason.

[*English*]

Senate reform has already proved to be a difficult task in no small part because of the negative attitude of Liberal senators and the Liberal Party toward improvement and change. However, I still believe it is important that we make every effort to improve this institution before resorting to move forward with abolition.

Therefore, I cannot support the NDP in its efforts at this time to withhold supply to the Senate. Rather, I call upon the NDP to join us in achieving real reform by supporting the government's proposed Senate reform legislation. In other words, let us respond to the desire of Canadians and work toward achieving a modern, democratic Senate.

If the NDP members want to engage in a democratic exercise to abolish the Senate, I invite them to introduce a private member's bill, to hold a referendum and ask Canadians if they want to keep the Senate as it is, to democratize it, or to simply abolish it. That open public debate is the democratically legitimate way to approach abolition, not a back door tactic such as we see tonight through a supply motion.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened with great interest to my hon. colleague. We have certainly clashed on almost every issue under the sun, although I do not know which hockey team he supports.

However, I think he would agree with me that part of the problem in our dealings with the Senate is it is a group that is defiant, militant and belligerent in its refusal to meet the most basic elements of reform. We have tried many times to drag this group out of the swamps of cronyism and into the 21st century in terms of democratic obligation. Yet it seems continually to refuse the most basic steps forward. Part of the reason for this motion, is to put pressure on it.

We have clear conflict of interest guidelines as members of Parliament. If one is a municipal councillor, one has very clear conflict of interest guidelines. There is transparency and accountability. If one is a school board trustee, as I was in a rural region, there are very clear obligations in terms of pecuniary interest.

Yet senators can sit and participate in a debate when they have financial interest in it. Senators do not have to disclose that. Senators can sit on the boards of directors of income trusts or telecommunications companies and participate in debates where laws are made regarding these.

Family members of senators do not need to disclose any financial dealings with government unless there is a direct contract. Senators are allowed to participate in debates where their family members have personal private interests. Most of all, members of Parliament and cabinet ministers must disclose their bank accounts. Senators do not have to this. They have been defiant in their refusal to meet the most basic conflict of interest guidelines that any other democratically elected person, whether it is on town council or a member of Parliament, has to meet.

I understand the government is trying to take these steps to reforming 141-year-old anachronism, but time and time again we see this body absolutely refuses to be accountable and transparent in a 21st century democracy. How can we get those simple reforms through this group? Does he have any ideas how this could be achieved, other than us putting the question to the Canadian people about simply getting rid of this anachronism?

● (1840)

Hon. Peter Van Loan: Mr. Speaker, as I indicated in my comments, I agree with much of what my friend has just said and invite him to take that step, as I said in my address, of putting the question to the Canadian people.

Undoubtedly the issues of conflict of interest and accountability existing in the Senate are ones that concern us. We have a very different set of standards in the House of Commons. We would like to see a similar kind of ethical standards applied in the Senate.

However, it is beyond our reach. It is an appointed body, unaccountable and largely Liberal dominated. Thus far it has resisted those kinds of changes in accountability that we would like to see, although it did not hesitate to get involved in dealing with the Federal Accountability Act.

What is more remarkable is our efforts to reform and change the Senate in some ways face another legislation coming out of the Senate, which seeks to make it harder for that change to happen. Believe it or not, it is a bill being put forward by a senator to make patronage appointments to the Senate mandatory and to compel the Prime Minister to make them now. It is hard to believe that exists, but it comes from a Liberal senator, so it is not entirely surprising.

We have indicated our strong resistance and opposition to that. I hope when it comes over to this chamber, our friends in the New Democratic Party will join us in opposing that measure. It is bad enough we have a Senate chamber that continues to be dominated by a single party, the Liberal Party, which has used it for its own benefit, to reward its activists, its fundraisers, its political campaign organizers, and has resisted any democratic change. However, to make mandatory that further patronage appointments have to be made now would help ensure that further efforts at reform down the road would take that much longer to legitimately democratize the Senate. We want to see it democratized. We want to see it reflect 21st century democratic values.

We would be happy if it represented 20th of 19th century democratic values. The fact is it is an institution more reflective of the 18th century, the time of aristocrats and noblemen. That is not the Canada of today. This is not the democracy of which we are proud, and we want to see that change.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I am very pleased to rise to speak to the motion. The heart of this motion is a cry from parliamentarians for accountability and transparency, as I said in my earlier remarks, for a body that has been defiant in its refusal to be accountable to the Canadian people.

When we talk about democratic reform in the Senate and where to take the upper House, we have to look back at the roots. It is not as if the Senate ever went wrong somewhere along the way. The Senate was founded on fundamentally wrong principles.

If we look back 141 years, when Canada was a fledgling community and it was still very much under the colonial influence of mother England, the belief in England was that commoners could not be allowed to have too much control. There had to be someone of peerage and title above them who could temper the vote of the common people. That belief was similar in Canada at the point the Senate was developed.

The difference in Canada was it did not have a history of the peerage system. It had the swamps of cronyism. The belief then was we had to put in a body that could be chosen from the backrooms of political parties, the hacks, the friends, the pals and the bagmen, to limit the ability of elected members who represented the common people.

One of the great myths and mistruths of what the Senate perpetuates today is that the Senate represents the rights of minorities. John A. Macdonald, as a founding father, said that we needed the Senate to be there for minorities. We will hear this from senators all the time, but they never say the second part of Sir John A. Macdonald's statement. He said, "We need a body to represent the rights of minorities", because there will always be more poor people than rich people. That is why the Senate was put in place. It was not there to represent minorities as we understand it today. It was to represent the minority view of the rich so there could be a counterbalance to democratic voice.

Ever since then, we have been on the wrong path. The problem with democratic reform of the Senate is we have a body that simply will not allow itself to be reformed. I can understand my colleagues in the Conservative Party. They are certainly making attempts to find a way to reform and work through this Gordian knot of self-interest, but, at the end of the day, I believe the latest attempts will fail like all other attempts have failed. The fact is nobody, in 141 years, has asked the Canadian people what they think.

Many things have changed since 1867 in terms of representation and counterbalance to the weight of Parliament. Provincial governments have much stronger responsibilities. The number one relationship most Canadians have with government would be with their provincial government, not so much the federal government. The relationship between the provincial and federal governments has changed dramatically.

Then there are the courts. When we talk about the role of defending minorities, I have yet to see the Senate play any role. Yet the courts are clearly playing a very strong role as a counterweight to Parliament.

We have four levels of government right now. Do we need another level of unaccountable, unelected people who simply refuse to meet the most basic requirements?

So the folks back home will have a bit of a sense of what we are paying for, we are talking about the money we are spending year after year on an unelected, unaccountable group of senators who can sit in the Senate until their 75. Whether they show up or do not show up, whether they work or they do not work, they are there in perpetuity, maybe because some of them flipped pancakes for the Liberal Party for 30 years and were considered perfect people to be sober second thoughts for the democratic voice of the House.

Last year the Senate sat 62 fewer days than the House of Commons. Many senators missed at least a third of a session. Where else can people miss work day after day and still receive a paycheque? In the Senate. Senators do not have to worry about constituencies. When MPs are not in Parliament, they have to go back to meet their constituents and work for them. Senators do not have to do that.

That is nothing to disparage. There are very good senators and less good senators. but the difference is, at the end of the day, members of Parliament, whether lazy, brilliant, good or bad, have to go back to their people. They have to get the seal of approval from the people, and some great members of Parliament have lost their seats over the years. Senators do not have to do that.

● (1845)

Since 1993, the gross pay of senators has increased 70%. Senators get paid for working 30% fewer days than members of Parliament. Senators are allowed to miss 21 days without a penalty and this does not include the times that they are out working for the party during elections.

In my riding we talk about the senator is there for regional interests. I have the great Frank Mahovlich, I say great because he was number 27 and from Schumacher. The only times I get to see Frank in my riding is during elections, when he comes up to try to have me defeated. I do not know if he is on the Senate dime or not.

I will not mention the former Montreal Canadien who the Liberals brought up as well to have me defeated. The press asked me why, in the middle of elections, the Liberals were bringing up hockey players. I said that whenever their campaign started to go south, they were clearly had to rely on hockey players. I said that if the press ever saw them bringing Kenny "The Rat" Linseman into Timmins—James Bay in the middle of an election, it would know I was in trouble. I expect the next time I will see Frank is probably in the next election.

However, this is the big issue and this is where we have to be serious. Senators have phenomenal conflict of interest guidelines that allow them latitudes that would never be allowed even at the lowest municipal level or school board level. For example, they can sit as the heads of a board of directors of major corporations and still vote on issues in which they have a pecuniary interest. This is simply appalling in the 21st century. It is not accountability.

Senators are sitting on the boards of income trusts and telecommunication companies, where these issues are being debated and being brought forward to the Senate. This is not the kind of democracy and accountability that Canadians expect.

There is a whole list of senators, such as the hon. Michael Meighen who sits as a director and trustee on 25 different companies and trusts. He still gets paid, he still comes in and he is supposed to discharge the business of the country. That is perfectly okay when people are senators because they do not have to disclose their financial interests. They can participate in closed camera sessions, as senators, and as long as they tell their pals in the Senate that they have a pecuniary interest, they can participate in the vote.

As I said earlier, I was a rural school board trustee and we were not allowed to discuss any contract that had to do with hiring or firing of anyone, whether it was custodial or teachers, at a school board in Ontario. If any of us had a relative anywhere in the province of Ontario working in any school board in any capacity, we were not even allowed to talk about the contracts. These are the rules in place for small town school board trustees, yet senators sit on private health consortiums and talk about the future of health care. Whenever the Liberal Party gets whatever private member's bill on income trusts through the House, we will have senators who represent income trusts voting on that.

I do not think that passes the smell test for accountability and transparency in the 21st century. Therefore, we have a real problem. We have a body that simply refuses to reform itself.

Our colleagues in the Conservative Party would like to find other ways to do it, but we all have to deal with the fact that we have a very large mountain that is so high we cannot get over it, it is so low we cannot get under it and it is so wide we cannot get around it. It is the constitutional limitations on our ability to actually reform that.

The response of the New Democratic Party is quite simple. After 141 years of cronyism and patronage, we say put the question to the Canadian people. Why not let the Canadian people say what they think should be the future? That would certainly guide provincial leaders, if we saw a clear movement to say we have had enough of this, we do not need this in a 21st century democracy. I think it would actually impel our provincial leaders to come together and then move forward to the real steps of reform.

As much as I understand where the Conservatives are coming from on trying to reform this bunch, at the end of the day, we will end up in court. At the end of the day, we will have a Senate simply refusing to grow up and take responsibility as accountable citizens. The reality is they are not accountable because they are appointed. Always at the end of the day, they are friends of the party. In the 21st century we have to move toward a better standard of democratic involvement.

● (1850)

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I would like to ask my friend a few questions. I know he has an aversion to great hockey players. I have heard that story a number of times.

On a serious note, he has ended his comments by saying that this matter will end up in court. I want a clarification. The issue of Senate reform or the amendment of the Constitution will ultimately end up in court, at least that is how I read his answer.

Earlier in his comments, he talked about four levels of government. I do not know if he was including the Senate as the fourth or the courts as a level of government. I am not clear on that.

My question, in pith and substance, is this. With regard to the role of the courts, does he see that an amendment of our Constitution is inevitable, arising from the process that the Minister for Democratic Reform has put before the committee with Bill C-20, and will put before a committee with Bill C-19?

Does he not agree that a reference to the Supreme Court would probably be the only answer to the question of whether these bills are constitutional? Does he at least agree on process?

● (1855)

Mr. Charlie Angus: Mr. Speaker, to give my hon. colleague two straightforward responses, when I talk about four levels of government, I am talking about municipal, provincial, federal and now we have the upper House. On top of that, we also have the courts which play a very large role. How governed do we need to be in this country, especially when members of one level of government, as I said, are friends of the party?

In terms of the question of these attempts, these baby steps, by the Conservative Party, the conundrum is that it cannot actually move to the electing of senators, because that will trigger a constitutional challenge, so it has set up a consultation process.

The problem with this process, at the end of the day, is that participatory democracies in any country in the western world, in fact anywhere in the world right now, recognize that there is no such thing as a consultation for an election. We are either elected or we are not. We cannot ask people if they think these six candidates might be good, and then it is at the desire of the Prime Minister whether to accept them or not. That simply does not pass the smell test.

When we talk about democratic reform, we are dealing, I think unfortunately, with the old Reform Party, but not democratic. Democratic has to be a voting proposition. It has to be mandatory. It cannot be at the whim of the Prime Minister. That is the problem. That would trigger the constitutional challenge.

I get back to the Gordian knot that we are facing. It is an outrageous situation we are in that Canadians cannot have reform of the Senate without it becoming a major constitutional challenge. It will basically return us to the old status quo, which is that friends of the Liberal Party and friends of the Conservative Party, who have done favours over the years, get dumped in the Senate.

We are in a real conundrum, so I understand where the Conservatives are coming from, but at the end of the day, if it is to be truly democratic where these elections are binding, we will end up with a constitutional challenge.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I will begin by saying that as far as I know there are no famous hockey players campaigning against me in the next election, that I know of yet. I would hate to face that prospect, to be quite blunt. It might be worse to be campaigned against by a famous ex-rock star, one never knows.

In New Brunswick, one of the four provinces that was part of our Confederation from the beginning, the issue of Senate reform has been topical over the years. I do remember, as a younger person, being involved in Meech Lake and having the then premier of New Brunswick, Frank McKenna, ultimately be a very ardent supporter of the Meech Lake process.

I remember as well the Charlottetown accord process, when I was first elected to municipal politics, and I remember that being a period of interesting consultation, with the voters and the provinces, with respect to Senate reform and constitutional reform in general.

What strikes me, as I begin the comment on the supply issue, is that I do think that both the Conservative Party and the NDP are being a bit sneaky, frankly, with their stances and I will explain that very clearly. The NDP, if it is as true to its convictions as it pretends to be, ought to open every session of Parliament with a private member's bill, a motion, or, perhaps with their new bed fellows often the government, a bill which calls for the abolition of the Senate.

It is one thing to say that we are continuously and regularly against the abolition of the Senate, but it is another thing to walk the walk and not just talk the talk. The NDP should in fact bring a vote for abolition, but it does not do that. It does this tonight, ladies and gentlemen of the public might want to know, it does it on a supply day.

The NDP members say that it is almost like the baby is coming, but we are not going to buy a crib for the baby. What they are really saying is that they will not fund the Senate, but they did not have the guts, it was not on their agenda. I am not accusing the member for Timmins—James Bay of not having guts or not making it his continual priority, but maybe he cannot get through to the leader to make it a priority to abolish the Senate. Maybe that is the case.

However, the fact is that we are standing here tonight discussing whether all of the departments of government should be funded, and the funding in question in this motion is the Senate, whether the Senate should be funded. If it is not funded, it dies. It cannot function.

That is a little sneaky. The real big sneak though is the government. The Minister for Democratic Reform, through his prepared text, would have Canadians believe that his party's sensible piecemeal approach, Bill C-19 and Bill C-20, of various ways to reform the Senate, are as a result of their consultation with the people of Canada and that is what the people want.

I do not know about that. If we want to talk about what the people want by virtue of polling, which is what he referred to, then really what we are talking about is the disrespect that Canadians now have in the honesty of the government. The government is falling in its credibility and honesty.

I think they will see that what the government is trying to do is to appease parts of Canada, and particularly western Canada that has in fact been underrepresented in the Senate of Canada since its inception and since the joining of provinces into Confederation, by promising them and their leaders in provincial capitals and movements like western think tanks and that sort of thing, promising them gradual reform but as an end game hoping that the gradual reforms do not work.

Then the end game for the Conservatives and the Minister for Democratic Reform is to do one of two things, I suppose, do what I think a vast majority of his caucus wants him to do, which is to join with the NDP and abolish the Senate. That would centralize the power of the governing party in the one house, the unicameral house.

There are very few unicameral houses in western democracies. Most evolved western democracies have bicameral systems, two houses: the congress and the senate, the senate and the people's house. That is generally the way these things work. So, he would be alone on that one but maybe that is what the government House leader wants. Maybe, however, he wants to fill the Senate with the people that he wants.

● (1900)

He said earlier that the only reason the vacancies have not been filled is because the government did not want to make patronage appointments. I do not know if that is an admission that Michael Fortier, the current senator, was in fact a patronage appointment. We heard some backtalk that it was necessary because we needed a minister from Montreal and he would run at the next available opportunity.

I do miss some press stories, but I have not seen Michael Fortier, the senator, run in any byelection in Quebec that was called recently. I think he is probably not going to present himself in a byelection and, therefore, the government's ruse in saying that it had to appoint someone to have representation really was false, as well.

Bills C-19 and C-20 are a furtherance of the government's disingenuousness with respect to achieving reform of the Senate, to which it pays lip service. That is because, despite the fact that a couple of eminent professors support, in the case of Bill C-20, Senate reform with respect to the election or selection of senators, the vast majority of academics have come out and said they are against Bill C-20, the bill that says provinces can select names that the Prime Minister can choose or not.

The vast majority of provinces, through their attorneys general, have been against the bill. It goes to the fundamental point, and it would have been a good question had I had the opportunity to ask it of the Minister for Democratic Reform, of whether the real public consultation that he seeks with the Canadians would be done in focus groups and hotel rooms in predominantly Conservative ridings? Or is he afraid of consulting with the provinces?

Provincial governments, and maybe the Minister for Democratic Reform did not know that, by some of his rhetoric inside and outside the House, I am not sure he does, are elected. Premiers, MLAs and MPPs are elected by the people of the provinces and they represent those provinces.

However, the Minister for Democratic Reform has serially called a number of them into question, that is, the premiers of the provinces. He has called the premier of Ontario, I think, the small man of Confederation. These kind of epithets are not really conducive to sitting down with premiers, which his government has not done yet.

The government gave a nice meal of venison and, I think, apple pie or cloudberry pie at Sussex Drive around Christmas, but it has not sat down with provincial premiers to discuss the idea of constitutional reform, which has been very much part of our Canadian history for some time.

I do not know if the member for Toronto Centre can recall any of these times, but even in the best of times, provincial leaders and prime ministers and their federal counterpart ministers had disagreements. So, if the Conservative government is afraid of disagreement, which clearly by the way the Prime Minister runs his caucus, it is, then that is fine. Why does he not come clean with the Canadian people, why does not the Minister for Democratic Reform come clean with the people and say, "Well, we're just not meeting with any provincial governments because we think there might be disagreement?"

I think the Minister for Democratic Reform has seen through the hearings we had on Bill C-20. We had Bênoit Pelletier, the minister for Canadian intergovernmental affairs of Quebec recently before the committee. I think he has seen that there is profound disagreement with the way the federal government is proceeding with Senate reform. He knows that in my own province of New Brunswick, Premier Shawn Graham, who is responsible for intergovernmental affairs, is against the procedure. Even what he thought were erstwhile allies in the west, they have said, "Well, we don't agree with the part of Bill C-20 that says that the election modality should be federal. It should be provincial."

The Conservatives cannot even get their allies onside. They do not want these bills to pass. They are not genuine about Senate reform. I think in lieu of this supply item, the best they can do is hide their tails and oppose it.

● (1905)

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I want to respond to a couple of the questions that he wished to ask me that he did not ask. First, what kind of consultation do we envisage? It is quite clear. It is in Bill C-20.

He talked about the committee. Apparently, at committee, he has not bothered to read the bill which talks about actually asking Canadians in the provinces, by way of a vote, who they would like to represent them.

What is our view in terms of provincial consultation? We are quite open to having provinces look at their own electoral processes for doing so. In fact, the Prime Minister has actually appointed a senator who was elected through such a provincial process, Bert Brown, a senator from Alberta.

In fact, it is only Conservatives who appointed elected senators. It is only Conservative prime ministers, people who have, through a consultation with the voters in their province, achieved some kind of mandate. That is the kind of appointments we will contemplate right now. Those are the kinds of appointments that would occur if Bill C-20 were in place.

My question is very simple, having posed those questions in this House, I ask my friend: Has he actually read Bill C-20?

Mr. Brian Murphy: Mr. Speaker, it is not in my character, but one snippy response deserves another, so I will say to the minister, yes, I read the bill, and I wonder if the Minister for Democratic Reform knows the difference between this and going to provincial governments, asking them to come for more than a sandwich next time and sitting down with the premiers at a first ministers conference, as has been the history and the practice of every Conservative and Liberal prime minister—the NDP will never have a prime minister—to discuss the issues of the day. They have always done that and that is what I meant by consultation.

Perhaps the minister needs to read about the great old days of Meech Lake and Charlottetown. Maybe he needs to know if first ministers conferences have ever been avoided by a government. Perhaps he needs to read a little history.

[*Translation*]

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): I would like to congratulate my colleague for his presentation this evening.

[*English*]

I would like to ask my colleague a question about an elected Senate. It looks like the province of Saskatchewan is looking at the possibility of having an "election" for senators during the next municipal election, knowing that during a municipal election the first nations in Saskatchewan do not elect municipal mayors, aldermen or councillors.

Does my colleague think it is fair to have an elected senator without representation from that 60% of the province of Saskatchewan who are first nations?

● (1910)

[*Translation*]

Mr. Brian Murphy: Mr. Speaker, I wish to thank the member for his question.

Of course it is unfair to exclude one aboriginal group from a process that would select representatives for the entire population of a province. There are ways of going about it other than that proposed in this unfair bill C-20.

We received a submission from the Fédération des communautés francophones et acadienne du Canada which is opposed to the process in Bill C-20 because it is an appointment process that seeks to avoid a neighbourhood or riding system. The results would discriminate against official language minority groups, including those in New Brunswick.

I am very familiar with the situation in New Brunswick. With this system, the francophone population of that province would run the risk of not having any Acadian senators. That is unfair. The Acadian population fought electoral discrimination in the last century. The Acadian community of New Brunswick is opposed to this bill.

Why has the Minister for Democratic Reform introduced and supported a bill which runs counter to the aspirations and the hopes of the Acadian population of New Brunswick?

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, the Bloc Québécois will support the NDP in contesting the vote for the Senate, for reasons that are perhaps not the same, but I am sure they are similar in some respects.

The first reason is that, like the NDP and many Canadians and Quebeckers, we think the Senate is an antiquated institution. In particular, the fact that the representatives are not elected means that the institution's legitimacy is by no means assured. Furthermore, all of the provinces got rid of this second unelected chamber a long time ago. It is obviously a legacy left over from a time when aristocrats, the elite, were afraid of the democratic decisions of the people, and created the Senate to act as a sort of counterbalance. The Queen of England and Canada appointed people back then. The Prime Minister has since taken over that responsibility. We know that officially, it is the Governor General who appoints Senators, after hearing the Prime Minister's recommendation. Thus, it is an antiquated institution.

It is also, and this is where we differ from the NDP and other Canadians, an institution that was part of Confederation in 1867.

In 1867, it was decided that the House of Commons would proportionally represent—although it was not entirely equitable—the population of each of the Canadian provinces and that the Senate would be a counterbalance—once again, not elected, unfortunately—to represent different regions in Canada: the Atlantic provinces, Quebec, Ontario and the West. This means that abolishing the Senate would require us to reopen constitutional negotiations and reconsider the question of representation of the Quebec nation within federal institutions.

Yesterday, Benoît Pelletier testified before the legislative committee examining Bill C-20. He said that Quebec has traditionally asked to appoint its own senators using its own democratic selection process. He certainly disagreed with the fact that it is the Prime Minister of Canada who chooses the senators who will represent Quebec.

What we now have is an institution that no longer has a raison d'être, but that, in the Confederation agreement of 1867, represented a counterbalance to Canada's changing demographics. In that respect, clearly, while we in no way approve of the Senate as an institution, we would like to remind the House that its abolition would force renewed constitutional negotiations to give the Quebec nation a presence and significant authority within the federal institutions.

I will not hide the fact that my preference would be for Quebec to escape from the shackles of Canada and have its own democratic institutions. We can now very easily imagine the National Assembly being complemented by a house of the regions. All possible scenarios are being studied at this time within the sovereignist movement. But until sovereignty is achieved, the people can be assured—and the Bloc Québécois has made this its first priority—that the interests of the Quebec nation will be met.

I know the Conservative government has made a threat in that respect. It has said that if the recommended changes to the Senate are not accepted, it would abolish the Senate. It is not that simple, as we all know, and as I just pointed out. Negotiations could be held, however, under the rules set out in the Canadian Constitution. As I have often said, and yesterday I reminded Benoît Pelletier, Quebec's minister of intergovernmental affairs—who was appearing before the legislative committee—that we are the only ones, that is, Quebec and the Bloc Québécois are the only ones trying to ensure respect for the Constitution of 1867 in this House.

● (1915)

It must be ensured that the results of these negotiations respect the political weight of the Quebec nation, as they will entail the enforcement of rules from amendments in the 1982 Constitution—that is, seven provinces representing 50% of the population.

Quebec has made its opinion known. We want 24% of the members of this House to come from Quebec, no matter the distribution of seats. For example, we are currently studying Bill C-22, which would increase the number of seats in Ontario and two western provinces. This increase, which is completely legitimate in light of demographic changes, will diminish the relative political weight of the Quebec nation. We find that unacceptable.

The Quebec nation must maintain 24% of the political weight in this House as long as Quebeckers decide to stay within the Canadian political landscape. I have no problem with increasing the number of seats in the west or in Ontario to reflect demographics. But I do not agree with marginalizing Quebec through that increase. I am not the only one to say so. The Bloc Québécois has said it, and the National Assembly unanimously passed a motion in this regard.

That leads me to the second reason why we support the NDP's opposition to the vote regarding the Senate, namely the manner in which the Conservative government, the Prime Minister and especially the Leader of the Government are going about their so-called reform, which does not alter the main characteristics of the current Senate with Bills C-20 and C-19.

They are trying to do indirectly what cannot be done directly. However, no one is being fooled. I would say that 80% of the constitutional experts who appeared before the committee—and I can assure him that there were not many sovereigntists among them—told us that the government's bills touched on the essential characteristics of the Senate and would require the reopening of the Constitution. Negotiations would require the application of the rules for making amendments set out in the Constitution Act, 1982, namely approval by seven provinces and 50% of the population.

The Conservative government wants to avoid that scenario and would like to present Quebec and Canada with a fait accompli. We will oppose this way of proceeding, as did the National Assembly. If the federal government wants to reopen constitutional negotiations to reform the Senate, Quebec will be there with the demands of successive Quebec governments.

If that happens, we will also raise the issue of the federal spending power. It is clear that the Conservative government does not really have the political will to get rid of that power. It is very clear that if Senate reform negotiations take place, Quebec will not only ensure that the Quebec nation's interests are protected, but also take on certain other irritants that are not working for Quebec, issues that the federal government refuses to address. These issues include the elimination of the federal spending power in areas under Quebec's and the provinces' jurisdiction.

The only way to be absolutely sure that the federal government will not encroach on Quebec's areas of jurisdiction is to ensure that Quebec and other provinces that want it have the right to opt out with no strings attached and with full compensation. So we say yes to reopening constitutional talks on Senate reform, but the government can expect Quebec to bring other things to the table: all of the demands of successive Quebec governments, both the sovereignist and the federalist ones.

That is what Mr. Pelletier said yesterday, and I will end on that note. The Conservative government's current plan for Senate reform is unconstitutional, it is against the Quebec nation's interests, and it is against the motions that were repeatedly and unanimously adopted by the National Assembly, most recently in May 2007. It is clear that this government's support for the motion that was passed almost unanimously in the House concerning recognition of the Quebec nation was nothing but an election ploy. Quebeckers have now realized that and condemned it.

● (1920)

[*English*]

The Acting Speaker (Mr. Royal Galipeau): Resuming debate, the hon. member for Windsor—Tecumseh. I would like to advise the hon. member for Windsor—Tecumseh that in about seven minutes he will be interrupted and I will put the question at that time.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, that is good to know because it means I do not have to worry about responding to some of the questions that might come particularly from the Liberal side.

I rise in strong support of this motion that we have moved to undermine in a very effective way an undemocratic institution that has been foisted on the Canadian people for 141 years now.

We heard from my colleague from Timmins—James Bay the type of abuse that goes on there in terms of the senators not performing any valuable function whatsoever, or at least the vast majority of them. I recognize that some of the people who are there are decent people; they are probably the exception, but there are a few.

The reality is we believe in democracy. I believe in democracy. I believe every constituent of Windsor—Tecumseh believes in democracy and they do not believe in an unelected Senate, a Senate that has consistently, and I saw it at a very personal level very recently, gone out of its way to thwart the democratic process in this country. We saw it a number of times in the period from 2004 to 2006 when the unelected Senate, in protecting big financial interests, thwarted legislation that was designed to protect wage earners in this country where their employers went bankrupt or into receivership and where priority was given not to the labour side of the equation but all priorities were given to the capital side.

We saw repeatedly that legislation was stalled, oftentimes by Liberal Senators, so that it would expire in the course of the upcoming election. Other times legislation was amended, or it simply sat there literally for a year, or a year and a half in one case.

That is simply not tolerable in a country that prides itself on being a democratic country, one that is a beacon for democracy in the world and one with every right to be proud of that reputation, but for this blight that we have in the other chamber.

I saw it very personally and it was so offensive, the work that a cadre within the Senate did to prevent the passage of legislation to protect animals in this country. It did it repeatedly. Not once but on three different occasions the Senate has been able to manipulate the constitutional framework of this country to the benefit of a very small segment of people that it wanted to take care of. The end result is that there have not been amendments in the animal cruelty area for well over 100 years, in spite of passage of bills in this House on two separate occasions. It was the Senate that prevented that.

I looked at some of the letters and petitions that came into my office from across the country. There were two things that showed up. One was outrage that it has taken our level of government this long to deal with the issue. The other thing that showed up was a combination of shock and sadness that after all this time an unelected Senate, an unelected body, an unresponsive body to the needs of the country could thwart the votes in this House, could thwart the desire right across the country of the need for this legislation to go through.

As I said earlier, there are any number of other pieces of legislation we can look to. Inevitably when we look at legislation that has been stalled, it has always been stalled, stopped or prevented from going ahead in the Senate because members in the other place were taking care of their buddies, always, every single time. It has never been done on principle. it has never been done on ideology. It is all about whom they are going to take care of. It is always their friends. It is always the big financial interests in this country that they take care of.

● (1925)

Today, we have the opportunity to send a very clear message. The Bloc members are going to be with us, but I invite the Conservatives to take a look at this. Bill C-19 and Bill C-20 are not going anywhere. They have a chance here tonight to send a message to members in the other place that we are sick and tired of them, we are not going to take it any more and we are going to shut them down. There will be no more wasting money.

The Senate costs us over $90 million a year. It is not in the motion that we have before us this evening but it costs us $90 million for absolutely nothing, other than to destroy parts of our democracy.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I have great respect for the member. We have served on committees together. I know he has many more years of experience in life and at the bar than I do.

I want to ask him very plainly, does he not think that Bill C-19, Bill C-20 and any of the other bills the government is proposing with respect to Senate reform need to pass muster by way of reference to the Supreme Court of Canada or in each province, as the case may be?

Mr. Joe Comartin: Mr. Speaker, I just have one word: yes.

* * *

BUSINESS OF SUPPLY

OPPOSITION MOTION—CONFLICT OF INTEREST CODE

The House resumed consideration of the motion.

The Acting Speaker (Mr. Royal Galipeau): It being 7:30 p.m., pursuant to order made on Tuesday, June 3, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the business of supply.

Call in the members.

● (1955)

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 131)

YEAS

Members

Alghabra
Angus
Asselin
Bachand
Barbot
Bélanger
Bell (North Vancouver)
Bennett
Bevington
Black
Bonsant
Bouchard
Brison
Brunelle
Cardin
Charlton
Christopherson
Comartin
Cullen (Skeena—Bulkley Valley)
D'Amours
DeBellefeuille
Deschamps
Dhaliwal
Dion
Duceppe
Eyking
Folco
Fry
Godin
Guarnieri
Hall Findlay
Hubbard
Kadis
Karygiannis
Laforest
Lalonde
Layton
Lemay
Lévesque
MacAulay
Malo
Marleau
Martin (Esquimalt—Juan de Fuca)
Martin (Sault Ste. Marie)
André
Arthur
Atamanenko
Bains
Barnes
Bell (Vancouver Island North)
Bellavance
Bevilacqua
Bigras
Blais
Boshcoff
Bourgeois
Brown (Oakville)
Byrne
Carrier
Chow
Coderre
Crowder
Cuzner
Davies
Demers
Dewar
Dhalla
Dryden
Easter
Faille
Freeman
Gaudet
Goodale
Guimond
Holland
Jennings
Karetak-Lindell
Keeper
Laframboise
Lavallée
Lee
Lessard
Lussier
Malhi
Maloney
Marston
Martin (Winnipeg Centre)
Masse

Mathyssen
McDonough
McGuire
Ménard (Marc-Aurèle-Fortin)
Mourani
Murphy (Charlottetown)
Nadeau
Neville
Pacetti
Patry
Perron
Plamondon
Proulx
Ratansi
Rodriguez
Roy
Savage
Scarpaleggia
Sgro
Silva
Simms
St. Amand
Steckle
Szabo
Temelkovski
Turner
Volpe
Wilfert
Zed– — 145
McCallum
McGuinty
Ménard (Hochelaga)
Minna
Murphy (Moncton—Riverview—Dieppe)
Murray
Nash
Ouellet
Paquette
Pearson
Picard
Priddy
Rae
Redman
Rota
Russell
Savoie
Scott
Siksay
Simard
St-Cyr
St. Denis
Stoffer
Telegdi
Tonks
Valley
Wasylycia-Leis
Wilson

NAYS

Members

Abbott
Albrecht
Allison
Anders
Benoit
Blackburn
Boucher
Brown (Leeds—Grenville)
Bruinooge
Cannan (Kelowna—Lake Country)
Carrie
Chong
Clement
Day
Devolin
Dykstra
Epp
Finley
Flaherty
Galipeau
Goldring
Grewal
Hanger
Harris
Hawn
Hiebert
Hinton
Jean
Keddy (South Shore—St. Margaret's)
Khan
Kramp (Prince Edward—Hastings)
Lauzon
Lemieux
Lunn
MacKay (Central Nova)
Manning
Merrifield
Mills
Moore (Fundy Royal)
Norlock
Obhrai
Paradis
Poilievre
Rajotte
Ritz
Schellenberger
Skelton
Solberg
Stanton
Strahl
Ablonczy
Allen
Ambrose
Anderson
Bezan
Blaney
Breitkreuz
Brown (Barrie)
Calkins
Cannon (Pontiac)
Casson
Clarke
Comuzzi
Del Mastro
Doyle
Emerson
Fast
Fitzpatrick
Fletcher
Gallant
Gourde
Guergis
Harper
Harvey
Hearn
Hill
Jaffer
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Komarnicki
Lake
Lebel
Lukiwski
Lunney
MacKenzie
Mayes
Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Nicholson
O'Connor
Oda
Petit
Preston
Reid
Scheer
Shipley
Smith
Sorenson
Storseth
Sweet

Thompson (New Brunswick Southwest)
Tilson
Trost
Van Kesteren
Vellacott
Wallace
Warkentin
Yelich– — 115

Thompson (Wild Rose)
Toews
Tweed
Van Loan
Verner
Warawa
Watson

PAIRED

Members

Baird
Bernier
Davidson
Gravel
Menzies
Prentice
Thi Lac

Batters
Crête
Gagnon
Guay
Pallister
St-Hilaire
Vincent– — 14

The Speaker: I declare the motion carried.

* * *

[*English*]

MAIN ESTIMATES, 2008-09

CONCURRENCE IN VOTE 1—PARLIAMENT

The House resumed consideration of Motion No. 1.

The Speaker: The question is on opposed Vote No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion, the yeas have it.

And five or more members having risen:

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, I rise on a point of order.

If you were to seek it, I think that you might find unanimous consent to apply the results of the first vote to this vote, in reverse.

[*English*]

The Speaker: Is there unanimous consent to proceed in this way?

Some hon. members: Agreed.

Some hon. members: No.

● (2005)

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 132)

YEAS

Members

Abbott
Albrecht
Allen
Ambrose
Anderson
Bains
Bélanger
Bennett
Bevilacqua
Blackburn
Boshcoff
Breitkreuz
Brown (Oakville)
Brown (Barrie)
Byrne
Cannan (Kelowna—Lake Country)
Carrie
Chong
Clement
Comuzzi
Cuzner
Day
Devolin
Dhalla
Doyle
Dykstra
Emerson
Eyking
Finley
Flaherty
Folco
Galipeau
Goldring
Goodyear
Grewal
Guergis
Hanger
Harris
Hawn
Hiebert
Hinton
Hubbard
Jean
Kadis
Karetak-Lindell
Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)
Komarnicki
Lake
Lebel
Lemieux
Lunn
MacAulay
MacKenzie
Maloney
Marleau
Mayes
McGuinty
McTeague
Miller
Minna
Moore (Fundy Royal)
Murphy (Charlottetown)
Neville
Norlock
Obhrai
Pacetti
Patry
Petit
Preston
Rae
Ratansi
Reid
Rodriguez
Russell
Scarpaleggia
Schellenberger
Sgro

Ablonczy
Alghabra
Allison
Anders
Arthur
Barnes
Bell (North Vancouver)
Benoit
Bezan
Blaney
Boucher
Brison
Brown (Leeds—Grenville)
Bruinooge
Calkins
Cannon (Pontiac)
Casson
Clarke
Coderre
Cummins
D'Amours
Del Mastro
Dhaliwal
Dion
Dryden
Easter
Epp
Fast
Fitzpatrick
Fletcher
Fry
Gallant
Goodale
Gourde
Guarnieri
Hall Findlay
Harper
Harvey
Hearn
Hill
Holland
Jaffer
Jennings
Kamp (Pitt Meadows—Maple Ridge—Mission)
Karygiannis
Keeper
Khan
Kramp (Prince Edward—Hastings)
Lauzon
Lee
Lukiwski
Lunney
MacKay (Central Nova)
Malhi
Manning
Martin (Esquimalt—Juan de Fuca)
McCallum
McGuire
Merrifield
Mills
Moore (Port Moody—Westwood—Port Coquitlam)
Murphy (Moncton—Riverview—Dieppe)
Murray
Nicholson
O'Connor
Oda
Paradis
Pearson
Poilievre
Proulx
Rajotte
Redman
Ritz
Rota
Savage
Scheer
Scott
Shipley

Silva	Simard
Simms	Skelton
Smith	Solberg
Sorenson	St. Amand
St. Denis	Stanton
Steckle	Storseth
Strahl	Sweet
Szabo	Telegdi
Temelkovski	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Tilson
Toews	Tonks
Trost	Turner
Tweed	Valley
Van Kesteren	Van Loan
Vellacott	Verner
Volpe	Wallace
Warawa	Warkentin
Watson	Wilfert
Williams	Wilson
Yelich	Zed– — 196

NAYS

Members

André	Angus
Asselin	Bachand
Barbot	Bell (Vancouver Island North)
Bellavance	Bevington
Bigras	Black
Blais	Bonsant
Bouchard	Bourgeois
Brunelle	Cardin
Carrier	Charlton
Chow	Christopherson
Comartin	Crowder
Cullen (Skeena—Bulkley Valley)	Davies
DeBellefeuille	Demers
Deschamps	Dewar
Duceppe	Faille
Freeman	Gaudet
Godin	Guimond
Laforest	Laframboise
Lalonde	Lavallée
Layton	Lemay
Lessard	Lévesque
Lussier	Malo
Marston	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Masse
Mathyssen	McDonough
Ménard (Hochelaga)	Ménard (Marc-Aurèle-Fortin)
Mourani	Nadeau
Nash	Ouellet
Paquette	Perron
Picard	Plamondon
Priddy	Roy
Siksay	St-Cyr
Stoffer	Wasylycia-Leis– — 66

PAIRED

Members

Baird	Batters
Bernier	Crête
Davidson	Gagnon
Gravel	Guay
Menzies	Pallister
Prentice	St-Hilaire
Thi Lac	Vincent– — 14

The Speaker: I declare the motion carried.

[*English*]

Hon. Vic Toews (President of the Treasury Board, CPC) moved:

That the Main Estimates for the fiscal year ending March 31, 2009, be concurred in.

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And five or more members having risen:

[*Translation*]

The Speaker: The hon. NDP whip on a point of order.

Mr. Yvon Godin: Mr. Speaker, I think that all the parties in the House would agree to apply the results of the vote just taken to this vote, with NDP members voting nay.

The Speaker: Is there unanimous consent of the House to proceed in this way?

Some hon. members: Agreed.

Some hon. members: No.

● (2010)

(The House divided on Motion No. 1, which was agreed to on the following division:)

(Division No. 133)

YEAS

Members

Abbott	Ablonczy
Albrecht	Allen
Allison	Ambrose
Anders	Anderson
Arthur	Benoit
Bezan	Blackburn
Blaney	Boucher
Breitkreuz	Brown (Leeds—Grenville)
Brown (Barrie)	Bruinooge
Calkins	Cannan (Kelowna—Lake Country)
Cannon (Pontiac)	Carrie
Casson	Chong
Clarke	Clement
Comuzzi	Cummins
Day	Del Mastro
Devolin	Doyle
Dykstra	Emerson
Epp	Fast
Finley	Fitzpatrick
Flaherty	Fletcher
Galipeau	Gallant
Goldring	Goodyear
Gourde	Grewal
Guergis	Hanger
Harper	Harris
Harvey	Hawn
Hearn	Hiebert
Hill	Hinton
Jaffer	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Khan
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Lebel	Lemieux
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Manning
Mayes	Merrifield
Miller	Mills

Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
O'Connor	Obhrai
Oda	Paradis
Petit	Poilievre
Preston	Rajotte
Reid	Richardson
Ritz	Scheer
Schellenberger	Shipley
Skelton	Smith
Solberg	Sorenson
Stanton	Storseth
Strahl	Sweet
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Tilson	Toews
Trost	Tweed
Van Kesteren	Van Loan
Vellacott	Verner
Wallace	Warawa
Warkentin	Watson
Williams	Yelich– — 120

NAYS

Members

André	Angus
Asselin	Atamanenko
Bachand	Barbot
Bell (Vancouver Island North)	Bellavance
Bevington	Bigras
Black	Blais
Bonsant	Bouchard
Bourgeois	Brunelle
Cardin	Carrier
Charlton	Chow
Christopherson	Comartin
Crowder	Cullen (Skeena—Bulkley Valley)
Davies	DeBellefeuille
Demers	Deschamps
Dewar	Duceppe
Faille	Freeman
Gaudet	Godin
Guimond	Laforest
Laframboise	Lalonde
Lavallée	Layton
Lemay	Lessard
Lévesque	Lussier
Malo	Marston
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathyssen
McDonough	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Mourani
Nadeau	Nash
Ouellet	Paquette
Perron	Picard
Plamondon	Priddy
Roy	Savoie
Siksay	St-Cyr
Stoffer	Wasylycia-Leis– — 68

PAIRED

Members

Baird	Batters
Bernier	Crête
Davidson	Gagnon
Gravel	Guay
Menzies	Pallister
Prentice	St-Hilaire
Thi Lac	Vincent– — 14

The Speaker: I declare Motion No. 1 carried.

[*English*]

Hon. Vic Toews moved that Bill C-58, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009, be now read the first time.

(Motion deemed adopted and bill read the first time)

Hon. Vic Toews moved that the bill be read the second time and referred to committee of the whole.

Hon. Jay Hill: Mr. Speaker, I think if you were to seek it you may find unanimous consent to apply the results of the vote just taken to the motion presently before the House, with Conservatives present this evening voting in favour.

The Speaker: Is there agreement to proceed in this way?

Some hon. members: Agreed.

● (2015)

The House divided on the motion, which was agreed to on the following division:

(Division No. 134)

YEAS

Members

Abbott	Ablonczy
Albrecht	Allen
Allison	Ambrose
Anders	Anderson
Arthur	Benoit
Bezan	Blackburn
Blaney	Boucher
Breitkreuz	Brown (Leeds—Grenville)
Brown (Barrie)	Bruinooge
Calkins	Cannan (Kelowna—Lake Country)
Cannon (Pontiac)	Carrie
Casson	Chong
Clarke	Clement
Comuzzi	Cummins
Day	Del Mastro
Devolin	Doyle
Dykstra	Emerson
Epp	Fast
Finley	Fitzpatrick
Flaherty	Fletcher
Galipeau	Gallant
Goldring	Goodyear
Gourde	Grewal
Guergis	Hanger
Harper	Harris
Harvey	Hawn
Hearn	Hiebert
Hill	Hinton
Jaffer	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Khan
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Lebel	Lemieux
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Manning
Mayes	Merrifield
Miller	Mills
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
O'Connor	Obhrai
Oda	Paradis
Petit	Poilievre
Preston	Rajotte
Reid	Richardson
Ritz	Scheer
Schellenberger	Shipley
Skelton	Smith
Solberg	Sorenson
Stanton	Storseth
Strahl	Sweet
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Tilson	Toews
Trost	Tweed
Van Kesteren	Van Loan

Vellacott	Verner
Wallace	Warawa
Warkentin	Watson
Williams	Yelich– — 120

NAYS

Members

André	Angus
Asselin	Atamanenko
Bachand	Barbot
Bell (Vancouver Island North)	Bellavance
Bevington	Bigras
Black	Blais
Bonsant	Bouchard
Bourgeois	Brunelle
Cardin	Carrier
Charlton	Chow
Christopherson	Comartin
Crowder	Cullen (Skeena—Bulkley Valley)
Davies	DeBellefeuille
Demers	Deschamps
Dewar	Duceppe
Faille	Freeman
Gaudet	Godin
Guimond	Laforest
Laframboise	Lalonde
Lavallée	Layton
Lemay	Lessard
Lévesque	Lussier
Malo	Marston
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathyssen
McDonough	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Mourani
Nadeau	Nash
Ouellet	Paquette
Perron	Picard
Plamondon	Priddy
Roy	Savoie
Siksay	St-Cyr
Stoffer	Wasylycia-Leis– — 68

PAIRED

Members

Baird	Batters
Bernier	Crête
Davidson	Gagnon
Gravel	Guay
Menzies	Pallister
Prentice	St-Hilaire
Thi Lac	Vincent– — 14

The Speaker: I declare the motion carried.

(Bill read the second time and the House went into committee of the whole thereon, Mr. Andrew Scheer in the chair)

The Assistant Deputy Chair: Shall clause 2 carry?

(On clause 2)

Some hon. members: Agreed.

An hon. member: On division.

(Clause 2 agreed to)

The Assistant Deputy Chair: Shall clause 3 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 3 agreed to)

The Assistant Deputy Chair: Shall clause 4 carry?

Some hon. members: Agreed.

An hon. member: On division

(Clause 4 agreed to)

The Assistant Deputy Chair: Shall clause 5 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 5 agreed to)

The Assistant Deputy Chair: Shall clause 6 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 6 agreed to)

The Assistant Deputy Chair: Shall clause 7 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 7 agreed to)

The Assistant Deputy Chair: Shall schedule 1 carry?

Some hon. members: Agreed.

An hon. member: On division

(Schedule 1 agreed to)

The Assistant Deputy Chair: Shall schedule 2 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Schedule 2 agreed to)

The Assistant Deputy Chair: Shall clause 1 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 1 agreed to)

The Assistant Deputy Chair: Shall the preamble carry?

Some hon. members: Agreed.

An hon. member: On division.

(Preamble agreed to)

The Assistant Deputy Chair: Shall the title carry?

Some hon. members: Agreed.

An hon. member: On division.

(Title agreed to)

The Assistant Deputy Chair: Shall the bill carry?

Some hon. members: Agreed.

An hon. member: On division.

(Bill agreed to)

The Assistant Deputy Chair: Shall I rise and report the bill?

Some hon. members: Agreed.

(Bill reported)

Hon. Vic Toews moved that the bill be concurred in.

Hon. Jay Hill: Once again, Mr. Speaker, I think if you seek it you would find unanimous consent to apply the results of the vote at second reading to the motion presently before the House.

[*Translation*]

The Speaker: Is there unanimous consent of the House to proceed in this way?

Some hon. members: Agreed.

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 135)

YEAS

Members

Abbott	Ablonczy
Albrecht	Allen
Allison	Ambrose
Anders	Anderson
Arthur	Benoit
Bezan	Blackburn
Blaney	Boucher
Breitkreuz	Brown (Leeds—Grenville)
Brown (Barrie)	Bruinooge
Calkins	Cannan (Kelowna—Lake Country)
Cannon (Pontiac)	Carrie
Casson	Chong
Clarke	Clement
Comuzzi	Cummins
Day	Del Mastro
Devolin	Doyle
Dykstra	Emerson
Epp	Fast
Finley	Fitzpatrick
Flaherty	Fletcher
Galipeau	Gallant
Goldring	Goodyear
Gourde	Grewal
Guergis	Hanger
Harper	Harris
Harvey	Hawn
Hearn	Hiebert
Hill	Hinton
Jaffer	Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Khan
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
Lebel	Lemieux
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Manning
Mayes	Merrifield
Miller	Mills
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Nicholson	Norlock
O'Connor	Obhrai
Oda	Paradis
Petit	Poilievre
Preston	Rajotte
Reid	Richardson
Ritz	Scheer
Schellenberger	Shipley
Skelton	Smith
Solberg	Sorenson
Stanton	Storseth
Strahl	Sweet
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Tilson	Toews
Trost	Tweed
Van Kesteren	Van Loan
Vellacott	Verner
Wallace	Warawa
Warkentin	Watson
Williams	Yelich– — 120

NAYS

Members

André	Angus
Asselin	Atamanenko
Bachand	Barbot
Bell (Vancouver Island North)	Bellavance
Bevington	Bigras
Black	Blais
Bonsant	Bouchard
Bourgeois	Brunelle
Cardin	Carrier
Charlton	Chow
Christopherson	Comartin
Crowder	Cullen (Skeena—Bulkley Valley)
Davies	DeBellefeuille
Demers	Deschamps
Dewar	Duceppe
Faille	Freeman
Gaudet	Godin
Guimond	Laforest
Laframboise	Lalonde
Lavallée	Layton
Lemay	Lessard
Lévesque	Lussier
Malo	Marston
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathyssen
McDonough	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Mourani
Nadeau	Nash
Ouellet	Paquette
Perron	Picard
Plamondon	Priddy
Roy	Savoie
Siksay	St-Cyr
Stoffer	Wasylycia-Leis– — 68

PAIRED

Members

Baird	Batters
Bernier	Crête
Davidson	Gagnon
Gravel	Guay
Menzies	Pallister
Prentice	St-Hilaire
Thi Lac	Vincent– — 14

The Speaker: I declare the motion carried.

[*English*]

Hon. Vic Toews moved that the bill be read the third time and passed.

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And five or more members having risen:

● (2020)

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 136)

YEAS

Members

Abbott	Ablonczy
Albrecht	Allen
Allison	Ambrose
Anders	Anderson
Arthur	Benoit
Bezan	Blackburn
Blaney	Boucher
Breitkreuz	Brown (Leeds—Grenville)
Brown (Barrie)	Bruinooge
Calkins	Cannan (Kelowna—Lake Country)
Cannon (Pontiac)	Carrie
Casson	Chong
Clarke	Clement
Comuzzi	Cummins
Day	Del Mastro
Devolin	Doyle
Dykstra	Emerson
Epp	Fast
Finley	Fitzpatrick
Flaherty	Fletcher
Galipeau	Gallant
Goldring	Goodyear
Gourde	Grewal
Guergis	Hanger
Harper	Harris
Harvey	Hawn
Hearn	Hiebert
Hill	Hinton
Jean	Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)	Kenney (Calgary Southeast)
Khan	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lauzon	Lebel
Lemieux	Lukiwski
Lunn	Lunney
MacKay (Central Nova)	MacKenzie
Manning	Mayes
Merrifield	Miller
Mills	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Nicholson
Norlock	O'Connor
Obhrai	Oda
Paradis	Petit
Poilievre	Preston
Rajotte	Reid
Richardson	Ritz
Scheer	Schellenberger
Shipley	Skelton
Smith	Solberg
Sorenson	Stanton
Storseth	Strahl
Sweet	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Tilson
Toews	Trost
Tweed	Van Kesteren
Van Loan	Vellacott
Verner	Wallace
Warawa	Warkentin
Watson	Williams
Yelich– — 119	

NAYS

Members

André	Angus
Asselin	Atamanenko
Bachand	Barbot
Bell (Vancouver Island North)	Bellavance
Bevington	Bigras
Black	Blais
Bonsant	Bouchard
Bourgeois	Brunelle
Cardin	Carrier
Charlton	Chow
Christopherson	Comartin
Crowder	Cullen (Skeena—Bulkley Valley)
Davies	DeBellefeuille
Demers	Deschamps
Dewar	Duceppe
Faille	Freeman
Gaudet	Godin
Guimond	Laforest
Laframboise	Lalonde
Lavallée	Layton
Lemay	Lessard
Lévesque	Lussier
Malo	Marston
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathyssen
McDonough	Ménard (Hochelaga)
Ménard (Marc-Aurèle-Fortin)	Mourani
Nadeau	Nash
Ouellet	Paquette
Perron	Picard
Plamondon	Priddy
Roy	Savoie
Siksay	St-Cyr
Stoffer	Wasylycia-Leis– — 68

PAIRED

Members

Baird	Batters
Bernier	Crête
Davidson	Gagnon
Gravel	Guay
Menzies	Pallister
Prentice	St-Hilaire
Thi Lac	Vincent– — 14

The Speaker: I declare the motion carried.

(Bill read the third time and passed)

[*English*]

The Speaker: The next question is on the motion to adopt the supplementary estimates (A).

* * *

● (2025)

SUPPLEMENTARY ESTIMATES (A), 2008-09

Hon. Vic Toews (President of the Treasury Board, CPC) moved:

That the supplementary estimates (A) for the fiscal year ending March 31, 2009, be concurred in.

Hon. Jay Hill: Mr. Speaker, I think if you were to seek it, you would find unanimous consent from the members present to apply the results of the vote just taken to the motion presently before the House.

The Speaker: Is there agreement to proceed in this fashion?

Some hon. members: Agreed.

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 137)

YEAS

Members

Abbott	Ablonczy

Albrecht
Allison
Anders
Arthur
Bezan
Blaney
Breitkreuz
Brown (Barrie)
Calkins
Cannon (Pontiac)
Casson
Clarke
Comuzzi
Day
Devolin
Dykstra
Epp
Finley
Flaherty
Galipeau
Goldring
Gourde
Guergis
Harper
Harvey
Hearn
Hill
Jean
Keddy (South Shore—St. Margaret's)
Khan
Kramp (Prince Edward—Hastings)
Lauzon
Lemieux
Lunn
MacKay (Central Nova)
Manning
Merrifield
Mills
Moore (Fundy Royal)
Norlock
Obhrai
Paradis
Poilievre
Rajotte
Richardson
Scheer
Shipley
Smith
Sorenson
Storseth
Sweet
Thompson (Wild Rose)
Toews
Tweed
Van Loan
Verner
Warawa
Watson
Yelich– — 119

Allen
Ambrose
Anderson
Benoit
Blackburn
Boucher
Brown (Leeds—Grenville)
Bruinooge
Cannan (Kelowna—Lake Country)
Carrie
Chong
Clement
Cummins
Del Mastro
Doyle
Emerson
Fast
Fitzpatrick
Fletcher
Gallant
Goodyear
Grewal
Hanger
Harris
Hawn
Hiebert
Hinton
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Komarnicki
Lake
Lebel
Lukiwski
Lunney
MacKenzie
Mayes
Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Nicholson
O'Connor
Oda
Petit
Preston
Reid
Ritz
Schellenberger
Skelton
Solberg
Stanton
Strahl
Thompson (New Brunswick Southwest)
Tilson
Trost
Van Kesteren
Vellacott
Wallace
Warkentin
Williams

NAYS

Members

André
Asselin
Bachand
Bell (Vancouver Island North)
Bevington
Black
Bonsant
Bourgeois
Cardin
Charlton
Christopherson
Crowder
Davies
Demers
Dewar
Faille
Gaudet
Guimond
Laframboise
Lavallée

Angus
Atamanenko
Barbot
Bellavance
Bigras
Blais
Bouchard
Brunelle
Carrier
Chow
Comartin
Cullen (Skeena—Bulkley Valley)
DeBellefeuille
Deschamps
Duceppe
Freeman
Godin
Laforest
Lalonde
Layton

Lemay
Lévesque
Malo
Martin (Winnipeg Centre)
Masse
McDonough
Ménard (Marc-Aurèle-Fortin)
Nadeau
Ouellet
Perron
Plamondon
Roy
Siksay
Stoffer

Lessard
Lussier
Marston
Martin (Sault Ste. Marie)
Mathyssen
Ménard (Hochelaga)
Mourani
Nash
Paquette
Picard
Priddy
Savoie
St-Cyr
Wasylycia-Leis– — 68

PAIRED

Members

Baird
Bernier
Davidson
Gravel
Menzies
Prentice
Thi Lac

Batters
Crête
Gagnon
Guay
Pallister
St-Hilaire
Vincent– — 14

The Speaker: I declare the motion carried.

Hon. Vic Toews moved that Bill C-59, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009, be read the first time.

(Motion deemed adopted and bill read the first time)

Hon. Vic Toews moved that the bill be read the second time and referred to committee of the whole.

Hon. Jay Hill: Once again, Mr. Speaker, I think you would find unanimous consent to apply the results of the vote just taken to the motion presently before the House.

The Speaker: Is that agreed?

Some hon. members: Agreed.

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 138)

YEAS

Members

Abbott
Albrecht
Allison
Anders
Arthur
Bezan
Blaney
Breitkreuz
Brown (Barrie)
Calkins
Cannon (Pontiac)
Casson
Clarke
Comuzzi
Day
Devolin
Dykstra
Epp
Finley
Flaherty
Galipeau
Goldring
Gourde
Guergis

Ablonczy
Allen
Ambrose
Anderson
Benoit
Blackburn
Boucher
Brown (Leeds—Grenville)
Bruinooge
Cannan (Kelowna—Lake Country)
Carrie
Chong
Clement
Cummins
Del Mastro
Doyle
Emerson
Fast
Fitzpatrick
Fletcher
Gallant
Goodyear
Grewal
Hanger

Harper
Harvey
Hearn
Hill
Jean
Keddy (South Shore—St. Margaret's)
Khan
Kramp (Prince Edward—Hastings)
Lauzon
Lemieux
Lunn
MacKay (Central Nova)
Manning
Merrifield
Mills
Moore (Fundy Royal)
Norlock
Obhrai
Paradis
Poilievre
Rajotte
Richardson
Scheer
Shipley
Smith
Sorenson
Storseth
Sweet
Thompson (Wild Rose)
Toews
Tweed
Van Loan
Verner
Warawa
Watson
Yelich– — 119

Harris
Hawn
Hiebert
Hinton
Kamp (Pitt Meadows—Maple Ridge—Mission)
Kenney (Calgary Southeast)
Komarnicki
Lake
Lebel
Lukiwski
Lunney
MacKenzie
Mayes
Miller
Moore (Port Moody—Westwood—Port Coquitlam)
Nicholson
O'Connor
Oda
Petit
Preston
Reid
Ritz
Schellenberger
Skelton
Solberg
Stanton
Strahl
Thompson (New Brunswick Southwest)
Tilson
Trost
Van Kesteren
Vellacott
Wallace
Warkentin
Williams

NAYS

Members

André
Asselin
Bachand
Bell (Vancouver Island North)
Bevington
Black
Bonsant
Bourgeois
Cardin
Charlton
Christopherson
Crowder
Davies
Demers
Dewar
Faille
Gaudet
Guimond
Laframboise
Lavallée
Lemay
Lévesque
Malo
Martin (Winnipeg Centre)
Masse
McDonough
Ménard (Marc-Aurèle-Fortin)
Nadeau
Ouellet
Perron
Plamondon
Roy
Siksay
Stoffer

Angus
Atamanenko
Barbot
Bellavance
Bigras
Blais
Bouchard
Brunelle
Carrier
Chow
Comartin
Cullen (Skeena—Bulkley Valley)
DeBellefeuille
Deschamps
Duceppe
Freeman
Godin
Laforest
Lalonde
Layton
Lessard
Lussier
Marston
Martin (Sault Ste. Marie)
Mathyssen
Ménard (Hochelaga)
Mourani
Nash
Paquette
Picard
Priddy
Savoie
St-Cyr
Wasylycia-Leis– — 68

PAIRED

Members

Baird
Bernier
Davidson
Gravel
Menzies
Prentice
Thi Lac

Batters
Crête
Gagnon
Guay
Pallister
St-Hilaire
Vincent– — 14

The Speaker: I declare the motion carried.

[*Translation*]

(Bill read the second time and the House went into committee of the whole thereon, Mr. Royal Galipeau in the chair)

[*English*]

Mr. Mario Silva (Davenport, Lib.): Mr. Chair, I would like to ask the President of the Treasury Board to provide the House with the assurance that the bill is in its usual form.

(On Clause 2)

Hon. Vic Toews: Mr. Chair, I can assure the House that the form of this bill is essentially the same as that passed in previous years.

The Deputy Chair: Shall Clause 2 carry?

Some hon. members: Agreed.

Some hon. members: On division.

(Clause 2 agreed to)

The Deputy Chair: Shall Clause 3 carry?

Some hon. members: Agreed.

Some hon. members: On division.

(Clause 3 agreed to)

The Deputy Chair: Shall Clause 4 carry?

Some hon. members: Agreed.

Some hon. members: On division.

(Clause 4 agreed to)

The Deputy Chair: Shall Clause 5 carry?

Some hon. members: Agreed.

Some hon. members: On division.

(Clause 5 agreed to)

The Deputy Chair: Shall Clause 6 carry?

Some hon. members: Agreed.

Some hon. members: On division.

(Clause 6 agreed to)

[*Translation*]

The Deputy Chair: Shall Clause 7 carry?

Some hon. members: Agreed.

Some hon. members: On division.

(Clause 7 agreed to)

The Deputy Chair: Shall Schedule 1 carry?

Some hon. members: Agreed.

Some hon. members: On division.

(Schedule 1 agreed to)

The Deputy Chair: Shall Schedule 2 carry?

Some hon. members: Agreed.

Some hon. members: On division.

(Schedule 2 agreed to)

[*English*]

The Deputy Chair: Shall Clause 1 carry?

Some hon. members: Agreed.

Some hon. members: On division.

(Clause 1 agreed to)

The Deputy Chair: Shall the preamble carry?

Some hon. members: Agreed.

Some hon. members: On division.

(Preamble agreed to)

[*Translation*]

The Deputy Chair: Shall the title carry?

Some hon. members: Agreed.

Some hon. members: On division.

(Title agreed to)

[*English*]

The Deputy Chair: Shall the bill carry?

Some hon. members: Agreed.

Some hon. members: On division.

(Bill agreed to)

[*Translation*]

The Deputy Chair: Shall I rise and report the bill?

Some hon. members: Agreed.

(Bill reported)

[*English*]

Hon. Vic Toews moved that the bill be concurred in.

Hon. Jay Hill: Mr. Speaker, I think if you were to seek it, you would find unanimous consent to apply the results of the vote just taken to the motion presently before the House, with Conservative members present this evening voting in favour.

The Speaker: Is there unanimous consent to proceed in this way?

Some hon. members: Agreed.

● (2030)

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, we agree to proceed in this way. I simply wish to remind you that the Bloc members will vote against this motion.

[*English*]

Hon. Karen Redman: Mr. Speaker, Liberals will be voting in favour.

[*Translation*]

Mr. Yvon Godin: Mr. Speaker, the NDP members will vote against this motion.

[*English*]

The Speaker: There is a difficulty created by the point of order. The chief government whip asked that the vote on the motion last before the House be applied to the motion now before the House. I do not believe there were any votes from one party on that motion.

The chief whip of the Liberal Party has asked that the Liberals vote yea. Do we go back to one where there were votes and count them, or do we recount? Is it agreed that we go back to some previous vote?

Some hon. members: Agreed.

Some hon. members: No.

● (2035)

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 139)

YEAS

Members

Abbott	Ablonczy
Albrecht	Alghabra
Allen	Allison
Ambrose	Anders
Anderson	Barnes
Bélanger	Bell (North Vancouver)
Bennett	Benoit
Bevilacqua	Bezan
Blackburn	Blaney
Boshcoff	Boucher
Breitkreuz	Brison
Brown (Oakville)	Brown (Leeds—Grenville)
Brown (Barrie)	Bruinooge
Byrne	Calkins
Cannan (Kelowna—Lake Country)	Cannon (Pontiac)
Carrie	Casson
Chong	Clarke
Clement	Coderre
Comuzzi	Cummins
Cuzner	D'Amours
Day	Del Mastro
Devolin	Dhaliwal
Dhalla	Dion
Doyle	Dryden
Dykstra	Easter
Emerson	Epp
Fast	Finley
Fitzpatrick	Flaherty
Fletcher	Folco
Fry	Galipeau
Gallant	Goldring
Goodale	Goodyear
Gourde	Grewal
Guergis	Hall Findlay
Hanger	Harper
Harris	Harvey
Hawn	Hearn
Hiebert	Hill
Hinton	Holland
Hubbard	Jaffer
Jean	Jennings

Kamp (Pitt Meadows—Maple Ridge—Mission)
Karygiannis
Keeper
Khan
Kramp (Prince Edward—Hastings)
Lauzon
Lee
Lukiwski
Lunney
MacKay (Central Nova)
Malhi
Manning
Martin (Esquimalt—Juan de Fuca)
McGuinty
McTeague
Miller
Minna
Moore (Fundy Royal)
Neville
Norlock
Obhrai
Pacetti
Pearson
Poilievre
Rae
Ratansi
Reid
Ritz
Rota
Savage
Scheer
Shipley
Simard
Smith
Sorenson
St. Denis
Steckle
Strahl
Szabo
Thompson (New Brunswick Southwest)
Tilson
Tonks
Turner
Valley
Van Loan
Verner
Warawa
Watson
Wilson
Karetak-Lindell
Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)
Komarnicki
Lake
Lebel
Lemieux
Lunn
MacAulay
MacKenzie
Maloney
Marleau
Mayes
McGuire
Merrifield
Mills
Moore (Port Moody—Westwood—Port Coquitlam)
Murray
Nicholson
O'Connor
Oda
Paradis
Petit
Preston
Rajotte
Redman
Richardson
Rodriguez
Russell
Scarpaleggia
Schellenberger
Silva
Skelton
Solberg
St. Amand
Stanton
Storseth
Sweet
Telegdi
Thompson (Wild Rose)
Toews
Trost
Tweed
Van Kesteren
Vellacott
Wallace
Warkentin
Williams
Yelich– — 180

NAYS

Members

André
Arthur
Atamanenko
Barbot
Bellavance
Bigras
Blais
Bouchard
Brunelle
Carrier
Chow
Comartin
Cullen (Skeena—Bulkley Valley)
DeBellefeuille
Deschamps
Duceppe
Freeman
Godin
Laforest
Lalonde
Layton
Lessard
Lussier
Marston
Martin (Sault Ste. Marie)
Mathyssen
Ménard (Hochelaga)
Mourani
Nash
Paquette
Angus
Asselin
Bachand
Bell (Vancouver Island North)
Bevington
Black
Bonsant
Bourgeois
Cardin
Charlton
Christopherson
Crowder
Davies
Demers
Dewar
Faille
Gaudet
Guimond
Laframboise
Lavallée
Lemay
Lévesque
Malo
Martin (Winnipeg Centre)
Masse
McDonough
Ménard (Marc-Aurèle-Fortin)
Nadeau
Ouellet
Perron
Picard
Priddy
Savoie
St-Cyr
Wasylycia-Leis– — 69
Plamondon
Roy
Siksay
Stoffer

PAIRED

Members

Baird
Bernier
Davidson
Gravel
Menzies
Prentice
Thi Lac
Batters
Crête
Gagnon
Guay
Pallister
St-Hilaire
Vincent– — 14

The Speaker: I declare the motion carried.

The member for Portneuf—Jacques-Cartier wishes to raise a point of order.

Mr. André Arthur: Mr. Speaker, I apologize but I wanted to ensure that my vote in favour of the motion was recorded.

[*English*]

The Speaker: Is there agreement to change the vote from the nay recorded to a yea in this case?

Some hon. members: Agreed.

Some hon. members: No.

Hon. Vic Toews moved that the bill be read the third time and passed.

Hon. Jay Hill: Mr. Speaker, hopefully you might find unanimous consent of the members in the chamber to apply the results from the previous vote to the vote currently before the House.

● (2040)

The Speaker: Is there unanimous consent to proceed in this way?

Some hon. members: Agreed.

[*Translation*]

The Speaker: Does the member for Portneuf—Jacques-Cartier wish to change his no vote to a yes vote?

Mr. André Arthur: Mr. Speaker, I would like to vote yes, as I intended had I been understood.

The Speaker: Is there agreement to proceed with the change in this case?

Some hon. members: Agreed.

The Speaker: The hon. Liberal whip also wishes to raise a point of order.

[*English*]

Hon. Karen Redman: Mr. Speaker, I am in total agreement with proceeding this way, but I would like it to be noted that the member for Thunder Bay—Rainy River had to leave the chamber.

(The House divided on the motion, which was agreed to on the following division:)

Adjournment Proceedings

(Division No. 140)

YEAS

Members

Abbott
Albrecht
Allen
Ambrose
Anderson
Barnes
Bell (North Vancouver)
Benoit
Bezan
Blaney
Breitkreuz
Brown (Oakville)
Brown (Barrie)
Byrne
Cannan (Kelowna—Lake Country)
Carrie
Chong
Clement
Comuzzi
Cuzner
Day
Devolin
Dhalla
Doyle
Dykstra
Emerson
Fast
Fitzpatrick
Fletcher
Fry
Gallant
Goodale
Gourde
Guergis
Hanger
Harris
Hawn
Hiebert
Hinton
Hubbard
Jean
Kamp (Pitt Meadows—Maple Ridge—Mission)
Karygiannis
Keeper
Khan
Kramp (Prince Edward—Hastings)
Lauzon
Lee
Lukiwski
Lunney
MacKay (Central Nova)
Malhi
Manning
Martin (Esquimalt—Juan de Fuca)
McGuinty
McTeague
Miller
Minna
Moore (Fundy Royal)
Neville
Norlock
Obhrai
Pacetti
Pearson
Poilievre
Rae
Ratansi
Reid
Ritz
Rota
Savage
Scheer
Shipley
Simard
Smith
Sorenson
St. Denis
Steckle
Ablonczy
Alghabra
Allison
Anders
Arthur
Bélanger
Bennett
Bevilacqua
Blackburn
Boucher
Brison
Brown (Leeds—Grenville)
Bruinooge
Calkins
Cannon (Pontiac)
Casson
Clarke
Coderre
Cummins
D'Amours
Del Mastro
Dhaliwal
Dion
Dryden
Easter
Epp
Finley
Flaherty
Folco
Galipeau
Goldring
Goodyear
Grewal
Hall Findlay
Harper
Harvey
Hearn
Hill
Holland
Jaffer
Jennings
Karetak-Lindell
Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)
Komarnicki
Lake
Lebel
Lemieux
Lunn
MacAulay
MacKenzie
Maloney
Marleau
Mayes
McGuire
Merrifield
Mills
Moore (Port Moody—Westwood—Port Coquitlam)
Murray
Nicholson
O'Connor
Oda
Paradis
Petit
Preston
Rajotte
Redman
Richardson
Rodriguez
Russell
Scarpaleggia
Schellenberger
Silva
Skelton
Solberg
St. Amand
Stanton
Storseth
Strahl
Szabo
Thompson (New Brunswick Southwest)
Tilson
Tonks
Turner
Valley
Van Loan
Verner
Warawa
Watson
Wilson
Sweet
Telegdi
Thompson (Wild Rose)
Toews
Trost
Tweed
Van Kesteren
Vellacott
Wallace
Warkentin
Williams
Yelich– — 180

NAYS

Members

André
Asselin
Bachand
Bell (Vancouver Island North)
Bevington
Black
Bonsant
Bourgeois
Cardin
Charlton
Christopherson
Crowder
Davies
Demers
Dewar
Faille
Gaudet
Guimond
Laframboise
Lavallée
Lemay
Lévesque
Malo
Martin (Winnipeg Centre)
Masse
McDonough
Ménard (Marc-Aurèle-Fortin)
Nadeau
Ouellet
Perron
Plamondon
Roy
Siksay
Stoffer
Angus
Atamanenko
Barbot
Bellavance
Bigras
Blais
Bouchard
Brunelle
Carrier
Chow
Comartin
Cullen (Skeena—Bulkley Valley)
DeBellefeuille
Deschamps
Duceppe
Freeman
Godin
Laforest
Lalonde
Layton
Lessard
Lussier
Marston
Martin (Sault Ste. Marie)
Mathyssen
Ménard (Hochelaga)
Mourani
Nash
Paquette
Picard
Priddy
Savoie
St-Cyr
Wasylycia-Leis– — 68

PAIRED

Members

Baird
Bernier
Davidson
Gravel
Menzies
Prentice
Thi Lac
Batters
Crête
Gagnon
Guay
Pallister
St-Hilaire
Vincent– — 14

The Speaker: I declare the motion carried.

(Bill read the third time and passed)

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

CANADIAN BROADCASTING CORPORATION

Mr. Richard Nadeau (Gatineau, BQ): Mr. Speaker, on April 15, the vice president of the Canadian Broadcasting Corporation, Richard Stursberg, said before the Standing Committee on Official Languages that the broadcast of the Canadian Songwriters Hall of Fame gala last March did not show French-Canadian songwriters and composers because the anglophone audience would not appreciate the music and would change the channel. This left French-language singers without a chance to showcase their talent.

The gala was three hours and fifteen minutes long, and all of the French-language singers were cut for reasons that border on xenophobia. "Anglophones will change the channel if the francophones sing."

It is despicable. And it has been this way for three years. It is unacceptable. Conservative, Liberal, New Democrat and Bloc members do not approve of this state of affairs. This is what we told Mr. Stursberg and his boss, Hubert Lacroix, the president of the Canadian Broadcasting Corporation, on May 27 when he appeared before the Standing Committee on Official Languages.

What if Inuit singers Kashtin were to perform? Would the CBC go off air so as not to displease people who do not speak their language? You have to wonder.

Mr. Stursberg claimed that audience ratings studies supported his decision. That is out of order. Quebeckers, Acadians and Brayons, together with francophones in Newfoundland, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, Yukon, Northwest Territories and Nunavut, not to mention francophile anglophones, all pay their taxes to the federal government, and some of that money goes to the CBC. They all have the right to hear francophone singers on the CBC, particularly during its broadcast of the hall of fame gala honouring Canadian songwriters from coast to coast.

There is every reason for members of the House of Commons to get involved in issues related to the crown corporation's programming. We were elected by citizens who want us to represent them and who want us to spend their tax money well. In this case, they want us to make sure that public television programming reflects their Quebec culture or their Canadian culture, as the case may be.

According to Canada's broadcasting policy, the crown corporation, which includes both the Société Radio-Canada and the Canadian Broadcasting Corporation, must "reflect Canada".

For the past three years, the Canadian Broadcasting Corporation has failed to comply with that important part of its mandate during CBC broadcasts of the Canadian Songwriters Hall of Fame gala featuring both francophone and anglophone songwriters. That has to change.

● (2045)

[*English*]

Hon. Jim Abbott (Parliamentary Secretary for Canadian Heritage, CPC): Mr. Speaker, despite challenges of geography, language and proximity to the largest cultural exporter in the world, Canada has built a broadcasting system that works.

In fact, the Canadian broadcasting system stands alone as one of the great achievements of our nation. The government remains committed to a single broadcasting system comprised of public, private and community elements.

It is a system that operates in both French and English and serves official language minority communities. Since it was first established in 1936, CBC Radio-Canada has been a core institution and a unique component of the Canadian broadcasting system. Canadians have traditionally turned to their national public broadcaster as a source for news, information and entertainment.

The mandate of CBC Radio-Canada is contained in the Broadcasting Act. Its objectives present a broad mandate and challenge our national public broadcaster to produce programming that reflects Canadians across the country. The act stipulates that CBC Radio-Canada's programming is expected to actively contribute to the flow and exchange of cultural expression.

According to the act, programming offered by CBC Radio-Canada is expected to be in English and French, reflecting the different needs and circumstances of each official language community, including the particular needs and circumstances of English and French linguistic minorities.

Furthermore, CBC Radio-Canada's programming should "strive to be of equivalent quality in English and in French". As a national public broadcaster, CBC Radio-Canada should reflect all the population it serves and offer something for all Canadians. Therefore, in March 2007, the Standing Committee on Canadian Heritage launched a full investigation of the role for a public broadcaster in the 21st century.

As part of its proceedings the committee heard from a wide range of witnesses. The committee also travelled to Whitehorse, Vancouver, Winnipeg, Toronto, St. John's and Montreal.

Tabled in February 2008, the report confirmed the importance of the national public broadcaster, stating that the committee regards CBC Radio-Canada as an essential public institution that plays a crucial role in bringing Canadians together.

The committee also made a recommendation to stress how important it is for CBC Radio-Canada to continue to contribute to shared national consciousness and identity as stipulated in subparagraph 3(1)(m)(vi) of the Broadcasting Act. The committee acknowledged the English language and French language television services face different challenges as a result of their respective situations, their needs and the characteristics of their audiences.

The committee considered that CBC Radio-Canada's role of building bridges and fostering mutual understanding among Canadians to be essential. The committee added that CBC Radio-Canada is a major national public institution and is supported by all Canadians. Canadians have the right to expect the corporation to tell them more about themselves and what is going on around the country.

I wish to thank the members of the Standing Committee on Canadian Heritage for their work. Having been one of them, I know that we worked hard on this highly important issue and I look forward to the continued cooperation among the committee members on issues like this.

● (2050)

[*Translation*]

Mr. Richard Nadeau: Mr. Speaker, the CBC made a serious mistake that must be corrected. I have already made the point to the president and vice-president of the crown corporation that when a gala such as the Canadian Songwriters Hall of Fame gala, featuring French and English songwriters from Quebec and Canada, is broadcast, at least one quarter of the program must be in French. This is imperative. People whose language of use is French represent 25% of Canada's population, and they are entitled to hear francophone singers during such a gala.

This requirement should be included in all CBC and Radio-Canada contracts for galas similar to the one we are talking about today.

[*English*]

Hon. Jim Abbott: Mr. Speaker, in response, I outline some of the responsibilities of CBC Radio-Canada under the Broadcasting Act. According to the Broadcasting Act, CBC Radio-Canada is an autonomous crown corporation responsible for the management of its own day to day operations, including programming independence.

It is CBC Radio-Canada's board of directors and senior management who are responsible and accountable for programming decisions. In May, CBC President Lacroix appeared before both the official languages and the Canadian heritage committees where he assured committee members that these events have raised CBC's level of awareness on these issues and that the CBC will do a better job on these kinds of broadcasts in the future.

He also wrote an open letter for the April 23 edition of *La Presse* in which he stressed that building bridges between anglophone and francophone communities was obviously a priority for our public broadcaster's mandate.

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): The motion to adjourn the House is now deemed to have been adopted.

[*English*]

Accordingly, this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 8:52 p.m.)

CONTENTS

Thursday, June 5, 2008

ORAL QUESTIONS

GOVERNMENT ORDERS

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
http://www.parl.gc.ca

Additional copies may be obtained from Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5
Telephone: (613) 941-5995 or 1-800-635-7943
Fax: (613) 954-5779 or 1-800-565-7757
publications@pwgsc.gc.ca
http://publications.gc.ca

On peut obtenir des copies supplémentaires ou la version française de cette publication en écrivant à : Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5
Téléphone : (613) 941-5995 ou 1-800-635-7943
Télécopieur : (613) 954-5779 ou 1-800-565-7757
publications@tpsgc.gc.ca
http://publications.gc.ca