CANADA

House of Commons Debates

VOLUME 144 • NUMBER 061 • 2nd SESSION • 40th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, May 26, 2009

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

Tuesday, May 26, 2009

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1005)

[*Translation*]

COMMISSIONER OF OFFICIAL LANGUAGES

The Speaker: Pursuant to section 66 of the Official Languages Act, I have the honour to table the annual report of the Commissioner of Official Languages for the period from April 1, 2008 to March 31, 2009.

[*English*]

Pursuant to Standing Order 108(3)(f) this report is deemed permanently referred to the Standing Committee on Official Languages.

* * *

GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to 10 petitions.

* * *

CRACKING DOWN ON TOBACCO MARKETING AIMED AT YOUTH ACT

Hon. Jay Hill (for the Minister of Health) moved for leave to introduce Bill C-32, An Act to amend the Tobacco Act.

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

* * *

COMMITTEES OF THE HOUSE

HEALTH

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I have the honour to present, in both official languages, the second report of the Standing Committee on Health in relation to the main estimates for the fiscal year ending March 31, 2010.

The committee examined the main estimates and has decided to report the same.

I wish to thank all members of the committee for their hard work and co-operation.

PROCEDURE AND HOUSE AFFAIRS

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, pursuant to Standing Orders 104 and 114, I have the honour to present, in both official languages, the 14th report of the Standing Committee on Procedure and House Affairs regarding membership of committees in the House.

If the House gives its consent, I intend to move concurrence in the 14th report later this day.

* * *

INTERNMENT OF PERSONS OF CROATIAN ORIGIN RECOGNITION ACT

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.) moved for leave to introduce Bill C-394, An Act to acknowledge that persons of Croatian origin were interned in Canada during the First World War and to provide for recognition of this event.

He said: Mr. Speaker, I am pleased to introduce my private member's bill, the internment of persons of Croatian origin recognition act.

The purpose of the bill is to acknowledge and commemorate a tragic episode in our nation's history when persons of Croatian origin were rounded up, interned and used as forced labour in a number of internment camps in Canada.

With the outbreak of World War I, prejudice and racism was fanned into xenophobia, culminating in the implementation of the War Measures Act as a result of an order in council by the Canadian government.

Five thousand, nine hundred and fifty-four so-called enemy aliens, of whom more than four hundred and fifty were of Croatian origin who had immigrated to Canada from the Austro-Hungarian Empire, were interned.

While some would prefer to sweep this tragic episode of history of the internment operations of 1914 to 1920 into the dustbin of history, the Croatian Canadian community remembers and, through public acknowledgement by the government, seeks to bring closure to a painful episode in our common history.

By enacting this legislation and recognizing this tragedy, it is my hope that a better public understanding of what happened will reinforce and promote our shared values of multiculturalism, inclusion and, above all, mutual respect.

Speaker's Ruling

It is my sincere hope that my colleagues on all sides of the House will embrace and support this worthy and long overdue initiative.

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

* * *

● (1010)

[*Translation*]

EMPLOYMENT INSURANCE ACT

Mr. Guy André (Berthier—Maskinongé, BQ) moved for leave to introduce Bill C-395, An Act to amend the Employment Insurance Act (labour dispute).

He said: Mr. Speaker, while the Conservative government refuses to make the changes to employment insurance that are needed to help thousands of unemployed workers, the Bloc Québécois understands that urgent action is needed, and is proposing a major overhaul of employment insurance in order to improve the system and enhance accessibility.

Accordingly, I am proud to rise in this House to introduce a bill to make people who have lost their jobs as a result of a labour dispute, whether a lock-out or strike, eligible for employment insurance. This is an important bill, because it addresses a gap that currently exists in the Employment Insurance Act. Indeed, in the past, when people lost their jobs as a result of a long labour dispute, which prevented them from accumulating the required hours in the 52 preceding weeks, they were not eligible for employment insurance.

Now, with this bill, their benefits will be calculated based on the weeks worked before the labour dispute began, regardless of how long the dispute lasts. I therefore invite all members of this House to vote in favour of this bill.

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

* * *

[*English*]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, if the House gives its consent, I move that the 14th report of the Standing Committee on Procedure and House Affairs, presented to the House earlier today, be concurred in.

The Speaker: Does the hon. member for Elgin—Middlesex—London have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

POINTS OF ORDER

UNPARLIAMENTARY LANGUAGE—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the points of order concerning unparliamentary language raised on May 14, 2009 by the government House leader with regard to the member for Laurier—Sainte-Marie and by the member for Montmorency—Charlevoix—Haute-Côte-Nord concerning remarks made by the Minister of State for Science and Technology.

[*Translation*]

I would like to thank the hon. Leader of the Government in the House of Commons and the hon. member for Montmorency—Charlevoix—Haute-Côte-Nord for raising these matters. I also thank the hon. members for Laurier—Sainte-Marie and Joliette as well as the hon. Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs for their interventions.

[*English*]

In raising his point of order, the government House leader stated that the leader of the Bloc Québécois used derogatory and unparliamentary language and accused ministers of the Crown of lying. He pointed out that the use of such language was unacceptable and asked the Speaker to take disciplinary action.

In his reply, the leader of the Bloc Québécois stated that he had used the same language as that used by the Minister of Public Works and Government Services the previous day during question period.

[*Translation*]

In his intervention, the member for Joliette reiterated the remarks of the leader of the Bloc Québécois, particularly the plea for equitable treatment. The Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs contended that the Minister of Public Works and Government Services had not aimed his comments at any particular member, unlike the leader of the Bloc Québécois.

[*English*]

I would like to remind the members that on a number of occasions I have quoted page 526 of *House of Commons Procedure and Practice*, which states:

> In dealing with unparliamentary language, the Speaker takes into account the tone, manner and intention of the Member speaking; the person to whom the words were directed; the degree of provocation; and, most importantly, whether or not the remarks created disorder in the Chamber.

● (1015)

[*Translation*]

I have now reviewed the *Debates* of May 13 and 14. On May 13, at the end of his reply to a question posed by the member for Laurier—Sainte-Marie, the Minister of Public Works and Government Services had stated: "To say that we are hindering Quebec is an untruth. What we are doing is giving it a boost." (p. 3446 in the *Debates*). It is possible in a purely technical sense to argue, as the Parliamentary Secretary to the Prime Minister has done, that the transcript shows that these remarks are not directed to any specific individual and therefore are not out of order. A review of the video of the exchange in question has given me a better understanding of the context and suggests to me that quite a different impression may well have been left by the minister when he used the word complained of. This has led me to conclude that the minister should withdraw the word.

In his comments on the point of order, the leader of the Bloc Québécois had stated: "Mr. Speaker, when I say the government is telling lies, I am not addressing the specific individual, but an institution." (*Debates*, p. 3529). However, having reviewed the beginning of the preamble to his question on May 14, this is not entirely the case. The member for Laurier—Sainte-Marie has made the point that this part of his preamble was of a general nature, similar to that of the Minister of Public Works and Government Services. However, he then added that the Prime Minister's responses were also full of lies and this is where his remarks became clearly unparliamentary. And as the House is aware, I did advise the member at that time that the remark was unparliamentary and asked him to withdraw it.

After a full review of the remarks made on May 14, I must conclude that the member for Laurier—Sainte-Marie did indeed use unparliamentary language in reference to the Prime Minister and therefore that he should withdraw the words complained of.

I wish now to address the second point of order, namely the one raised by the member for Montmorency—Charlevoix—Haute-Côte-Nord on May 14.

In his submission, the member pointed out that the Minister of State for Science and Technology had used the word "dishonest" in his reply to a question posed by the member for Shefford. The whip of the Bloc Québécois asked the Speaker to determine if such a term was acceptable to the House and, if he found it unparliamentary, to ask the minister to withdraw the word.

[*English*]

Having examined the debates, it appears to me that the remark of the minister of state casts doubt on the honesty of the member who posed the question and, as such, is unparliamentary. I would, therefore, request the Minister of State for Science and Technology to withdraw this remark.

The two cases just considered highlight an increasingly common difficulty the Chair has faced of late and, as members know, they enjoy practically unfettered freedom of speech in the chamber. It is in this context that the Speaker is obliged by Standing Order 10 to, "...preserve order and decorum...", while Standing Order 18 obliges members not to, "...use offensive words against either House or against any member thereof".

I want to reiterate that certain words, while not always aimed specifically at individuals and, therefore, arguably technically not out of order, can still cause disruption, can still be felt by those on the receiving end as offensive and therefore can and do lead to disorder in the House.

It is that kind of language that I, as Speaker, am bound by our rules not only to discourage but to disallow. That is why I am appealing to all hon. members to be very judicious in their choice of words and thus avoid creating the kind of disorder that so disrupts our proceedings and so deeply dismays the many citizens who observe our proceedings.

[*Translation*]

It is in that spirit of cooperation that I now call upon the hon. member for Laurier—Sainte-Marie, the hon. Minister of Public Works and Government Services and the hon. Minister of State for Science and Technology to withdraw the remarks that gave rise to this ruling.

The hon. Minister of Public Works and Government Services.

● (1020)

Hon. Christian Paradis (Minister of Public Works and Government Services, CPC): Mr. Speaker, I have taken note of what you have said. It seems that the Chair may be under the impression that my remarks could have been construed to be offensive. I assure you that it was not my intention to offend anyone here. For the debates we engage in here to be civilized, productive and meaningful, there must be mutual respect. If the Chair believes that my words were offensive, I shall withdraw them without hesitation.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in response to your ruling, I withdraw my comments. I wish to point out that I would never have used such words had those used by the Minister of Public Works and Government Services the day before been disallowed. Now that he has been asked to retract his remarks, I shall retract mine as well.

The Speaker: I would like to thank the two hon. members for helping the Chair with this matter.

The hon. whip of the Bloc Québécois on a point of order.

Mr. Michel Guimond: Mr. Speaker, I am well aware that, under the Standing Orders, mentioning the absence of particular members is proscribed, but given that you said the Minister of State for Science and Technology should also withdraw his statement, and that he did not do so, will you invite him to do so today after question period?

The Speaker: I am sure he has received the invitation. The problem is that he is not here. When the minister of state returns, I am sure that we will hear from him.

[*English*]

COMMITTEES OF THE HOUSE

CITIZENSHIP AND IMMIGRATION

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I move that the first report of the Standing Committee on Citizenship and Immigration, presented on Wednesday, February 25, be concurred in.

I am speaking to a motion that had been approved by the immigration committee not just at the beginning of this session, but also last session.

Canada's immigration policy has a devastating impact on many Canadians and their loved ones.

A situation that happens quite regularly is that thousands of Canadians fall in love with their classmates, co-workers or friends whom they meet at university, in the workplace, or at a park. After a few months or years the couple decide to get married, start a life together and sometimes have children. If the spouse that the Canadian meets happens to be a foreign student, a temporary worker, someone who has declared refugee status or has precarious immigration status in Canada, the Canadian will have to sponsor his or her spouse. That is no problem. The person can stay in Canada while the sponsorship takes place.

The sponsorship process in Canada can take six months, one year, two years, sometimes even three years. One would think that while the sponsorship application forms and paperwork are being processed, the wife or husband would be allowed to stay in Canada. After all, he or she has married and has possibly started a family. There may be children involved. The couple may have been together for 5 years, 10 years in some cases.

Canada has a very strange policy. Canada will deport the spouse. That is hard to believe. Canada will actually deport the person with precarious status even though the person is married to a Canadian. Even though a woman could be pregnant, breastfeeding a baby or has a one-year-old child, she could be deported. Sometimes it is the mom who is deported and sometimes it is the dad. It completely breaks up the family.

This policy is absurd. It does not make sense. Why? Because we are cruelly separating members of a family. It causes human suffering. The breadwinner in the family could be the one who is deported. When that person stops working, the family may become destitute. If the mom who just had a baby is deported, the baby would probably be deported also, even though the baby was born in Canada. The baby and the mom would be deported back to wherever the mom came from while the husband is desperate in Canada.

Once the person is deported, he or she will have to wait maybe a year or two years, sometimes a shorter period, sometimes longer, to come back to Canada. Imagine a couple who has just gotten married or has been married for a few years and has to face this kind of separation for several years. That is grossly unfair.

On top of that, the couple may have to pay thousands and thousands of dollars on lawyer fees and flights. For example, if the person is from China, the couple will have to pay for the flight to China for the mom and the baby and then for their return to Canada. The couple could be looking at spending $10,000 before the whole situation is finished and they get back together.

● (1025)

Not only is it hard for the couple, but it is hard for the Canadian public. Why? Because the case has to first be processed through the Canada Border Services Agency. Then the person is deported, which consists of court documentation. Then, the application that started in Canada has to start all over again. All of that is swept away. The applicants have to put in the application overseas and the sponsors sponsoring it here in Canada. Then the immigration department here in Canada and the embassy overseas, let us say it is in Beijing, have to start the application all over again. Think about the staffing costs, the paperwork and how much taxpayer money is wasted on this absurd policy. I am not just talking in abstraction. I will mention three situations that have hit the media.

On May 21 on ctv.ca, I saw the story of a Dutch woman in Halifax who is facing deportation. She said that her ex-husband will kill her and her children if she is sent back to the Netherlands. Lillian Ralph said that Canadian officials want to deport her family next week, even though a decision on her application for permanent residency is expected soon. She is married to a Canadian. She came to Canada in 2000. She has been in Canada for nine years. She married a Canadian. She said her ex-husband has put a number on their heads. She said:

> "Literally, he has threatened to kill us many, many times... He has explained how he would do it, where he would put our bodies... he will definitely go after us."

She is 39 years old. According to her, her ex-husband smuggled weapons. This woman said that her two young children are having nightmares about being sent back to the Netherlands.

We are not just sending back one person. We are sending back three. Think of the cost. Her Canadian spouse would have to bring them back to Canada, if she survives. Apparently, her permanent residency application is supposed to be decided within 90 days. The right hand, which would be the Canada Border Services Agency, is not talking to the left hand, which would be the Canadian immigration department. The process at the immigration department is slow. It is taking 90 days. In the meantime, the Canada Border Services Agency will deport the person. That is hard to believe. It is absurd. It is a bit Kafkaesque.

Another situation occurred in December 2008. In this case, I know the family really well. This occurred on December 23, just before Christmas, a time for families to celebrate. The family is Catholic. They go to a church in my riding near St. Patrick and Dundas. This young woman has been in Canada for quite a few years. She is married to a Canadian. Her spouse, Mr. Wu, is a factory worker. His wife is expecting a baby. Not only is she pregnant, but she and Mr. Wu have a 10-month-old son.

Imagine telling a pregnant woman with a 10-month-old son just before Christmas that they will be deported in the new year. Imagine getting news like that. Mr. Wu, who is the factory worker, put in the application years ago to sponsor this woman. They have been married not just for a few months; they have been married for quite a while. They have a kid and are expecting a second one. Mr. Wu is very sad because his family will be broken apart. He said that if his wife could stay, it would be very good.

● (1030)

Chen, who is 28 and three months pregnant, is being deported by the Canada Border Services Agency. Her application to allow her to say in Canada is being processed. It is being reviewed. Even though it is being reviewed, that does not stop the deportation. She does not know how long it will take for this application to be processed, even though she was told that perhaps the application would be approved in a matter of a few months. It is absurd that she would be deported while her application may be approved.

They filed their application in November 2007. This was two months after they were married, before the first baby was born and before she became pregnant with the second baby. In November 2007, they were told it would be six months or a year. In November 2009, the application still had not been approved. It took two years plus several months for the approval. To sponsor a spouse within Canada, in this case, it took two and a half years. I have heard of situations which have taken even longer.

Imagine putting a family in this kind of heartbreaking limbo. They do not know what to do with their lives. They face deportation. After waiting for more than two years, instead of an answer, this family received a letter from the Canada Border Services Agency that ordered Chen to buy a one-way ticket, not a two-way ticket, to China. She was told she could leave her son, the 10-month old baby she was breastfeeding, in Canada if she wanted to. The baby did not have to be deported. Imagine a mother leaving the baby she is breastfeeding behind. This is completely cruel and absurd.

On top of that, they have to book a non-refundable flight, and the husband is to start a spousal sponsorship process which could take two to three years. Imagine this, they have already waited for two years, they are being deported and then have to wait for two years. So this family is looking at more than four years of uncertainty. That is not the Canadian way. That is not how we should treat Canadians who happen to fall in love and marry a foreign student, worker, or someone in that kind of situation.

At the end of the day, in this case, the Minister of Citizenship, Immigration and Multiculturalism did the right thing and allowed the family to stay. They are very appreciative. I think the minister understands that to send a pregnant mom with a 10-month old baby overseas makes no sense. I am glad that did not happen.

It should not be a case-by-case situation. We need to change the policy. It is not as if it was determined to be a marriage of convenience. Be my guest, if the immigration department found there were marriages of convenience, deport those people. That is fine.

This is before the decision is made. These cases I am talking about were not determined to be marriages of convenience. What kind of marriage of convenience would we be talking about when they have two kids? We are not talking about that very small percentage that may be cheating. Deport them after it is decided they are cheating, but do not leave these Canadians in limbo.

There are several things that need to be fixed. First, it should not take two or three years to have a sponsorship application approved. Second, we need to change the policy, so that while the immigration department is taking its time to make these decisions, these people are not deported.

● (1035)

I have one more situation. When I first started this little campaign of mine to change this policy, I came into contact with Mr. Chen. Mr. Chen came to Canada in 1995. He began a relationship with a woman who is now his wife. They worked together. After a two-year courtship, they got married. He was the main person who was working. Not only was he working, he was a very successful businessman. He managed and owned a food store, which opened in 2001, and he was a part shareholder of this company. The gross revenue was $13 million last year. This was a very successful businessman. He was married to a Canadian spouse. The spouse started the sponsorship application after they were married and two years later, he faced deportation.

Imagine deporting a business owner. In the last situation I talked about, it was a factory worker. This man was a businessman who owned two businesses and managed one of them. He was the head of the household, the main bread earner for his wife and child, and he faced deportation which meant that his wife and child, who are Canadians, would have no means of supporting themselves. They would probably eventually have to go on welfare while this father was deported back to his home country to await sponsorship to return to Canada. That is just absurd. There is no criminal case. They are ordinary, hard-working people. And yet, in this Canada, we have this absurd policy.

If we were to ask any Canadian, “Do you know that if you married, let's say, a foreign student, you would have to wait for several years to get it approved?”. They would say, “My gosh, how could that be possible?” Then, we would add, “And by the way, that person will face deportation”. They would say, “That is even hard to believe”. And if we were to say, “And then if that person is deported, it can take two or three years to return to Canada”. No one would believe that.

In fact, I am often stopped at Tim Hortons, and my colleagues like to tell me that I can collect all types of stories at Timmy's. Just a few weeks ago at Tim Hortons, I came across a young woman. She has a master's degree. She is working full-time. She fell in love, in the park, Christie Pits Park, with her husband to be. They got married. But he got deported. They decided not to fight it. He left to go back to, I think it was either Cuba or Mexico. I do not remember which Latin American country.

She has been desperately trying to bring him back to Canada because they have been together for quite a few years and have been separated now for two years. He is still waiting in Latin America to return and join his wife. He is a professional. She is a professional. She is spending a huge amount of money to hire lawyers. He is spending money to hire lawyers so that he can return to Canada. Imagine the hardship that is being created by these cruel regulations. This is a young couple. She wants to start a family with him. She travels to Latin America every three or four months to continue their relationship. She told me about the phone bills, the flights costs, and the legal costs that she is incurring because she is separated from her husband because of the deportation.

● (1040)

When her husband was first deported she was told, "Oh, don't worry, he will be back in six months". No, many years later they are still separated, so—

The Deputy Speaker: Order. Questions and comments. The hon. member for Timmins—James Bay.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, most Canadians would be absolutely shocked to hear the kind of evidence that my hon. colleague from Trinity—Spadina has brought before us because in Canada we believe we have a system that is fair, a system that treats people with respect and recognizes the need to have a coherent immigration policy. Yet, all too often when we are dealing with situations like spouses, like families who are being broken up, families who are being deported, the rules seem arbitrary, erratic and for the families who are caught up in this situation very Kafkaesque.

I heard my colleague say, in the situation of one of the families who were going to be broken up and deported, that we had the minister intervene, but it seems that in the absence of a just, coherent system, someone has to deal with their local MP who then has to deal with the minister. At the end of the day, such a situation remains arbitrary and hence unjust.

I would like to ask my hon. colleague, given the experience she has had in the immigration cases she has dealt with over the years, could she give us a sense of how we can move forward so that we do not destroy family lives, we do not penalize families who are trying to make a life as good Canadian citizens? How do we restore confidence so that the immigrant families who come to Canada, who put roots in Canada, who are the people who have helped build Canada, that they can be assured they are doing this in a country that respects them, that respects a sense of law, and respects the integrity of family which I am sure all members in the House would agree is the foundation of our society?

Ms. Olivia Chow: Mr. Speaker, for families who happen to know who their member of Parliament is and feel they can come forward with their stories, occasionally they get a reprieve and end up being able to stay in Canada. Some families are so desperate to not be split apart that they go underground and disappear. That is not a good solution. Others, if they get deported, face separation for many years.

Let me give a bit of history. Under the former Liberal government, spouses had to apply outside of Canada for spousal sponsorship. Some members may remember the case where the former minister of immigration gave a minister's permit to a former stripper and then it became a big brouhaha in the House. Then there was a new Liberal minister of immigration who decided to change the policy and allowed people to stay in Canada and apply in Canada; however, the deportation rules still continue. The immigration minister tried to fix it in a very superficial way, but did not get it done, did not get the matter resolved because deportations continued to be allowed—

● (1045)

The Deputy Speaker: Order. I am going to have to stop the hon. member to allow a couple more questions.

The hon. member for Scarborough—Agincourt.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, I cannot jump into this debate without noticing that my colleague from the NDP always wants to take political sides. She said that this did not exist and it was the Liberals fault and so on. It is very unfortunate that my colleague was not here at the time. While she was enjoying the political sunshine at Toronto city hall, things here were continuing.

It is not true that this mess started under the Liberals. This has been ongoing for years. It was here even under the Conservatives, in 1988 to 1993. We have not had a chance to fix it. Time and time again there were attempts to fix it and it is just lately that it has gone rogue. It has taken so many years in Alberta and so many years at the local office that we are finding this difficulty.

I would like to give my colleague a chance to say that this problem has been in existence for a long time and to stop pointing fingers at different parties.

Ms. Olivia Chow: Mr. Speaker, I used to work for a member of Parliament, Dan Heap, who was the immigration critic in the early 1980s. We started a campaign then to say that spousal sponsorship can be done in Canada. I know the history of this file.

In the early 1980s, after that campaign, the spouse could in fact apply in Canada. The Liberals changed that later on.

I know the history very, very well. For 13 years, they did not quite get it done. They did not get it done properly. Perhaps they tried, but right now the Conservative government is in front of us and whatever did not get done still needs to be fixed. It does not matter what the history is anymore. I could go on for a half hour to tell the House the sorry history of spousal sponsorship in Canada and outside Canada.

However, today we have a motion from the immigration committee, which is approved by the majority of the members, that says we should not deport spouses while their applications are being processed in Canada.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I want to commend the member for moving this concurrence motion, because this is a significant issue.

In my office in Hamilton, we regularly have cases of people with serious immigration problems and this specific problem. We think about the damage that is done to a family when they are split up.

I commend the current Minister of Citizenship, Immigration and Multiculturalism very readily, because he has worked with my office on a number of files.

However, the reality is that if a regulation is out of place it should be fixed. The committee has looked at it and it has reached that determination.

One of the things that troubles me is that at the start of this debate the member was reading the story of a couple and somebody from the government side said, "What if they're spies?"

It is not black and white. It is a reality of good, honest, hard-working people who marry Canadians who are in this country legally and then all of a sudden through this quirk they are moved off.

I ask the member what her reaction is to that backbencher's statement.

● (1050)

Ms. Olivia Chow: Mr. Speaker, it is one government. Someone has to take the responsibility. The Canada Border Services Agency has to work with the immigration department. The buck has to stop in one place. Right now, they are pointing at each other. The immigration department says to talk to the border agency because it is doing the deportation, and the border agency says to talk to the immigration department because it is taking a long time to approve the application.

Someone has to take charge. We cannot have the right hand pointing and the left hand saying it is sorry. They are blaming each other. At the end of the day, who pays? The families pay. The taxpayers pay. It gives the Canadian government a bad reputation and it does not make sense. There is no common sense to it.

Where are Canadian family values? I have heard so much from the Conservative government about family values. If we truly believe in family values, we should not split up families.

It is bureaucratic. It is Kafkaesque. That is why it is time that we fixed it. If we keep going like this, the minister will be running from case to case trying to fix these cases. At the end of the day it is the policy that needs fixing.

We should not believe that these spouses who are being sponsored are cheaters, liars and spies, because—

The Deputy Speaker: Resuming debate, the hon. Parliamentary Secretary to the Minister of Citizenship and Immigration.

Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC): Mr. Speaker, I would like to take this opportunity to actually speak against the motion proposed by the hon. member for Trinity—Spadina.

The Standing Committee on Citizenship and Immigration has voted on a motion that would entitle any applicant to an automatic stay of removal and a work permit until a decision was rendered on their first in Canada spousal or common law sponsorship application.

We believe our current policies strike an appropriate balance between family reunification and maintaining program integrity. The hon. member's motion is unnecessary and potentially damaging.

Let me explain a bit about how our system works.

Family reunification is a key element of the Immigration and Refugee Protection Act. Keeping families together helps people integrate into Canadian society and contributes to their well-being and long-term success.

As members of the House are aware, all immigration applications are carefully examined to ensure they are bona fide. For spouse or common law partner applications in Canada, processes are in place to ensure that the relationship that forms the basis of the application is genuine and the application is legitimate.

According to the provisions of the Immigration and Refugee Protection Act, spouses and common law partners of Canadian citizens and permanent residents who are already living in Canada may apply for permanent residence from within our country. In these instances, there are two types of cases: those who are in status and those who are out of status.

Spouses and common law partners who are already in Canada and who are in status may apply for permanent residence in the spouse or common law partner in Canada class. In order to be eligible under this class, applicants must have a bona fide relationship, live with their sponsoring spouse or common law partner in Canada and have legal temporary status in our country.

While their applications are being processed, spouses and common law partners can apply to maintain their temporary resident status. Applicants at this point undergo an initial eligibility assessment, also known as approval in principle. Once applicants have received an approval in principle they can remain in Canada and apply for open work permits.

This initial eligibility assessment plays an important role in preserving the integrity of Canada's immigration program. It ensures that Citizenship and Immigration Canada has determined that an applicant's relationship is genuine before he or she is eligible to apply for a work permit.

These are the measures already in place for people who are in status to stay in Canada while their application is in process. However, Canada's immigration system is even more generous than that. We have measures in place for individuals who are out of status to stay here permanently as well.

For spouses and common law partners who are in Canada without legal immigration status, a public policy was introduced in 2005 to allow these individuals, including failed refugee claimants, to apply and be processed in the in Canada class.

This policy was implemented to facilitate family reunification in cases where spouses and common law partners are already living in our country with a Canadian citizen or a permanent resident but who may have certain inadmissibilities that resulted in a lack of status. These inadmissibilities include, for example, having overstayed their temporary status, working or studying without being authorized to do so, or entering Canada without a valid passport, the required visa or other documentation. Like those who are already in status, these applicants will be allowed to apply for a work permit once they have obtained approval in principle.

In addition, should removal action be initiated against an applicant prior to an approval in principle decision, removals may be deferred for 60 days. This period facilitates the processing of their application to the approval in principle stage. In the majority of cases, this is more than enough time to process the application.

In some cases, individuals may not be eligible for this deferral. This applies to those who are ineligible for serious reasons, such as criminality, security, and violation of human rights, those who have previously avoided removal or those who apply to the spouse or common law partner in Canada class after they have been advised that they are ready to be removed.

● (1055)

In addition to this initial 60 day deferral or removal, once an applicant has obtained approval in principle, a stay of removal is invoked until a final decision is made on the application.

The current policy that facilitates family reunification applications and processing from within Canada is generous and flexible. In most cases, it allows people to stay in Canada while their applications are in process and once the bona fides of their application have been established it allows them to apply for an open work permit.

As I have outlined, the measures we already have in place make the hon. member's motion simply redundant, but it is more than that. Allowing automatic stays of removal together with automatic access to work permits to individuals applying for permanent residence through the spouse or common-law partner in Canada class could seriously undermine the integrity of Canada's immigration program.

Ours is an ethnically diverse and welcoming society and our immigration program is an attractive one, albeit one that is already working to its capacity. This motion would almost certainly lead to an increase in applications from individuals whose relationships might not be legitimate and who are seeking to remain in Canada through fraudulent means. Not only that, but we would also see an increase in individuals who want to delay their removal from Canada.

The government is diligent in ensuring that bona fide applications are processed in a timely fashion and maintaining Canada's commitment to family reunification. Moreover, the existing measures minimize the potential for abuse, and that is a critical point. They strike the appropriate balance between our family reunification goals and the need to maintain the integrity of our immigration system and program.

Based on the reasons outlined, I urge my colleagues in the House to vote against the motion by the member for Trinity—Spadina.

● (1100)

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, if there is an abuse or a marriage of convenience, surely the department can make that decision and then deport the applicant. In terms of marriages of convenience, the percentage is quite low and many of them happen overseas, not within Canada. Therefore, how would continuing this policy encourage people to get married in order to remain in Canada? It sounds absurd. Marriage is very important. As some would say, if they are religious, that it is a sacred vow. How would that encourage people to take that vow just to abuse the system knowing full well that if they were found out at the end of the whole process they would get deported anyway? How would that encourage fraudulent behaviour? I do not quite understand that logic.

Mr. Rick Dykstra: Mr. Speaker, I am trying to understand the member for Trinity—Spadina's point on this. On the one hand, she is suggesting that there are situations, even though the percentages are very low, where marriages of convenience have been determined but, on the other hand, she is asking why a couple would get married if they were not going to be committed to each other and that it was not a marriage of convenience.

What she is actually arguing is that our system currently works, that it does exactly what it is supposed to do. It is supposed to entrust within the ministry the opportunity to respond and investigate these cases in a very fair and forthright manner. All of us here in the House have had these issues to deal with and, for the most part, it has been determined that marriages that fall into this category are very legitimate and are approved. However, there are situations where this simply is not the case.

If the member for Trinity—Spadina is suggesting that we eliminate the investigation of this and simply trust couples to move in the right direction regarding marriage, it would be anything but a marriage of convenience. That is simply not possible because that would lead to further abuse of the system.

We have a system currently in place that is fair, equitable and probably the best system in the world, quite frankly, which is why it is filled to capacity and overcapacity. It is such a good system to work through. Why do we want to change something that actually has a fundamental way of properly doing an investigation that, at the end of the day, finds legitimacy in almost every aspect except for a limited number of cases?

Hon. Lynne Yelich (Minister of State (Western Economic Diversification), CPC): Mr. Speaker, I wonder if the member has come across a case like I have where a constituent came to me for help. This particular constituent was quite wealthy and sponsored a gentleman to come to Canada. She married him but he left her high and dry. He cleaned out her bank accounts and is long gone. This is quite a high profile case. She has now called our office and has asked if we could ensure he is found and deported.

What would the member tell my constituent? Are there many cases where people come in to take advantage not so much of the system but of the person?

As his last questioner said, commitment to marriage is one thing but then there is the commitment to take advantage of someone who is well-established in Canada. I have heard of several other cases where this has happened. I wonder if the member would like to comment.

● (1105)

Mr. Rick Dykstra: Mr. Speaker, I think all of us have situations where folks come into our constituency office and have asked the legitimate question as to why a couple is being questioned on their commitment to each other and the fact that they have gotten married. There are obviously times when abuse has been determined and that these marriages are considered marriages of convenience.

The member makes a very important and significant addition to this discussion we are having this morning, which is that there are individuals within that bond of marriage who have been taken advantage of. They come into our constituency offices. I have had them in mine and I am sure members from all parties on both sides of the House have seen the same situations. Our system is also able to assist those individuals who were taken advantage of, who were not in a situation where the person they entered into a marriage with actually did so based on any fundamental relationship but did so simply because it gave the person the opportunity to set foot in our country.

As good as our system is, there are times when we have these situations to be true and they need to be addressed.

Ms. Olivia Chow: Mr. Speaker, we have a system that deports people before any decision is made, whether or not the marriage is legitimate, as the parliamentary secretary was talking about.

It is being determined that all marriages are illegitimate, that they are all fraudulent and that is why we should deport them first and then decide whether they are legitimate. I would say that 95% to 100% of these cases are probably legitimate. I am sorry that they were already deported.

Yes, make the decision and then take action but in this case the person is considered guilty of fraudulent behaviour even before the immigration department makes a decision and the person is deported because it is presumed the person is guilty. For anyone falling in love and getting married to a person who has precarious status, it is considered that the marriage is probably illegitimate and that is why we are deporting the spouse right now without making a decision.

That is absurd. How can that be logical? You are taking action before a decision is made. How could that be justified?

The Deputy Speaker: I would just remind the hon. member to address her remarks through the Chair and not directly to the members.

The hon. parliamentary secretary.

Mr. Rick Dykstra: Mr. Speaker, while I appreciate the passion and commitment the member for Trinity—Spadina has for this issue, she is deciding and determining to skip over the whole process that is involved.

Any individual who is under threat of deportation or is asked to return to his or her country of origin, that happens after a long period in which individuals have the opportunity to present their cases in a number of areas, as I outlined in my speech. Therefore, to conclude that an individual is sent home immediately after an investigation or a thorough review has been completed is not the case, and she knows it.

I guess it makes for some political hay to say that individuals are being treated in this manner but that is simply not the case. These processes are in place to ensure that fairness occurs for both those who have gotten married and for Canadians who have gone through this process before in a very legitimate fashion.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, I had a question for the parliamentary secretary, but I will have an opportunity to bring it up in my speech.

We need to thoroughly examine what we are talking about. Therefore, for the benefit of Canadians who are tuning in, scratching their heads and asking themselves what the parliamentarians are talking about, let me give a rundown of exactly the things we are discussing.

We are talking about an individual who comes to Canada on a visitor visa seeking a better life. We are talking about an individual who is in Canada maybe without status or with status. This individual meets a landed immigrant and/or a Canadian citizen. Then two individuals fall in love and get married. When they get married, they have a choice of being sponsored outside Canada from their homeland or sponsored within Canada under humanitarian and compassionate grounds.

In some instances, for individuals visiting Canada who do not require visitor visas to come to come to Canada, it is faster to be sponsored outside Canada. However, there are instances where individuals need visitor visas to enter Canada and it is a hardship for them to leave Canada, to be sponsored outside and then to be brought back into Canada by their spouses. Right now a spousal sponsorship outside Canada can take anywhere between six to eight months and other posts can take up to three years.

For example, Tamils coming from Sri Lanka face processing timelines of up to three and four years, which is three and four times as much as in other posts, and I have seen this happen. People who come from Sri Lanka as visitors, fall in love with Canadians and get married have two choices. They can go back to Sri Lanka and be sponsored by their spouses, which can take up to four years, or they can be sponsored inside Canada. If they are sponsored inside Canada and they are on status, then the sponsorship is done through the case processing centre in Vegreville. Vegreville then takes a look at the paperwork and if officials believe the bona fides of the marriage, they send it to the local Citizenship and Immigration centre office in order for them to land. If they have some serious doubts such as a person might be married before, there is a child, somebody is claiming refugee status, they send it to the local Citizenship and Immigration centre. That is where the problem arises.

In the local centre of Citizenship and Immigration waiting for an interview can take up to four years. Therefore, individuals sponsored by spouses, if they are in status in Canada and have a visitor visa, have to keep renewing their visitor visas for the next four years until they have an opportunity to go in front of immigration and present their cases. If for any reason they are not in status and claim refugee status, then they still have to linger in Canada for four years until their cases and interviews take place at the local Citizenship and Immigration centre.

This is where the problem starts, and it is twofold. First, if individuals are in status in Canada and for whatever reason Citizenship and Immigration decides it will not give an extension on their visitor visa, they become out of status. Second, if they have come to Canada, have claimed refugee status and get married in Canada, again they are not in status. On those two occasions, we have a spouse in Canada who could be removed from Canada and it does not allow the couple to set roots, to plan for their future, to have children and to carry on a life.

Let me examine a particular case I dealt with recently. A young lady came to Canada from China, from the province of Fujian, and claimed refugee status. That failed. She found a Canadian and they were married. However, CBSA, the Canada Border Services Agency, which is responsible for making the decision to remove people, decided that the woman needed to be removed. The decision to removed is no longer with Citizenship and Immigration, so it can say it is not responsible.

● (1110)

Let us look at the family. There is a three month old child. CBSA does not care that an applicant is waiting to have an interview. It is saying that the individual has to be removed. The mother is breastfeeding the child. When the mother is to be removed from Canada and sent to China, what will happen to little Kevin, who is three months old? CBSA has said the mother can take him with her. How in God's name can we send little Kevin, who is a Canadian citizen, to China? He has to get a visitor visa into China. If the mother is to be sponsored by the husband to come back, it could take a year and a half to two years. We will have a Canadian child in China, probably out of status over six or seven months, and we have separated the couple.

This is what is being faced in reality. We have Canadians who are marrying folks who are in Canada. Maybe their status runs out or maybe they claim refugee status. They are trying to start a family or they have a family. Then they go in front of CBSA. In this case, the CBSA officer bluntly told the couple to get a passport for little Kevin in order for them to remove the mother and for Kevin to go with her to China. The rights of this three-month-old Canadian are tossed out the window by a CBSA officer, who pretty well has absolutely no heart or feelings. He does not give a hoot about a three month old.

That is what we are facing with these existing difficulties. These are the people we are talking about.

There is another case I would like to discuss. A young individual came to Canada and claimed refugee status. He found a wife and they got married. She was three months pregnant when CBSA told him he had to go. He would either be removed or he could remove himself voluntarily, so he removed himself voluntarily. That was two years ago.

He is on his way back in the next few days. However, in the meantime, the child had his first birthday and the father was not here. He was not here to enjoy his son's first words. The father was not here to enjoy being called “papa”. The father was not here to be present at the birth of his child. We went to Citizenship and Immigration and explained the situation. We asked if it could expedite the case, but we were told no. It does not care. This was after he voluntarily removed himself.

We are talking about a young individual who found a wife. He got married. She was pregnant with a child. Why was he removed? Why was the family separated? The department should have done exactly what this motion calls for. If it is the first time individuals are sponsoring their spouses, they do not get removed until they have had their interviews at CIC, the local Citizenship and Immigration centre, and they are given work permits.

In the case of the individual who was sent back to China when his wife was pregnant, that would have fit perfectly. He would have stayed in Canada. He would have been given a work permit. He would have had an interview. There is no doubt that it was a bona fide marriage. There was a child involved. How can we tell a people that they were married out of convenience when there are children involved? Certainly, convenience does not include that sort of arrangement.

In the case of this individual, remaining in Canada and establishing himself probably would have been less of a hardship for the wife. The child would have had his father with him. They probably would have bought a home and moved on. He probably would have continued at his business and the couple would have been successful. What did we do instead? We separated the family. His business went down the drain. Now, he coming back to Canada. He is going to see the child, who is now over a year old. He has his first birthday a couple of months ago. He has only ever seen his child in pictures. He has to realize that the only reason he is coming back to Canada is because of his child.

● (1115)

The onus is on us. The severity of the cases we are talking about, when we separate husbands and wives and they are apart for a couple of years after they are married because we have told them they have to go back, or when we go into places of work and remove the husband or the wife, who have a baby, or when we order a couple to get a passport for the child, a Canadian citizen, because we are about to deport the mother, I challenge anyone in the House to tell me our system works. The needed changes are well overdue. These changes must come in so we protect young Canadian families.

I hear the Conservative minister and the parliamentary secretary say that there are a number of bogus marriages. Yes, we will run across that, but at the end of the day, that will certainly take care of itself when they have their interviews, when the individuals go before an officer of immigration and try to dot their *i*s and cross their *t*s that their marriages are bona fide, but they are not, then they will be removed. However, we need to address those overwhelming cases that we see day after day in the newspaper, where we have families being kicked out.

Let us look at what happens when a case is referred from a case processing centre in Vegreville to the local office. The local office will tell the individual not to send any representations and not to bother the office for the next 36 to 48 months. The couple is therefore at a standstill. The husband, if he is being sponsored by a Canadian wife, has absolutely no health care or work permit. It is the same with the wife if she is being sponsored by her husband. Not having any health care, if the couple decides to have a child in Canada, a little Canadian, the father has to cover the health cost of delivering the baby.

A delivery in Ontario, such as a delivery in my riding of Scarborough—Agincourt in Toronto, can cost up to $15,000. A married couple submits its paperwork and then the husband and wife are told they cannot do anything, that have to wait for four years. When the immigration officer is told that the wife is pregnant, how can it be questioned whether it is a bona fide marriage? The immigration officer will say it will not be called anything and they couple will have to wait until the case is dealt with in four years. If the husband and wife want to have children, that is up to them.

I have five daughters and I know the cost of bringing up children. However, imagine the cost of also having to pay for the delivery of the children? Some of us share the fact that we have children one after the other for a number of years. If individuals wait for four years and have two or three children, it will cost $45,000.

I worked on a case in my riding where the mother had two children and was sponsored by the husband. The case was being at the Scarborough Citizenship and Immigration office. The mother was pregnant again and the couple did not want to move. It got a little more hairy when there was a knock at the door. It was CBSA with a removal order. There are two Canadians involved. The mother is pregnant again and CBSA is there to remove her. Where is the reality? Where is the common sense?

We hear the parliamentary secretary say that it works, that we have checks and balances in place and the system works. That is totally false. The system does not work. There is case after case in our offices where there are bona fide marriages with children involved, and where CBSA and CIC take their sweet time. With CIC, if it goes to the local office, it is four years. It does not care if there are children, or if there are circumstances or if the husband has to go to work because the Canadian wife who sponsored him has already one or two children and has to stay at home to take care of them while the husband provides.

● (1120)

There is a husband who is being sponsored staying at home and cannot go to work. How would members of the House feel if they could not provide for their family? How would they feel if they had one or two children, their wife had just come out of the hospital and there was absolutely no income coming into the house? That is the tragedy.

This is why we are saying we should allow them to have a work permit. This is why we are saying that we should also move forward quickly to make sure that the female spouse has the opportunity to deliver children in Canada and the bearing of children is not a burden on a Canadian family. These are Canadians who have been born in Canada. These are Canadians and the CBSA officer is saying to the mother, "Get a passport for the child because you are going to be deported and we are going to send the Canadian child with you to China".

Who are we deporting? Are we deporting the mother or are we sending into exile a young Canadian? Who are we hindering and who are we kiboshing? I will tell the House who we are doing it to. We are doing it to a child who is four or five months old, little Kevin. Once his mother goes, Kevin will have to follow his mother to China.

When Kevin goes to China or another country, he will be there as a visitor. If Kevin is sick and needs to go to the doctor, the local medical facilities will not take care of Kevin because he is not from that country. We are putting in harm's way a Canadian citizen who should have health care and all the other benefits. We are kicking him out of the country.

Imagine if little Kevin follows his mother, lives in China and becomes severely sick and he has been out of Canada for six months. The father then goes to China to bring the child back. OHIP in Ontario would say, "I am sorry, but the child has been out of the country for more than three months or six months. Therefore, the child is not entitled to health care". How can we face a family when we separate them? How do we go about telling them that we stuck it to them?

We did not care about little Kevin. We did not care about the young man whom we separated from his wife and she had a child in Canada who is a year and a half old. Frankly, we just do not care. Why? Because maybe they are new immigrants. Why? Because maybe they do not fit the mould of the rest of us. Why? Because maybe we are xenophobic. I do not like to think that is the case. I hope it is not.

In order to make sure that we have a society that looks after families and we have a society that cares about the young ones and the young families, it is about time we stepped up to the plate and helped these young Canadians who found somebody they want to marry. Maybe the person is not in Canada, or maybe the person does not have status, or maybe the person has run out of status, but we have to take the responsibility in order to help them establish a family.

This is why it is very important to note that it mentions first time applicants only. I urge all my colleagues in the House to support this very important motion as we try to establish and build families and help young families grow with the rights and obligations that we have as Canadians and as the government.

● (1125)

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I want to thank the member for his intervention in this debate this morning. I know he is a very experienced member of Parliament. He has had a great deal of immigration work in his constituency because he has a large immigrant new Canadian community in his riding as I do in mine.

Like the member for Trinity—Spadina, I was a constituency assistant for many years and had to deal with many situations where families faced complications in their immigration status. The most difficult ones were where a family was being separated because of some immigration problem or there was the threat of that. For many years I was able to say that family reunification, keeping families together, was a key principle of Canada's immigration policy. That was the overriding concern of what our immigration policy was about. Yet we have this phenomenon, this particular aspect of the way immigration law is enforced that actually forces spouses of Canadians out of the country because of some problem with their immigration status.

Could the member comment on the importance of ensuring that keeping families together remains the key principle of our overall immigration policy?

● (1130)

Hon. Jim Karygiannis: Mr. Speaker, I want to thank my colleague from the NDP for giving me an opportunity to say that it is the only principle, not the key principle but the only principle that we have. It is the only principle that obliges us. It is the obligation of every one of us in this House. Whether we are members in government, in opposition or the third or fourth party, it is our obligation to make sure that we support, nurture and are shoulder to shoulder during the good times, the hard times and the times when young families are trying to stay together. It is probably the toughest decision that has to be made by a family.

I want to go back to the family that I was talking about. The decision was whether the mother would take little Kevin with her or leave him behind. There is absolutely nothing tougher for a mother to have to decide. There would be nothing easier than for a CBSA officer to say, "We will wait and we will not deport you until your case has been heard by citizenship and immigration". There is nothing easier than the minister making sure we adopt this motion so that the separation of families does not continue.

Mr. Bill Siksay: Mr. Speaker, in his speech the member stressed the fact that the report from the Standing Committee on Citizenship and Immigration talks about filing a first in Canada spousal or common law sponsorship application. This should go some way to addressing some of the concerns that somehow adopting this policy of preventing the deportation of a spouse would clog up the works in the immigration process and give people the opportunity to do end runs around appropriate processing.

We are talking about the first application. We are not talking about a second or third application, or other ways of prolonging someone's stay in Canada when there have been decisions made about the person's status or the bona fides of a marriage, for instance.

I wonder if the member could expand on that point. This is a very important phrase in the report from the standing committee.

Hon. Jim Karygiannis: Mr. Speaker, certainly the report addresses the first application. There are people who make a habit of getting involved in marriages that are not bona fide, doing end runs and putting their names out as a spouse a number of times. Those people are a very thin minority. I have spoken to some of them and said that they should not do it and it is going to hurt the rest of the people. That is why this report refers to the first application in a marriage.

If an applicant is, let us say, wife shopping or husband shopping and there are first, second and third marriages, then we know clearly that the individual is not part of a legitimate marriage, does not want to establish himself or herself in Canada and does not want to start a family. This is why it is very important that when we vote on this, members on all sides of the House, especially the government side, understand that this is about the first application and that they do not participate in separating families and putting young Canadian children in harm's way in countries where the medical system virtually does not exist.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I want to begin my remarks by commending the member for his speech. It was well informed. He has a clear understanding of the situation. In this place there are members on the government side who just do not seem to understand what is going on. I spoke a few minutes ago about some of the commentary I overheard.

The reality is that we have some significant problems with our immigration system, the CBSA and the removal of people. To some extent, I believe that the approach people have taken to our system has been questionable in the past.

There used to be an expression used in my workplace. When I worked at Bell Canada changes were forever being made. We used to say that if someone digs a hole, somebody else will find a way of filling it. A lot of the so-called abuses fall into that category. There are people who are desperate to stay here with their families and have a tremendous fear of separation.

The member talked earlier about the separation of a mother and child. How can anyone even begin to imagine that? Even more important, how can anyone imagine a country that sees that as the proper thing to do?

● (1135)

Hon. Jim Karygiannis: Mr. Speaker, this is not as they would say at Bell, if someone digs a hole, somebody else will find an opportunity to fill it. This is a situation where two people meet, one of whom might be in status, but the couple falls in love and wants to start a family. There is no hole here. There is no magic. It is two young people, or two older people for that matter, who want to be together near the end of their lives and live happily together. There is no hole. There is no magic. It is just two people who, if they are younger, want to start a family or, if they are older, want to find comfort and security with each other. It is just a family. It is the obligation of every member in this House to protect, to nurture and to support those families.

If somebody wants to talk about people who are trying to make end runs on a system and find ways of filling the holes, there is nothing like that in this situation. This is about a first application. The person is given the opportunity to have his or her day with a citizenship and immigration officer. If that officer decides that a person is not bona fide in Canada, then the officer proceeds to remove that person. Until that time, people should not be removed from Canada. People should be given the opportunity to establish themselves, to start a family and to work to support that family. There is nothing more important than for a spouse, a husband, to be able to work and provide for his wife and children. There is nothing more important than for a mother to know that she will not be separated from her three-month-old child and that the three-month-old child will not be forced to go to a country where the child is not going to be treated as a citizen of that country because in fact the child is not a citizen of that country. That child is a Canadian and we are putting the child in harm's way.

Mr. Bill Siksay: Mr. Speaker, I want to ask the member about one other part of the report from the Standing Committee on Citizenship and Immigration that talks about the entitlement to a temporary work permit while the first in Canada spouse or common law sponsorship application or a permanent residency application is being processed.

In his speech, the member touched on the importance of having that income, the importance of a spouse being able to work in Canada. We know that most families need two incomes to support themselves here in Canada, to establish themselves well in Canada, especially if they are contemplating having a family or if they have a family.

I wonder if the member could say a bit more about why the committee saw that it was important to include entitlement to a temporary work permit.

Hon. Jim Karygiannis: Mr. Speaker, it is important because people must feel some pride, must feel some equity, must feel that they belong and are doing something. People must be able to provide for their family. A work permit would allow a person to provide for his or her family, to feel important and that he or she is a contributing member of society, a responsible member of society and an individual who belongs.

[*Translation*]

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, I am extremely pleased to speak again on an immigration matter, namely the motion by the hon. member for Trinity—Spadina, with whom I have had the pleasure to sit on the Standing Committee on Citizenship and Immigration. I would also like to congratulate my colleague from Scarborough—Agincourt for his speech just now on the specific issue of family reunification. I have also listened to the questions from the hon. member for Burnaby—Douglas. I was on the committee with him for several years too. So I am very pleased to speak on this matter.

Let us remind the hon. members that we are dealing this morning with a motion that the government allow any applicant (unless they have serious criminality) who has filed their first in-Canada spousal or common law sponsorship application, accompanied by a permanent residency application, to be entitled to a temporary work permit and an automatic stay of removal until a decision is rendered on their application. This motion is a response to a real situation. It reflects the situation of citizens and permanent residents who come to our offices. At this time I also have applications being processed that relate to people who fall precisely into this category, for whom we have nothing more than discretionary recourse. The minister is the one with discretionary power to grant a permit.

I listened to what our colleagues from the NDP have said about the fact that, in many situations, the right hand does not know what the left one is doing. In committee, numerous witnesses and organizations working with immigrants, including the bar association, came to speak in favour of measures similar to those contained in the motion presented in the Standing Committee on Citizenship and Immigration.

We have also heard from members of the government, including the parliamentary secretary, who have shown insensitivity toward the reality of immigrant families. Given the speeches we have heard this morning, I also believe that the government is insensitive toward the shortage of workers in this country. The people who fall into this category are often skilled workers. They also include people with unstable jobs and young families. Earlier, my colleague talked about children born to people who are in Canada temporarily. We have to remember whom we are talking about. There is also the whole tendency to support economic immigration. While it is no less important, the issue of family reunification is part of immigration policy and is the very cornerstone of that policy. We need to keep this in mind, because family reunification is a question of values, a question of our society and how we want to live together.

As I mentioned earlier, we need to consider the situation of young families and the impact of unjustified separation. This is not the first time this issue has been debated in Parliament. The Bloc Québécois supports the motion before us that the report of the Standing Committee on Citizenship and Immigration on family reunification be concurred in.

The Bloc Québécois believes that it is important to put a high value on the family. On February 12, we voted in favour of the committee's motion. I would also like to remind this House that the government members opposed the motion.

We know that the immigration process is long. It can take several months from the time an application for permanent residence is filed until a final decision is rendered. It makes sense to us to try to keep the couple and the family together during this process.

● (1140)

When things are not done this way and when the policy as currently written is maintained and upheld, thousands of families end up vulnerable and distressed.

The government has the moral duty to ensure that such families are treated with the greatest possible compassion. I think that all opposition members have stressed that now.

The motion strikes me as wholly reasonable. On the one hand, it does not apply to anyone who has committed a serious crime, that is, those who are inadmissible because of their involvement in organized crime.

On the other hand, there is a time limit. The spouse can have a temporary work permit and an automatic stay of removal. However, if the person's application were to be rejected, these advantages would be nullified and these privileges lost.

In the absence of regulations, I feel we need to ask the Canada Border Services Agency to revise its policy with respect to these cases in order to ensure that it properly respects the rules of equity and natural justice and allows these people to benefit from the immigration policy as it stands.

As I have just said, we also need to keep in mind the arbitrariness of an immigration policy that contradicts the objective of family reunification. Despite what the Minister of Citizenship and Immigration and his departmental officials said in committee when the Immigration Act was being reviewed, there is no efficient process at this time for examining all of the circumstances of a file before someone is removed from the country. Nor is there any hearing process which would allow people to defend themselves and raise questions of law.

Permanent residents, Canadian citizens, are therefore deprived of the possibility of claiming their rights and drawing attention to one important element in the legislation, which is family reunification and the importance of the family to our values.

I would also encourage hon. members to keep in mind the shortage of Immigration and Refugee Board members. The shortage of IRB members has a serious negative impact on case processing times.

When the Conservatives came to power, there were five IRB vacancies. Their management of IRB appointments has been nothing short of disastrous. The government has deliberately slowed the process for appointing and reappointing board members. As a result, immigration claims processing was plagued with undue delays. During most of the Conservatives' mandate, the average vacancy rate for commissioners has been 36%.

In 2008, things were so bad that the IRB chair warned the Conservative government about its inaction and lack of initiative in appointing new board members. He emphasized the impact of the crisis. He told us all about the IRB's current crisis situation.

The situation is disastrous, and the chair of the IRB had to publicly chastise the Minister of Citizenship, Immigration and Multiculturalism for failing to carry out his duty to appoint commissioners.

As the official IRB report states, "The growing deficit of decision-makers has a direct impact on the IRB's ability to render fast and fair decisions".

A number of organizations working with immigrants and refugees have testified about the impact on the immigration system of the lack of IRB members to hold hearings and render decisions. Since the ongoing shortage began, it has been impossible to find out when immigration claims involving family reunification cases were scheduled for hearing.

This motion addresses issues related to family reunification and, as such, we must remind the minister and those in charge at Citizenship and Immigration Canada of the pressing need to review our immigration policy and honour the role and importance of family values.

● (1145)

As I mentioned earlier, this is the cornerstone of the Canadian policy.

What we find unfortunate today is that the primary purpose of the immigration policy has changed. Canada's current immigration policy has led to a decrease in the family component of the immigrant pool over the past decade. Immigration by family members used to account in general for 60% of the annual flow. Now it is less than 20%. The policy favours economic immigrants more.

The changes made to the regulations before the Immigration Act was implemented eliminated the assisted relative class. I believe that some members mentioned this earlier. In addition, the Immigration Act changed family class applications, restricting discretionary authority during the selection process and bringing in unfair exclusion policies.

I would remind the House that under the law, families' right to immigrate and remain in Canada is subject to many exceptions and restrictions. Immigrating is therefore not as easy as all that, and it takes a long time to process immigration applications.

As a general rule, permanent residents and citizens can sponsor spouses, common-law and conjugal partners and their children. There are rare exceptions, as I mentioned earlier, where spouses are inadmissible. But I find the current situation completely unacceptable, and it is condemned in the motion.

We would be in favour of amending the immigration policy so that spouses who are already here can be given a work permit and allowed to stay in Canada with their family while their application is being processed.

I would also like to talk about issues such as the disparity in application processing times among visa offices. Citizenship and Immigration Canada has made a public commitment to adopt a service standard of six months for processing sponsorship applications for spouses, common law and conjugal partners and dependent children. Several announcements have been made.

My colleague said earlier that 80% of cases were finalized in three months in New Delhi. My figures may be somewhat out of date, but the Citizenship and Immigration Canada website gives time frames for processing family reunification applications.

I would also like to add that it is obvious from this website that there is a longer waiting period in certain countries. There is therefore a disparity in the way applications are processed and it seems not to bear any relation to the program's integrity.

I would therefore invite the minister to debate this and the committee to examine more specifically the disparities between one office and another in processing times. This will likely turn up cases that are purely political and that have influenced decision makers.

I also believe that sponsorship applications should be finalized, and at the very least there should be a commitment once the person is here that his or her application will be finalized within a reasonable length of time. That could be one year, since medical exams are usually valid for a year. That would spare sponsored persons the expense of a second medical.

I am also of the opinion that Citizenship and Immigration Canada is not coming clean about the processing times for sponsorship applications. Their website gives the impression that they are handled within a predictable length of time, regardless of where they come from, and that is not the case.

In the meantime, Canadian citizens and permanent residents continue to pay substantial application fees with the false hope that their files will be processed within a predictable period of time.

The sponsorship situation is linked to policy decisions. It is a matter of values. The government can decide that, by virtue of Canadian values, admission to Canada is not justified under current policies. Such a decision has major consequences.

● (1150)

We feel that the opposition members have taken a stand on what is important for them and have centred their actions on the values of family reunification. We cannot say the same for the government members.

One assumes this is a political decision. Family is a fundamental issue and as such deserves public debate. That is why we are debating this matter today.

If the government intends to assign a low priority to family reunification, it ought to come out and say so openly, so that future immigrants can make informed decisions about coming to Canada. The lengthy processing times outside Canada should be included in the factors for assessing sponsorship applications within Canada.

I will make that my conclusion. I have raised several important points and I have contributed certain points that are connected to our experiences as members of Parliament with respect to this important issue which touches our hearts and engenders compassion. Immigrants are important and we must enact open policies.

● (1155)

[*English*]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, the member's intervention makes me long for our days on committee together. Her appreciation and understanding in this area was significant and helpful to committee and to me on many occasions.

The member has raised questions about the Conservatives' commitment to family reunification.

I want to remind her of the first time that a Conservative minister appeared before the Standing Committee on Citizenship and Immigration. Former member Monte Solberg came before committee, as the minister, early in the term of the new Conservative government to present his vision for immigration. The minister talked about the principles governing immigration in Canada.

For many years, Canadians had a mantra about family reunification, about the needs of the Canadian economy, about the need to protect the vulnerable and people whose lives were in danger and about the need to build the nation. This mantra was repeated all the time.

When the first Conservative minister came to committee he left out family reunification. When I asked him about it afterward he said he was trying to keep his remarks short. It seemed significant to me that the minister would drop it on his first appearance before committee when we have a longstanding commitment to family reunification as a key principle of immigration. I put it to the minister that this had to be carefully considered.

I wonder if the hon. member could talk a bit more about her perception of the Conservative government's commitment to family reunification.

[*Translation*]

Ms. Meili Faille: Mr. Speaker, I remember well the first presentation made by the then Minister of Citizenship and Immigration to the Standing Committee on Citizenship and Immigration. I was also surprised that he did not speak about family reunification at the committee. Family reunification is the cornerstone of Canadian immigration policy. It is one of the objectives of the act. We cannot ignore the act. In a number of situations, which we are well aware of, the government has decided to not implement sections of the act. The refugee appeal division is one example.

If I understand correctly, the member for Burnaby—Douglas wishes to point out that family reunification is not important for the government as demonstrated by the lack of concrete action and the failure to accelerate processing of sponsorship applications.

I would like to add that we are not talking about parents or grandparents, but about spouses. It is a serious situation for spouses and partners but even more serious for parents and grandparents. If we look at immigration overall, it makes no sense that we are not promoting the importance of family reunification.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, we are discussing the issue of individual families who have been broken up and deported. We deal with these situations at every one of our offices. We get to know the family, their situation and how they are actively involved in the communities they are living in. Yet, the response so far from the Conservative government on this motion has been to cast aspersions. We had the heckling about catching and deporting spies. One member spoke about people who come to this country to rip off innocent Canadians. There is a sense of suspicion about families.

My hon. colleague must have considerable experience as a member of Parliament dealing and working with families who are being broken up by this arbitrary and erratic system. Does she feel the Conservative government has a fundamental belief that all immigrant people who want to build a life in Canada are somehow guilty and have to prove their innocence by being deported? How do we work with the families, assess the situation and ensure that innocent people are not unfairly and arbitrarily deported from their families?

● (1200)

[*Translation*]

Ms. Meili Faille: Mr. Speaker, that is a very good question. I would remind the House that the immigration policy has changed and as a result of the amendments to the Immigration and Refugee Protection Act, the burden of proof often lies with the claimant. The system is designed in such a way that it is easy to refuse someone. As I was explaining earlier, when someone is refused, the decision is somewhat arbitrary and they are not always entitled to appeal; they do not always have the right to be heard. Some situations I have had to deal with in my riding fall into this category, and the only available means is to invoke section 25 of the act, that is, appeal to the discretion of the minister.

As for removals, I have seen many situations in which the people were removed not because their file was incomplete, but because of administrative technicalities. For example, when they were defended in court by the lawyer assigned to them, that individual did not do his or her job properly. Unfortunately, the claimants suffered the consequences of that and had no means of recourse. Furthermore, in many situations, the fact that wait times are long—and the government refuses to honestly and openly address questions related to why it takes so long to reach decisions in these cases—causes hardship. When it comes to refusals and removals, much greater sensitivity is needed in that regard.

[*English*]

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I want to look at the issue of the waiting period. Originally the promise was that if one sponsors their spouse in Canada it would probably take no more than six months to process an application. Then the couple could get on with their lives, start a new family and perhaps have children.

Right now, instead of processing an application in six months, we have seen situations where it takes over a year, two years or sometimes even three years. This is partially caused by the lack of resources in the immigration department, security clearance, people needed to do the interviews and application forms that are done by paper and not electronic format. All in all, it is not the most efficient system.

I know my hon. colleague has a lot of experience on the immigration file. Has she noticed an extended waiting period in the last few years that she has been involved in immigration policies?

● (1205)

[*Translation*]

Ms. Meili Faille: Mr. Speaker, in my speech I mentioned how immigration offices differ in the amount of time they take to process applications in this class. Administrative memos OP0248 and IP0211 of July 2002 reiterate the government's commitment to process 80% of sponsorship applications within six months. The government is not meeting this commitment.

In 2003, the immigration minister announced improvements in the form of a new kit for spouses that made it possible to consider the results of medical exams with the sponsorship application. A number of announcements have been made as well since the Conservatives took office. Yet the statistics show that two of the busiest offices, where we know false documents have been submitted and information is unreliable, are able to process spousal applications within three to four months. This is an example of the disparity among the immigration offices, and it concerns me. Most offices that issue visas do not seem to be meeting the six-month standard.

[*English*]

Mr. Earl Dreeshen (Red Deer, CPC): Mr. Speaker, I am pleased to rise to speak to the motion of the hon. member for Trinity—Spadina.

The motion we are debating today has two parts: allowing applicants who have filed their first in Canada spousal or common-law sponsorship application temporary work permits and entitling them to an automatic stay of removal until a decision is rendered on their applications. I do not support the motion. It is unnecessary and potentially harmful to our immigration system.

With regard to the first point, work permits are already issued to those who have been determined to be in a bona fide relationship. Regarding the second part of the motion, we already provide a 60-day deferral of removal for many applicants who do not have status in Canada if removal action is initiated. This is an adequate amount of time in the majority of cases to determine whether the application will be accepted. In addition, a regulatory stay of removal is granted automatically once the applicant has been determined to be in a bona fide relationship meeting eligibility requirements.

What I would like to discuss are the dangers inherent in adopting the motion. While the government is fully committed to family reunification, it is imperative that we guard the integrity of Canada's immigration program.

Allowing automatic stays of removal and automatic access to work permits will lead to an increase in applications from people wanting to remain in Canada by any means, legal or otherwise. Our immigration system is already generous and fair. The proposed automatic stay and automatic open work permits are two significant elements that will make it even more attractive to those who want to circumvent the process. An already busy system may overload, leading to delays and a greater possibility of abuse.

There is presently a rigorous process in place to verify the legitimacy of each application. Under this process, each claim is examined carefully to ensure that relationships are bona fide. When immigrants apply to remain in Canada as part of the spouse or common-law partner in Canada class, immigration officials may check an applicant's background, may perform in-person interviews and examine other evidence in order to assess the relationship. Applicants who are assessed to be living in Canada in a legitimate relationship with an approved sponsor receive a first stage approval, or approval in principle, pending the outcome of medical, criminal and security checks.

Once this approval in principle is granted, applicants can then apply for open work permits and those with removal orders receive a regulatory stay of removal until a final decision is made on their application. However, I have already stated that our present system is generous and fair. It is also flexible. For spouses and common-law partners who are in Canada but do not have legal immigration status, there is a policy in place that allows these individuals to apply and be processed in the in Canada class.

The generous provisions of our immigration program make it a very attractive one and therefore, I might add, extremely busy. Immigration officers are trained to be vigilant in watching for inconsistencies that may indicate a relationship is not bona fide, thus ensuring that only genuine applicants are granted approval in principle. However, even with the due diligence exercised by Citizenship and Immigration officials, so-called relationships of convenience are already a concern. There is a very real possibility that instances of fraudulent claims such as these will increase if this motion is adopted.

The policy that is currently in place facilitates the reunification of families and guards against abuse. It protects the integrity of our current immigration program. The hon. member's motion, on the other hand, calls for actions that are not only unnecessary, but would open the system to fraud and misuse. I urge my colleagues in the House to vote against this motion.

● (1210)

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, I listened to my friend carefully. I know he is a new member so I am going to be kind to him.

The system that we have right now does not work. The system that we have right now is broken.

The member across the way has children of his own or has family that has children. Should somebody be visiting from another country and his child or the child of someone in his family happen to fall in love and get married, they would put the application in at Vegreville, the case processing centre, and for whatever reason, maybe because an *i* was not dotted or a *t* was not crossed, that particular application would then be sent to the local office. There is no 60-day referral that my colleague spoke about, no God's will will get the application there within that 60 days. They will probably have to wait for four years before their application is dealt with.

Therefore, my question for the hon. member is this. Should the son of someone in his family find a wife and get married, and that individual is in limbo for four years, and if she were to become pregnant, would the son be eligible, available and willing, even afford, to pay the $15,000 that it takes for the delivery?

Mr. Earl Dreeshen: Mr. Speaker, one of the important things that we have to consider here is that when it comes to family reunification, we have to recognize that our government has been supportive of measures that increase the possibility that if there are marriages of convenience, they are dealt with and dealt with properly. Really, what we are talking about right now is the increase in immigration fraud and concerns that we have in that regard.

We do look at these overseas spouses and partners and try to make sure that they are processed on a priority basis. The example of which he speaks, of four years, I believe is a bit of a stretch. Specifically, there are measures under existing provisions that allow applicants to remain in Canada. Spouses and partners can seek and maintain their temporary residence status while their applications for permanent residence are being processed.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, let us be very clear here. We are talking about applications within Canada. We are talking about Canadian couples who are already in Canada. Let us not get the issue confused because what I am hearing is some of the Conservative members talking about people who are overseas.

We are not talking about bringing someone from other parts of the world into Canada. We are talking about people who are already in Canada, who are going to school or working together, who fall in love and get married. We are talking about cases of people living in Canada.

If I am understanding the Conservative government's logic, it is saying that any application to sponsor a spouse who is in Canada is going to be fraudulent anyway and that is why it is going to deport the spouse while it makes a decision on whether it is a genuine application or not.

Why not take action after the decision is made on whether the case is genuine? Why take action before a decision is made? That is not fair. It is not logical.

● (1215)

Mr. Earl Dreeshen: Mr. Speaker, spouses and common-law partners already living in Canada may also apply for permanent residence in the spouse or common-law partner in Canada class. Further, applicants in the spouse or common-law partner class can stay here and apply for open work permits once they have received approval in principle, so if we look at the types of things that are taking place, we will find that there is the protection that is required.

Hon. Jim Karygiannis: Mr. Speaker, I want to ask my colleague from Red Deer the same question that he avoided last time.

We are talking about family class applications and people who have fallen through the grid who are waiting to be processed because, for whatever reason, officials feel their applications are not genuine but are starting families. A young man, let us say the member's son, marries a lady who has fallen through the cracks and is pregnant. It is a simple question, yes or no. Does the member think it is fair for his son to pay $15,000 because his government did not stand shoulder to shoulder with his son in that marriage, yes or no?

Mr. Earl Dreeshen: Mr. Speaker, with regard to family class applications, one of the things the hon. member mentioned earlier was that there could be some *i*'s not dotted and *t*'s not crossed and this is the reason why these particular concerns could last as long as four years. As I mentioned, I do not believe that is the case. I know that if situations took place similar to that, people would be getting support through those who are in the system.

Ms. Olivia Chow: Mr. Speaker, perhaps the member was not here when I spoke at around 10:30 a.m. this morning. I actually named cases, applications that had gone in on November 27, 2007. In the case of Mr. Wu, he sponsored his wife, Chen. That case has taken two years and there is still no decision. It will probably be another six or nine months before one is made. That is close to three years for a Canadian to sponsor his spouse. In this situation there was a child involved and a second one on the way. The wife is pregnant.

Can the member tell me why the immigration department would take so long in making a decision, two or three years, and how can he justify deporting the pregnant wife and the 10-month-old child during this lengthy period? It makes no sense. What kind of family values are we talking about? It is splitting up families and it is cruel.

Mr. Earl Dreeshen: Mr. Speaker, I do not know all of the details about the specific case. She mentioned what she discussed earlier in the day. I cannot really speak to what occurred, but I know that everything that can be done in these situations is being done. If there are situations that people need to be aware of, I am sure things will work through the system in due course.

● (1220)

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I want to ask the member why he thinks it is appropriate to engage the deportation process when there are still possibilities of processing spousal or permanent residence applications. Deportation is a very serious matter. Should there be a legitimate family connection, it makes it more complicated for a person to return to Canada because he or she has to get over the hurdle of the deportation that has taken place.

Why go to deportation when there are still possibilities of processing legitimate applications in Canada?

Mr. Earl Dreeshen: Mr. Speaker, with regard to deportation and situations that are that serious, there are immigration officers who are trained to be vigilant in watching for inconsistencies that may indicate that a relationship is not bona fide. We have to ensure genuine applicants are granted these approvals in principle.

I want to reiterate what I mentioned before. Citizenship and Immigration officials are looking at many of these relationships of convenience and there is concern. If that possibility exists, the instances of fraudulent claims such as these will increase if this motion is adopted.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to have the opportunity to speak in the debate today to this concurrence motion in the first report of the Standing Committee on Citizenship and Immigration. I want to thank the member for Trinity—Spadina for giving us this opportunity to talk about this important issue today.

The key part of the committee's report is a recommendation that the government allow any applicant, unless he or she has serious criminality, who has filed his or her first in Canada spousal or common-law sponsorship application, accompanied by a permanent residency application, to be entitled to a temporary work permit and an automatic stay of removal until a decision is rendered on his or her application. It is a very straightforward recommendation that tries to address a very difficult situation that all too often arises in dealing with immigration policy here in Canada.

I want to go over some of the key parts of this. The committee clearly understood that criminality was an issue that had to be taken into consideration in these circumstances, which is something we want to take very seriously. The committee said that serious criminality still must be considered in these circumstances and that there was often a reason to proceed to deportation and removal when there was an issue of criminality. The committee has been careful. It has not said that we excuse criminality if we are going to change and make this policy clear.

The committee also made it clear that this deals with first in Canada spousal or common-law sponsorship applications. Therefore, we are not talking about attempts to drag out the process or delay the imminent decision on a file by successive applications and appeals. We are talking about the first application for a spousal or common-law sponsorship application. This is not down the chain somewhere. This is at the very beginning of that process. The committee was very wise to include that and has been very careful to include that language in its recommendation in the report.

The committee report also talks about an in Canada spousal or common-law sponsorship application accompanied by a permanent residency application. In effect, we are getting the whole thing at once. We are not doing a separate spousal application and a later application for permanent residency. It was very prudent of the committee to ensure that it was saying that everything had to be in order about the application, that it had to be a serious application and that all aspects of the application needed to be complete and part of what was being considered by the department.

It was very wise of the committee to do that because we want to ensure the system has integrity and we want to ensure that people engaging this new policy are very serious about that engagement and very serious about their situation.

The committee was also wise to talk about entitlement to a temporary work permit until the decision has been reached on the application. I think everyone in the country knows the importance of work and how many families have struggled with the requirement that both spouses work to maintain a reasonable standard of living in this country.

I think that was a very wise inclusion. We know the financial stress that many families who are going through the immigration process are under and especially those who have gone through a difficult immigration process often face that. It was very wise of the committee to include the entitlement to a temporary work permit until a decision is rendered on the application.

The automatic stay of removal is also very important. We know that removal is a serious issue that involves the need for legal representation and a new level of engagement with the law in Canada. To get to that point, it is always very difficult to stop that process once it has begun. The seriousness of deportation has ongoing ramifications. It will ultimately take the direct intervention of the minister, I believe, to allow someone to return to Canada after the person has been removed and deported. It is a serious level of engagement of our immigration laws to consider removal and deportation. The committee was wise to say that should not be needed until a decision is made on the application.

● (1225)

This is a very prudent recommendation, a conservative recommendation in the small "c" sense. The fact that it gained a majority support at the Standing Committee on Citizenship and Immigration is an indication of how carefully crafted it was to deal with very serious situations. Some of the most difficult situations that any member of Parliament can face is dealing with a family that is about to be separated because of some aspect of our immigration law. The committee was wise to be very careful in how it crafted this recommendation. I would hope the government would take it more seriously than it seems to be doing this morning.

What we also must remember, when we look at this situation, is that we are talking about but a Canadian sponsoring his or her spouse or partner. We are not talking about people who are trying to come into Canada who have no connection to Canada. We are talking about someone who is related to a Canadian in the most direct way as his or her spouse or partner. It is important to keep in mind that we are talking about Canadians who want their spouse to be with them here in Canada and that is a crucial piece of this recommendation from the committee.

Overall, it is a very prudent, important and carefully constructed recommendation from the standing committee.

I want to pay tribute to my colleague from Trinity—Spadina. Like me, she was a constituency assistant to a member of Parliament for many years. She has had, like I, the experience of sitting with constituents who find themselves in these kinds of difficulties and has sat with them as they faced the possibility of their family being split and a family member, a spouse, being removed from Canada. I am sure members can imagine that there is not a more difficult situation than to sit with people and try to advocate for them when they find themselves in that circumstance.

My constituency staff and my case workers, Ayesha Haider, Caren Yu and Jane Ireland, have had the same experience in recent months of having to sit with constituents who are on the verge of their family being split up and have sat with them through that experience of seeing a spouse removed from Canada. It is one of the most difficult situations that they can deal with. I want to thank them for taking that responsibility and working with those folks to try to find every avenue that would make it possible for that family to stay together.

I believe families need to be the key principle behind our immigration laws and policy. Family reunification must be a fundamental principle of Canada's immigration law and for many years it was always seen as the key aspect. Keeping families together and reuniting families here in Canada was crucial to a successful immigration policy. I think it is one of the reasons why Canada, around the world, is seen as having a very successful immigration policy. If we were to look at the history of immigrants to Canada, the ones who have been most successful have been those who have had family here in Canada and have been reunited with them because it gives them a built-in support committee or a built-in settlement committee that allows them to adapt more quickly and more happily to life in Canada. We are loath to forget that family reunification has been the most successful part of our immigration program, which is good cause for continuing a bias in favour of families when it comes to our immigration policies, For me, that is a no-brainer. When we look at the immigration program, we will see that success. Most of us know from our own families that family reunification was an important aspect of immigration for many of our families. Successful immigrants come out of family reunification and we need to maintain that.

We heard concerns this morning that the Conservatives may be moving away from that emphasis in our immigration policy.

● (1230)

Mr. Speaker, you and I were on the immigration committee in the last Parliament when the then minister of citizenship and immigration, Mr. Monte Solberg, made his first visit to that committee and made his presentation entitled, “Minister's Vision for Citizenship and Immigration”. I remember being quite shocked listening to the minister's statement to the committee when he talked about the principles behind Canada's immigration program, the needs of the Canadian economy, the protection of vulnerable people and the refugee program. He did not talk about family reunification.

For years, Canada has had sort of a mantra. When we talk about the goals and principles of the immigration program, we talk about family reunification, the needs of the Canadian economy, the protection of vulnerable people and nation building.

The former minister, Mr. Solberg, however, left out nation building and family reunification. I thought those were very serious omissions. When it came to my time to question the minister, I said that he had listed the important principles behind immigration but that for the first time, I suspect, in many years, a minister has left out family reunification and I asked him why he did that. The minister replied that he was trying to keep his remarks short so he had not included everything but that he did see it as important.

I think the first time the immigration minister in a new government visits the Standing Committee on Citizenship and Immigration his statement is very carefully drawn out. It is not something that is done carelessly. The words are chosen very carefully.

As it turns out, that was our first indication that for the Conservative government family reunification had literally dropped off the list of key principles around immigration. We have seen that with the emphasis on temporary foreign workers. We have seen that with the emphasizing of economic immigration over family reunification that has come with the Conservative government.

That is a very sad situation because family reunification and family immigration has been the strongest part of our immigration program and it is what has built this nation. To turn our backs on that success story is a serious problem indeed.

When I hear a Conservative standing today to criticize this recommendation from the standing committee, I worry that this is another example of the Conservatives failing to support families in Canada and failing to support Canadians as they build their families. I want to ensure we have a clear debate and that the government is forced to take a very clear position on this because it is something that I think is very important.

In my own constituency in recent months we have had a number of serious cases where families have suffered through this kind of situation where a spouse has been removed from Canada. I must say that these are very traumatic situations. One of them involved a spouse who was here in Canada on a visitor's visa. She had overextended her visitor's visa, forgot to renew it and, unfortunately, that left her out of status. She and her spouse realized the mistake but it did not change the fact that she was married to a Canadian and that she was pregnant with their first child. Unfortunately, we could not convince the government to cut them any slack to ensure this family would not be separated, especially at such a crucial time in their life when they were expecting the arrival of their first child.

The woman was placed on an airplane at the Vancouver airport. It was very difficult and traumatic getting her to that point of being on the plane. On the plane, she took ill before it took off. The flight had to be delayed and she had to be taken to the hospital where I believe she remained for about a week just because of the stress of what was happening to her at that point.

I think we can all agree that this is not a good situation for a pregnant woman. Needless to say, she and her husband were most distraught with what was going on. The husband was often denied visits with her during her hospitalization. Later, when she recovered from that immediate episode, she was removed from Canada. Here we have a family separated from their means of support, a father separated from the imminent birth of his child and a family separated by thousands and thousands of miles.

● (1235)

The father had to take an unpaid leave of absence from his job to be with his wife when their child was born. Having to take that time inflicted significant financial difficulties on the family. It affected his ability to maintain his position where he worked as well. This was all totally unnecessary.

This was a bona fide relationship. The spouse was pregnant. Yet, somehow we could not find it in our immigration process or in our hearts as Canadians to make sure this family stayed united in Canada.

We felt very strongly that the government failed this family at an important time for them. It will take some time to rebuild their confidence in this country. All of us who had anything to do with this particular case were very shaken because we could not get any minister to intervene directly in this case. This is one example of an issue that my constituency staff and constituents has experienced recently.

There are other complicated ones, and I do not deny that there are complications in all of these situations.

Recently, another constituent of mine was deported. He came here as a 10 year old. He did not know that his family had not made the appropriate arrangements to have him granted status in Canada. He had a wife and a child in Canada. He also had a criminality issue, but that was taken care of. He did his time in Canada, and he was released. As a result of that criminal conviction it came to light that he did not have status in Canada, and the government moved to remove him.

I take criminal issues very seriously, but this individual had been in Canada for over 20 years, I believe. He did his time, so I think that was resolved. But at that point he was our criminal, because he was a Canadian, by all intents and purposes, if not by direct legal definition, who had been raised in this country.

To say that he should have to leave this country and not be able to support his family and not see his child grow is a serious issue. Again, we failed another Canadian family by not having a more generous and clear policy around this kind of situation.

I would also be remiss if I did not mention the situation of the Lennikov family in Burnaby. They live in the riding of my colleague from Burnaby—New Westminster. This family is about to be separated, within the coming week, I believe.

Mikhail Lennikov, his wife Irina, and Dmitri, his son, came to Canada 11 years ago. They made refugee claims and they were found to be refugees, although Mr. Lennikov's claim was complicated by the fact that he had worked for the KGB in Russia. He was forced to work for the KGB. He quit the KGB after five years, and then he came to Canada. He did not hide that information when he made his refugee claim. We were not able to accept that someone could be forced to do that kind of work, turn their back on that work and be a legitimate refugee.

Dmitri Lennikov, the son, is graduating from high school this week. Mr. Lennikov has been granted a temporary stay of his deportation so he can attend his son's graduation.

What will the situation be after that? There will be another separated Canadian family, because Irina and Dmitri have been accepted to stay in Canada but Mikhail will be forced to leave. Another family will be in terrible distress.

This family has huge community support. Four thousand people went on their Facebook site, and letters and petitions have come from Dmitri's school and from the community in support of them.

This is a very simple matter. We need to support families. We need to make sure they have a successful life in Canada. We need to be careful before we engage in a removal process when it involves the spouse of a Canadian.

This recommendation from the standing committee is very carefully constructed to deal with the important situations that families face. It merits the full support of the House.

● (1240)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, my hon. colleague has been a passionate spokesman on the need to have a coherent immigration policy in this country, one that is not erratic, one where a person does not have to know the minister or somebody who will protect them.

Canadians who marry people who come to Canada and start to raise families, who are legitimate applicants and committed to building a life in Canada, should not be subjected to mean-spirited bureaucracy. Yet, we have seen the response this morning from the Conservatives, the sense of suspicion of the outsider, the hisses about how we have to track down spies and how people come here to rip off average Canadians. There is an old saying that "Tory times are always hard times", and we certainly see that with this government.

However, the way the Conservatives are using it against Canadian families, against people who are building lives here, we see a sense of deep mistrust with that party. I would like to ask my hon. colleague if he senses this growing sense of power that the Conservatives can use against families who are relying on a system that is failing them.

Mr. Bill Siksay: Mr. Speaker, I do not believe it is necessary to build walls around Canada to protect us from people who would flock here to somehow take advantage of us. When I hear about the need to protect the integrity of our immigration system, it somehow feels that it is the situation that is envisioned.

Most people, the vast majority, probably 99% of people who come to Canada, do so through the appropriate channels. We have to recognize that on a planet that has grown so small, where people move as freely as they do, often situations develop where relationships start and they do not necessarily conform to the kinds of bureaucratic arrangements or processes we have set in place. While we have that kind of freedom of movement around the planet, we have to deal with the situations that often present exceptions, or the need for an exception, to the strict application of our immigration law.

The committee has tried to say that those circumstances arise, they are completely legitimate, and here is a policy that will help us deal with them fairly and justly. The committee has been very careful to word the recommendation to do just that.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, for this unfair, cruel and mean-spirited policy to continue, the Conservative government is really asking that when Canadians fall in love and decide to get married they should double-check to make sure the person is not of a precarious immigration status. If not, they will face many years of separation, hardship, financial difficulties, because the person would probably face deportation, even if they are married and the spouse is sponsoring them. That seems to be the message the Conservative government is pursuing.

With the kind of discussion we heard today, is that the message the Conservative government is sending, that if a person marries it is likely a marriage of convenience and the spouse should be deported, even though the application is proceeding, and there are really no grounds for compassion at all?

● (1245)

Mr. Bill Siksay: Mr. Speaker, we heard the situation of false marriages this morning in debate. I think that is a complete red herring. We are not talking about that with regard to this motion. In fact, this motion says that the application process will have to proceed. The common law or spousal sponsorship application has to proceed. The permanent residency application has to proceed. That is the appropriate place for those judgments to be made about whether it is a bona fide relationship or not. That is the place where those decisions will be made.

To raise this as though this is somehow going to allow a whole bunch of fraudulent marriages to be recognized by Canada and our immigration system is completely wrong. The reality is that we do not ask for somebody's landed immigrant papers when we begin a relationship with them or fall in love with them. That would be utterly inappropriate.

Years ago, in my own life, I began a relationship with someone from another country. It was when I was a young man. It was a time when gay relationships were not accepted by our immigration policy. My partner and I could not figure out how to get over that problem of the border in terms of our own relationship. I see other people faced with that same circumstance of the border and the necessity for having legal status in a country. When I see that interfering with their relationship and their ability to form that relationship, to flourish in it and find it a home in Canada, I feel it very personally.

I let that relationship go, because I could not see a way around that particular problem. No one should have to make that kind of decision. When a person is beginning or trying to continue a relationship, they should have the support of the government and the people of Canada and not have road blocks thrown in their way.

Ms. Olivia Chow: Mr. Speaker, we know that the first six months and then the first six years of a child's life are the most important for that person. That is when a child's brain is developing. That is when they are bonding with their parents. That is when the world is filled with wonder. The brain develops the most during the first six years of a child's life.

I want the House to think about this. If in the first few months or years of his or her life a child faced a situation where the mother or father is cruelly separated from them, what would happen to the child? Imagine a newly married couple having to decide if this young child should stay with the father or mother. One of them has to leave. I am talking about a Canadian-born child. Who should this child follow? Should he or she be deported with the mother or father or stay in Canada?

Imagine a couple having to make that decision of who the child should go with. Should he or she be deported or not? Imagine the trauma of this young baby, in the first few months or years of his or her life, being put a plane and taken away while the parents are totally distraught and financially ruined because of this ridiculous, inhumane policy in front of the House right now.

I want my colleague to comment on what would happen to this poor child. How would a couple make a decision as to whether the child should be deported to a place the child has never been or whether the child should stay with the mother or father? Is that a decision that any Canadian couple should face?

● (1250)

The Acting Speaker (Mr. Barry Devolin): The hon. member for Burnaby—Douglas. A short answer, please.

Mr. Bill Siksay: Mr. Speaker, I could give a very short answer and just say no. No Canadian family should ever be put in that position. Perhaps that is the best answer. I do not think there is any "if this" or "but that"; I do not think any family should have to face that kind of decision.

That is exactly what the committee is saying with this policy change. It has been very conservative in how it has worded its recommendation to the government we are debating in the House this morning. The committee has looked at all the possible contingencies with regard to it. It has enumerated them in its motion and it has said this is an unacceptable situation for any Canadian family to face. Certainly, where there is a child involved, we know how important having a family is to the development of a child. I do not think there is any excuse for that.

The simple, clear and only answer to the member's question is no. It is absolutely inappropriate to put a family in that position.

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, thank you for the opportunity to speak today on this very important issue. It occurred to me as I listen to the debate that our country truly is built upon immigration. I think of my riding of Thunder Bay—Rainy River and immigration through the last century in particular, right up to and including the 1980s and 1990s. Like most ridings, Thunder Bay—Rainy River is a very diverse riding with many people having arrived as newcomers. Some are first, second or third generation.

Throughout our long history of immigration in Canada we have gone to extremes at various times. On occasion we have had a very open door policy on immigration. At times we have closed the door. This is a very different situation we are faced with today. The bottom line of what we are talking about is the devastating impact on families. We should be doing everything we possibly can to ensure that families stay together and raise their families here. Quite frankly, this is what Canadians have done for more than a century. We have opened our doors to people from around the world and it is only in our recent history we have said to people that they will have to leave the country in 30 to 60 days. For most of our history we have had an open door policy.

The communities in my riding would never have been built had it not been for Italian immigrants, Ukrainian immigrants and immigrants from other parts of eastern and western Europe. It behooves us to think very carefully about the impact of presuming that people are guilty when they arrive in our country, presuming that people are ne'er-do-wells, that people are here for fraudulent reasons. Granted, there may be an occasional case where that is true, but that is dealt with in the usual manner. What happens is that 99% of others are penalized. It is a question of fairness.

Imagine coming to this country looking for a better opportunity, looking to contribute to society and in the course of being here for six months, a year or two years, falling in love and starting to raise a family. Then the government says that one member of the family has to leave this country. In some cases a mother and children may get to stay in the country, but the husband has to leave. It is a very long and involved process to get back again.

I am not suggesting that the government should not remain vigilant against fraudulent immigration, but I am suggesting to the government that the instances are very, very few.

● (1255)

Canada has a strange policy in that it would deport one spouse. It is hard to believe that Canada will actually deport the person with the precarious status, even though that person is married to a Canadian. As my colleague from Trinity—Spadina said earlier today, the woman might be pregnant, or breastfeeding a baby or has other children. She could be deported, not her children. Sometimes it is the mom, sometimes it is the dad who is deported, but it breaks up the family.

In the last 10 to 15 years in this country everyone talks about the importance of the family and family values. Here is a situation where quite purposefully families are being split up.

It might take a year or two, sometimes a shorter period and sometimes a longer period, for the deported person to come back to Canada. For a couple that has just been married or has only been married for a year or two, to face separation for an extended period of time simply is not fair. Fairness is really what we are talking about today.

On top of that, the couple may have to pay thousands and thousands of dollars in legal fees and so on. If the person comes from a part of the world that is very expensive to travel to, there are those expenses as well. It may be tens of thousands of dollars before the situation is resolved. Is that fair?

Not only is it hard on the couple, but it is hard on the Canadian public when we consider the government resources that are being used, the tax dollars that are being spent to make all of this happen, when it would be quite simple to say, "Until things are resolved, we are not going to do anything. Just continue to stay with your family. Stay with your spouse. Stay with your children".

In my riding offices, I do not deal with a lot of immigration issues. However, when I do, I would like to say that the government has been very cooperative in terms of helping me sort out these problems for constituents. When I say that, it astounds me even more that we are even having this discussion today, because it seems to me that we use a whole lot of government resources to sort out things that should not have to be sorted out in the first place.

I would like to conclude by suggesting that this immigration policy has a devastating effect on many Canadians and their loved ones. I am very pleased to have had the opportunity to express my dissatisfaction.

● (1300)

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, like my hon. colleague's riding, my riding also was built mostly by immigrants. A lot of immigrants came to Nickel Belt in the 1940s and 1950s. They were community-minded people. They were very active in the community, not only in working but also in volunteering in the community.

I am working on an immigration case right now from Morocco. It is a very complicated case. The hold-up seems to be with CSIS. Apparently when one goes through CSIS, it could take a long time to get the problems resolved.

I would like to ask my colleague if there is something we could do in immigration to streamline the application system. When people have been deported unnecessarily, is there something we could do to speed up their return to Canada?

Mr. John Rafferty: Mr. Speaker, absolutely. My experience has been that some cases, complicated or not, take a long period of time and some take a shorter period of time to get resolved. A good example in my riding is a short-order cook from mainland China who was here on a work permit and needed that permit extended. Quite frankly, the immigration department acted very quickly to make that happen. There was no shortfall or period of time when he was unable to work in the country. Otherwise, he would have been sent home. We have those kinds of cases, but we also have other cases that are very complicated.

I would like to say in response that our public service is fabulous. Canada's public service employees work hard and as well as they can within the rules, but sometimes the rules are not proper and need to be changed.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, there is a well-known cartoon that is not very funny. It depicts four people getting off a boat and the person who is second in line says to the person who is third in line while pointing to the person still on the boat, "Watch it, that guy is going to steal your job". Unfortunately, that seems to be some of the history of immigration in this country.

Many of us are children and grandchildren of immigrants. My grandmother was a mining widow who came over from the old country. My grandfather came over here on short-term work contracts. Why did he come to Canada? He said he was not going to die in a rich man's war. Immigrants were hired in those days because they took the hardest and most dangerous jobs. However, if they spoke out, they often were deported.

When the reunification of families was started back then, that is what built communities. It turned mining camps into towns, which turned into cities. The children of those immigrants ended up as doctors and lawyers. We can look across northern Ontario at the incredible wealth that came out of those immigrant communities because the first generation, in the case of the gold mines, pretty much laid down their lives for the next generation to succeed.

Yet today we are talking about immigration and families in which one spouse is Canadian, a child is born in Canada and there are arbitrary deportations. In a sense these people are being treated as guilty unless they go back to a country of origin, spend thousands of dollars and are dislocated from their families for years on end. That is how they prove their innocence. I would suggest that there is something fundamentally wrong in a system when people can be treated in such a cavalier and arbitrary fashion.

My colleague spoke earlier about the excellent work of the civil service. I certainly agree with him. The immigration teams in northern Ontario are underfunded and we need more of them. They do excellent work, but it is not an issue of civil servants. It is an issue of a government's attitude toward how it deals with one of our greatest resources, which is the immigrants who built this country. Does the member think the government's attitude toward immigration is failing and hurting Canadian families?

● (1305)

Mr. John Rafferty: Mr. Speaker, members on this side of the House believe in fairness. They believe that immigration is an important part of what has built this country and what continues to build this country. I prefer not to think that members of the government are meanspirited and nasty or think that perhaps there is a spy behind every curtain. I know that all hon. members in the House want an immigration policy in Canada, for Canada and for Canadians that is fair to all.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, it is my honour to participate in the debate on the concurrence motion presented by my colleague, the member for Trinity—Spadina. I thank her for the work she does day in and day out on the immigration committee and in the House, raising issues of importance to all of us, issues around a fundamental policy direction that is so important to our country's identity and to the future of it.

The motion before us has to do with the work of the immigration committee, dealing with a very specific situation, and that is when an individual in our country wants to marry or form a partnership with another person who does not have landed status. That relationship is then made to suffer by a mean-spirited, outdated rule that says the spouse, the partner, cannot work in the country and must either wait it out and not contribute to the economic viability of that person's family or else face deportation, or removal.

This is clearly an issue that gets at the very heart of who we are as a country and what it means. We have a policy that says that family reunification is the bedrock of this society. All of us believe that. We hear it day in and day out in this place.

Therefore, we want to ensure our policies reflect that fundamental belief that the family unit is respected, that we encourage families to come together to support one another, that we ensure the family is supported so every individual who is part of that unit has the emotional, economic and social backup and background required to fulfill their lifelong ambitions and make their unique contribution to our society today.

From our point of view, there is no place in our immigration policy for a punitive approach, which says "If you want to get married, you can't work here and you've got to go back home and wait it out". Does that make sense, if we say that the bedrock of our society is family, that the bedrock of Canadian society is our multicultural fabric? We cannot have it both ways. We cannot on the one hand tout the beauties of this nation in terms of our ethnocultural diversity and then deny someone who is in love, who wants to form a permanent relationship with someone else, the right to stay here and make a living and not be removed.

It is not like this policy will cost a lot of money. It is will not hurt our society. It will not diminish anyone's contribution here now. It can only do the opposite. It enhances quality of life. It strengthens the family. It shows to the world that we are truly a humanitarian and compassionate nation open to people from around the world who want to come to our country and make a difference, who want to start a new life and use their talents to the fullest potential possible.

We are here today trying to advance something that the immigration committee has dealt with and to win the support of the government of the day to change this silly policy, a policy that stands in the way of family reunification, a policy that stands in the way of our belief that we gain strength from our diversity.

● (1310)

We have had a long, hard battle in this place to try to put family reunification to the top of the immigration agenda. Long before the Conservatives, we battled the Liberals. We tried every way we could to convince the Liberals, when they were in government, to change some of our immigration policies so we could actually show we were truly serious about family reunification and about progressive immigration.

Members will recall that many of us on this side of the House, in the New Democratic Party caucus, have advanced the idea time and time again of the once-in-a-lifetime policy. That is about family reunification. We said over and over again that the government should broaden the policy to allow immigrants to sponsor not only a family member who was part of that nice, neat, tight definition of family, which is mother, father, grandparents, children, but also sisters, brothers, uncles, aunts, nieces and nephews.

We proposed something that was very constructive and very reasonable. We did not say that we should open the family category up entirely forever and a day and see what happened. We said that we should do it carefully, slowly and cautiously and allow every immigrant in the country to sponsor, once in their lifetime, a member of their family who was not now part of the family definition. That was very reasonable.

It would not open the floodgates, as some of the Liberals tried to suggest it would. It would not bankrupt the country. It would simply be a way to strengthen family and to allow people to come to this country who would not otherwise be able to, thereby strengthening the economic fabric of our country and strengthening the foundation, the bedrock of our society, the family unit.

Here we are today debating something that should be self-evident, that should be automatically dealt with, but we are finding more resistance. Just like we found resistance from the Liberals year after year when they were in government, we are now facing resistance from a government that has once again adopted this very narrow approach to immigration, a very rigid approach which denies that fundamental notion of bringing family together and allowing people who are part of that family unit to contribute to the economy.

Why, in this time of economic difficulty, when we need people to fill a labour shortage, when we find it hard to in fact grow the economy, would we not encourage anyone who is here legitimately and wants to form a permanent relationship and a partnership to work? Why would we say that person cannot contribute economically? Those people can sit here and wait it out or they can go back home, where the wait is long, hard, trying and hurtful to the relationship and to the family unit.

We have heard from many of my colleagues, who have had numerous cases along these lines. I, too, have dealt with constituents who have come to me and said that they are about to be married, that they are engaged. They have said that it is a long wait while they go through the process, but they need to make a living, they want to contribute economically and be a part of Canadian society. However, they cannot afford to simply sit it out either in this country or back in their homeland.

We have people who have talent, skills, initiative and abilities, people who can make a difference to our communities, people who have much to offer, yet we tell them, even if they are engaged to be married or are part of a common law relationship, if they have not gone through all the hoops and waited all the years, they cannot work. We are saying is that the test should be the relationship and how serious it is. Is it real? There are many tests to determine that.

● (1315)

The Conservative government, just like the Liberal government before, will test all people who says they have been legitimately married. People are questioned time and time again about the legitimacy of their marriage and put through all kinds of hoops and obstacles, troubles and trials, just to prove they are legitimately married. We deal with that every day, especially with people who come from Punjab, where arranged marriages are the order of the day. Many times immigration officials question whether that marriage, that relationship, is genuine.

There are ways. Those couples have to go through all kinds of paperwork and have to demonstrate the absolute sincerity of their relationship and prove that there is a solid, firm basis upon which they come together. We can do that without preventing someone from contributing to the economy.

I think it is self-evident. It only makes sense, if we are serious about immigration, to do this.

The once-in-a-lifetime idea, which the Liberals quashed before the Conservatives came to power and which is still not one favoured by the government, is alive and well on our part. We will continue to push for this idea. It is fundamental to what we believe is important for our country, family being the bedrock of society and our belief that our country is only strengthened by our multicultural mosaic.

I regret some of the talk that has emerged of late, which suggests we should be more like the Americans, a melting pot of our societies as opposed to a mosaic. I come from a constituency that is one of the most diverse ethnocultural areas in the country. It is nothing but a place of strength for the community and for all of us. The richness that we get from that kind of diversity, the contribution that is made by Filipino Canadians, Sikh Canadians, Polish Canadians, Ukrainian Canadians, Portuguese Canadians, and the list goes on and on, cannot be measured in real terms because it far exceeds the enrichment to our society.

I hope the government is not pursuing this line of thinking too much. It would be absolutely wrong to deny our rich history. It should not build on this idea that we are a mosaic. We are not a melting pot.

On that basis, I also suggest the government finally do something the Liberals would not do, which is to allow for a proper appeal procedure for refugees. The Immigration Act was passed while the Liberals were in government. We tried to convince them to implement, at the same time that the legislation was proclaimed, an appeal for the refugee process. That was denied. To this day, we still do not have an appeal process for refugees coming to this country. What a violation of our understanding of human rights. What a backward notion that has been advanced by the Liberals, and now the Conservatives. I hope we can finally see the light of day and put in place a proper appeal procedure.

I might add, when the Liberals were in power and we were engaged in revamping our Immigration Act to bring it into the modern century, many pieces were left undone, many clauses were not changed. We had issues around the live-in caregiver policy. We raised concerns about the protection of live-in caregivers and nannies and the Liberals would not address it. Now the current government will not address it. We raised questions about the appeal process. We raised questions about the once-in-a-lifetime immigration proposal. We raised questions about ensuring that families with children with disabilities would not be barred from our country.

However, the Liberals refused to do anything about those very good ideas. They refused to adopt those amendments. As a result, they set the stage for the Conservatives to do what they are naturally inclined to do, and that is to be hard on immigrants, to be harsh in terms of their judgment, to deny people when they ought to be given some ability to come to this country.

Time and time again we have dealt with families that have been accepted here because of their economic contribution, but then they are turned away because one of their children has a disability. When we raised this with the Liberals a number of years ago, they told us not to worry, that it would never be used for that kind of approach. Look at what the Liberals have done. They have set the stage for a government that does not have the openness to a compassionate, humanitarian immigration policy and we are all now paying the consequences.

● (1320)

Instead of being a light in the world, instead of being a beacon of hope for immigrants and refugees around the world, we are now seen as becoming more and more hardline, restrictive and narrow in our approach, having lost our humanitarian compassion and tradition that is part of who we are as Canadians. I urge all members to support the motion and to get on with building a country that is founded and continues to grow on the basis of our pride in our ethnocultural diversity.

The Acting Speaker (Mr. Barry Devolin): It is my duty to interrupt the proceedings at this time and put forthwith the question on the motion now before the House.

The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: On division.

The Acting Speaker (Mr. Barry Devolin): I declare the motion carried on division.

(Motion agreed to)

* * *

PETITIONS

ANIMAL WELFARE

Mr. Earl Dreeshen (Red Deer, CPC): Mr. Speaker, I rise today to present a petition signed by 126 people of my riding of Red Deer, Alberta. The petitioners believe that all efforts should be made to prevent animal cruelty and reduce animal suffering. Therefore, the petitioners call upon Parliament to support a universal declaration on animal welfare.

PUBLIC SAFETY OFFICERS' COMPENSATION FUND

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, flowing from the recent visit by our Canadian firefighters to Parliament Hill, I would like to present a petition on behalf of a number of petitioners who would like to point out to the House that police officers and firefighters are required to place their lives at risk in the execution of their duties on a daily basis, and that the employment benefits of these public safety officers often provide insufficient compensation to the families of those who lose their lives in the line of duty.

The public also mourns the loss of those public safety officers, police officers and firefighters who are killed in the line of duty. Those Canadians wish to provide support in a tangible way to the surviving families in their time of need. Therefore, the petitioners call upon Parliament to establish a public fund known as the public safety officers' compensation fund for the benefit of families of public safety officers, police officers and firefighters who are killed in the line of duty.

CANADA-COLOMBIA FREE TRADE AGREEMENT

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, I am pleased to present to the House for a third time a petition calling upon Parliament to reject the Canada-Colombia trade deal until an independent human rights impact assessment is carried out, and that the agreement be renegotiated along the principles of fair trade, which would take environmental and social impacts fully into account while respecting labour rights and the rights of all affected parties.

● (1325)

[*Translation*]

The petitioners are deeply concerned about the violence against workers and members of civil society by paramilitaries in Colombia, and the fact that over 2,200 trade unionists have been murdered since 1991.

[*English*]

All Canadian trade agreements should be built upon principles of fair trade, which fundamentally respects freedom, human rights and environmental stewardship.

* * *

POINTS OF ORDER

UNPARLIAMENTARY LANGUAGE

Hon. Gary Goodyear (Minister of State (Science and Technology), CPC): Mr. Speaker, I rise on a point of order. I understand that earlier today the Speaker, while I was in meetings, ruled that a remark I made on May 14 was unparliamentary.

I clearly intended to express my disappointment that the Bloc had consistently voted against new funding to support research at the University of Sherbrooke. However, I did use language that has now been determined to be unparliamentary. That was not my intention, and I unequivocally withdraw the remark.

* * *

PETITIONS

CANADA-COLOMBIA FREE TRADE AGREEMENT

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I have petitions calling on the government to stop the Canada-Colombia trade deal. The petitioners point out that the violence against workers and members of civil society by paramilitaries in Colombia, who are very closely associated with the current government, has been ongoing with more than 2,200 trade unionists murdered since 1991. They point out that the side agreements, whether labour or the environment, are not effective and that the whole trade agreement is based on NAFTA which has not been effective in protecting labour or environmental rights. In Mexico, for example, over a million agricultural jobs have been lost since NAFTA was signed.

It also points out that the murder of labour and human rights activists has increased in 2008 in Colombia, and widespread and very serious human rights violations continue to be a daily reality. The labour protection clause in the trade deal includes a penalty for lethal violence against workers, however, this is a token fine to be paid by the offending government into a cooperative fund which makes a mockery of human rights. Therefore, the petitioners ask Parliament to reject the Canada-Colombia trade deal until an independent human rights impact assessment is carried out.

QUESTIONS ON THE ORDER PAPER

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

The Acting Speaker (Mr. Barry Devolin): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CREE-NASKAPI (OF QUEBEC) ACT

The House proceeded to the consideration of Bill C-28, An Act to amend the Cree-Naskapi (of Quebec) Act, as reported (without amendment) from the committee.

The Acting Speaker (Mr. Barry Devolin): There being no motions at report stage, the House will now proceed without debate to the putting of the question on the motion to concur in the bill at report stage.

The parliamentary secretary on a point of order.

Mr. John Duncan: Mr. Speaker, I assume we are debating Bill C-28, Cree-Naskapi.

Ms. Olivia Chow: Mr. Speaker, I was under the perception that after presenting petitions we would go to government bills, namely, Bill C-23. We have quite a few speakers. For example, I have not spoken on that issue. I thought we were on Bill C-23.

An hon. member: They switched.

Ms. Olivia Chow: Oh, they switched, pardon me.

● (1330)

The Acting Speaker (Mr. Barry Devolin): I appreciate that some members were anticipating that Bill C-23 would be called at this time. The government is calling Bill C-28 at this time and we will proceed.

Hon. Gordon O'Connor (for the Minister of Indian Affairs and Northern Development) moved that the bill be concurred in.

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

Some hon. members: Agreed.

The Acting Speaker (Mr. Barry Devolin): I declare the motion carried.

(Motion agreed to)

When shall the bill be read a third time? By leave now?

Hon. Gordon O'Connor (for the Minister of Indian Affairs and Northern Development) moved that the bill be read the third time and passed.

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Mr. Speaker, I believe we are all on the same page. It is a pleasure to speak to the third reading of Bill C-28. Certainly, it is no mystery by now why I support this bill, nor why the hon. members of the House have united to ensure that this bill passes.

Bill C-28 begins a new chapter in one of the country's great aboriginal success stories: the story of the Cree of Eeyou Istchee. For hundreds of years, the Cree peoples of the eastern James Bay and southern Hudson Bay region of northern Quebec have effectively protected their environment, managed their natural resources, and preserved the cultural legacy of their communities. For decades, the Cree of Eeyou Istchee have used the provisions in the James Bay and Northern Quebec agreement to start their own airline, establish a thriving construction company, and open many flourishing small businesses.

Most recently, the Cree of Eeyou Istchee have engaged in ongoing consultations with Indian and Northern Affairs Canada, embraced genuine partnership with the Government of Canada, and co-signed the 2008 new relationship agreement document. These are the achievements I would like to focus on today.

For those not familiar with the new relationship agreement, allow me to explain a few important facts about this document. The new relationship agreement is a landmark agreement between the Government of Canada and the Cree of Eeyou Istchee. It is a historic consensus that gets at the heart of what it takes to build strong communities. It resolves past grievances. It fosters social and economic development. It empowers people to determine their own destinies.

More specifically, the new relationship agreement ends litigation initiated by the Cree of Eeyou Istchee against the federal government, devolves specific federal responsibilities to the nine Cree communities of the eastern James Bay and southern Hudson Bay region, and provides for amendments to the Cree-Naskapi (of Quebec) Act to enable the Cree regional authority to enact bylaws that will apply throughout the region.

Significantly, the new relationship agreement does all of this with the full support of the Cree of Eeyou Istchee. Voicing their opinions in referendum, more than 90% of the beneficiaries who voted in the nine affected communities endorsed the agreement. They voted to end years of contention and uncertainty, and to embrace a sincere partnership with the Government of Canada.

Bill C-28 fulfills two key aspects of the agreement. First, it will equip the Cree regional authority with additional responsibilities and powers, including bylaw-making powers, so that the Cree regional authority will be better able to carry out certain specified responsibilities that were assumed from the federal government under the James Bay and Northern Quebec agreement.

Bill C-28 also sets the stage for the negotiation of a Cree nation governance agreement that will establish a new Cree nation government. As the Cree of Eeyou Istchee noted in their presentation to the Standing Committee on Aboriginal Affairs and Northern Development, this bill constitutes “another step in the evolution of Cree governance structures and responsibilities”.

Second, it will incorporate the Cree of Oujé-Bougoumou as the ninth Cree band. This is a fulfillment of the 1992 Ouje-Bougoumou/Canada Agreement, under which the Government of Canada agreed to recognize the Cree of Oujé-Bougoumou as the ninth Cree band and to contribute financially toward the creation of a new village at Lake Opemiska.

In the words of Mr. Richard Saunders, who represented the Cree-Naskapi Commission before the Standing Committee on Aboriginal Affairs and Northern Development, this is both "a symbolic and housekeeping amendment". It is one that acknowledges the local government and administration of a distinct people not named in the James Bay and Northern Quebec agreement.

● (1335)

In short, Bill C-28 fulfills two key aspects of the new relationship agreement that would enable all of us, the Cree of Eeyou Istchee and the Government of Canada, to place our focus squarely on the future. It is a bill that dwells not on recriminations of the past but on opportunities in the present and future. It is a bill that honours the spirit of partnership and collaboration inherent in the new relationship agreement.

Throughout the bill's development, from the initial outline to the version before us today, the Cree of Eeyou Istchee have been extensively consulted. They have helped ensure the bill meets the real needs of the Cree communities of northern Quebec. They have advised the government on necessary changes and they have contributed at key stages of the legislative process.

Due in no small part to the Cree's involvement, members of the House now have the opportunity to truly serve the Cree people who live in the James Bay and southern Hudson Bay region to give them the authority to: enforce strict water quality standards; to maintain meticulous accounting practices and guarantee that people in positions of power are held accountable for their use of community funds; and to ensure more responsive police and firefighting services and make certain that all residents in crises get the emergency help they need.

This is an opportunity to encourage continued dialogue between the Government of Canada and the Cree of Eeyou Istchee and to ensure that our nation's laws benefit the people most affected by them.

This is our time to seize these opportunities. Let us help honour the commitments the Government of Canada made to the Cree people of northern Quebec in the new relationship agreement.

We are ready to heed the words of Richard Saunders, Philip Awashish and Robert Kanatewat who travelled to Ottawa on behalf of the Cree of Eeyou Istchee to outline their support for the bill when they appeared before the Standing Committee on Aboriginal Affairs and Northern Development just a short time ago.

Passage of the bill would enable the Cree of Eeyou Istchee to pave the way to a brighter and more prosperous future for their communities.

As we heard earlier in the House and again at committee, all parties in the House support the bill. There is no one who does not wish to establish a new relationship based on trust, fairness and mutual respect. There is no one who does not wish to welcome the nine Cree communities in northern Quebec into the political, social and economic conversations that will shape the future of Canada.

I know that is why my colleagues will welcome the opportunity, as I do, to vote in favour of this important legislation, to vote in favour of helping thousands of proud, resourceful, ambitious people in nine remote communities in northern Quebec to embark on a prosperous future and on a path to a new tomorrow for us all.

● (1340)

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, on behalf of the Liberal Party of Canada, I am glad to stand in the House and support Bill C-28, and act to amend the Cree-Naskapi Act of 1984.

The numerous benefits of this legislation have already been read into the record. The bill is now at third reading and hopefully it will get royal assent in the not too distant future, after some 33 years of intense negotiation and, at many times, litigation, and not always an amicable relationship between the Crown, whether provincial or federal, and the aboriginal people involved.

A lot of work has been undertaken over those 33 years since 1975 when we had the James Bay and northern Quebec agreement, the northeastern Quebec agreement in 1979 and then the Cree-Naskapi Act in 1984, which is what the bill we are talking about today would amend.

Since 1984, the Cree people have been in a tangle with the federal government about the true implementation of the Cree-Naskapi Act of 1984. They have tried diligently to ensure that land claims were implemented, not only in terms of the details of that particular land claim but in terms of the spirit and intent of it. A new relationship agreement was signed in 2008, which is the basis of what we are dealing with here today.

The agreement itself was spoken of in endearing terms by Bill Namagoose at committee, who was one of the chief negotiators of that particular deal. We also heard from the minister and the department about how the relationship between the Department of Justice, the federal Crown and the Crees of Eeyou Istchee was much improved.

One of the lawyers at the time said that he had been practising for 43 years and that it was the first time in those 43 years that he could actually commend the people from the Department of Justice for the way they had behaved, for their manners and for their professionalism, and he hoped that particular relationship would continue into the future.

I want to read into the record a couple of quotes about land claims and speak in terms of going forward.

The Supreme Court of Canada, in Haida Nation v. British Columbia, Minister of Forests, wrote:

> The historical roots of the principle of the honour of the Crown suggest that it must be understood generously in order to reflect the underlying realities from which it stems. In all its dealings with Aboriginal peoples, from the assertion of sovereignty to the resolution of claims and the implementation of treaties, the Crown must act honourably. Nothing less is required if we are to achieve "the reconciliation of the pre-existence of Aboriginal societies with the sovereignty of the Crown.

On the situation of human rights and fundamental freedoms, the report on Canada in 2004 around the settling of comprehensive land claims, the United Nations special rapporteur said:

> The settling of comprehensive land claims and self-government agreements (such as those of Nunavut or James Bay) are important milestones in the solution of outstanding human rights concerns of Aboriginal people. They do not, in themselves, resolve many of the human rights grievances afflicting Aboriginal communities and do require more political will regarding implementation, responsive institutional mechanisms, effective dispute resolution mechanisms, and stricter monitoring procedures at all levels.

What is being said here is that the Crown must act honourably when signing treaties and must implement not only the letter of the treaties but the spirit and intent of them.

Some of the most formidable work being done today around the implementation of land claims is coming from the Land Claims Agreements Coalition, which is made up of basically all of the modern treaty-holders from Labrador to B.C. and from Yukon to Nunavut.

● (1345)

Members of this coalition underlined four undertakings that the Government of Canada should put in place regarding treaty implementation. They are calling upon the Government of Canada to adopt a new policy on the full implementation of modern treaties between aboriginal peoples and the Crown. They also ask that the Government of Canada draft and promptly introduce legislation to establish a land claims agreements implementation commission, that the Government of Canada establish a cabinet committee on aboriginal affairs to oversee and coordinate the full involvement of federal agencies and ongoing treaty implementation activities, and that the periodic negotiation of implementation funding for Canada's obligations under modern land claims agreements be led by a chief federal negotiator appointed jointly by the Minister of Indian Affairs and Northern Development and the Land Claims Agreement Coalition.

Those are very practical solutions and they arise out of the context of the James Bay and northern Quebec agreement of 1975. They arise out of the historical context that has led, after 33 years, to the Cree-Naskapi 1984 amendments that we are talking about today. The coalition members cite this as movement in the right direction, which we in our party agree with as well. they also understand that across the country there are outstanding grievances within first nations, Inuit and some Métis communities around the implementation of land claims. They call for this way forward.

I will not prolong the debate on third reading except to say that my party supports this because it is a way forward. We also support it because it was a collaborative approach. We cannot say that strongly enough. It was a collaborative approach between the Government of Canada and aboriginal peoples who sat at the table. They will not call it co-drafting because they say that legally we cannot co-draft but that is a purview of the federal government itself. In essence, they basically dotted the *i*'s and crossed the *t*'s and said that this was a nice way to go forward and the government says that it is its legislation.

I will say this in another context because we have another bill before the House called Bill C-8, which was not co-drafted, was not done in co-operation or consultation with first nations people and is not receiving the kind of unanimity within the House that we see on Bill C-28. The difference in approach has an impact on the content and the agreement that various parties can reach.

We are supporting Bill C-28 because of the process and the content. I wish the Cree of Eeyou Istchee good luck with this. We wish them the best and the Liberal Party will certainly be a partner in the future as this agreement and other agreements are implemented under the new relationship.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I am pleased to rise here today at third reading of this bill, one that is extremely important for the Cree community and other closely related communities, particularly, the Naskapi. We are talking about a region in Quebec. The last time I addressed the House concerning this bill, I paid a tribute, and I would like to do so again.

I also emphasized the geographic importance of the James Bay Cree. There are nine Cree communities. For those watching us, we are talking about the nine communities near James Bay, and the people who have always lived in those communities. The Government of Quebec is currently beginning, or rather it began a few years ago, major works projects there to build hydroelectric dams.

I would therefore like to pay tribute to Matthew Mukash, Grand Chief and President of the Grand Council of the Crees (Eeyou Istchee), that is, the Cree government. He worked very hard to put this very lengthy agreement in place. This Bill C-28 is minor compared to the agreement that was reached, one that will have extremely important repercussions for the Cree community and those who live in the areas around those communities.

Matthew Mukash was and still is the grand chief; Ashley Iserhoff is the deputy grand chief and vice-chairman; Roderick Pachano is the authorized representative of the Cree Nation of Chisasibi; Losty Mamianskum is the authorized representative of the Whapmagoostui First Nation; Rodney Mark is the representative of the Cree Nation of Wemindji; Lloyd Mayappo is from the Eastmain Band; Steve Diamond is the authorized representative of the Crees of the Waskaganish First Nation; Josie Jimiken is from the Cree Nation of Nemaska; John Kitchen is from the Waswanipi Band; John Longchap is from the Cree Nation of Mistissini; Louise Wapachee is from the Oujé-Bougoumou Eenuch Association.

These people represent all of the communities that have signed this extremely important agreement, which, while not necessarily making the Crees independent in the fullest sense of the word, will enable them to benefit from a degree of self-determination and distance from the federal government with respect to the management of their everyday affairs. Under this agreement, they will be able to ensure that their communities receive appropriate services, such as health and sanitation services. They will decide where to build their communities' hospitals. We know that many of these communities, which are located on the shores of James Bay, ranging almost as far as the Inuit communities of Quebec's far north, are isolated from one another and often have trouble working together.

This bill, this agreement, will enable them to work together. The Cree Regional Authority will have the opportunity to develop programs and ensure that it has everything it needs to achieve the independence of Cree first nations. Under this agreement, they will be responsible for protecting the environment and preventing pollution. We know what is going on with the Cree nation and the development of hydroelectric dams on James Bay. Over the next few years, mining exploration and exploitation will increase dramatically. Companies are looking northward more than ever before for mining exploration and exploitation opportunities. The Cree people will have to implement policies to protect their environment. That is what they wanted, that is what they asked for in committee, and that is what they will get with this bill, which will be passed just minutes from now.

● (1350)

In terms of administration, they will also be responsible for justice. That is extremely important. The administration of justice has always posed a problem in the north. For many years, the itinerant court has travelled to Cree communities to dispense justice. There were no court houses and often community centres were used.

Under this agreement, moneys will be allocated. When we refer to an agreement, we are also referring to the moneys that will be allocated and transferred to the Cree for the administration of justice, social development, and above all, economic development. One of the difficulties is that the Cree are isolated. There is little work. The birth rate is 3.5% per year, a veritable population explosion. Therefore appropriate measures are needed, including the creation of towns and the construction of houses suitable for the conditions of the community.

Indian and Northern Affairs Canada has often sent houses that developed mould or were destroyed because they did not provide what the Cree needed to survive in a difficult environment, one that all too often is a hostile environment.

It has been noted that this agreement will benefit the Cree. After royal assent has been given, the amount of $100 million will be paid to the Cree. The $100 million has already been committed. That is why we, the Bloc Québécois, pushed for and will support this very important bill. Moneys have been committed, work has begun, and very important infrastructure—community centres, CLSCs and hospitals—must be built. The time to do that is now—May, June, July, August and September. We have five months to do some very important work. The amounts to be disbursed will pay for work that has already started and is very important to the community.

This bill will also—I realize that this is somewhat complex for those listening—settle the matter of land categories for which the communities had the authority to establish bylaws, municipal regulations to set limits as to time of day and year for hunting, trapping and fishing.

There are three categories of land: categories I, II and lll. From now on, category III will cover 911,000 square kilometres where communities will participate in the administration and development of the land. It will be very important for the Cree to start right now on working to identify controlled harvesting zones. There might also be—and we hope there will be—a little more respect for the flora and fauna than at present. That is our hope for these category III lands.

The act also makes modifications to category IA lands, where federal laws and regulations apply.

● (1355)

The Cree will therefore be the ones responsible for administration of these lands and they will ensure that they come under their jurisdiction and that the bylaws they enact to protect the flora and fauna can be respected.

Clause 9 of the bill sets out new provisions which will enable the Cree Regional Authority to enact bylaws and resolutions within the territorial limits of category IA and III lands. This is extremely complex, I know, but this is such an important bill for the nine Cree communities which will at last be able to take over their space.

I sense, Mr. Speaker, that you are wanting to interrupt me for question period or something else but I have so much still to say that I will, unfortunately for you, be back after question period.

The Acting Speaker (Mr. Barry Devolin): I am sorry to interrupt the hon. member for Abitibi—Témiscamingue. He will have nine minutes remaining when debate on this bill resumes.

We proceed now with statements by members. The hon. member for Niagara West—Glanbrook.

STATEMENTS BY MEMBERS

[*English*]

LE CLOS JORDANNE

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, I would like to draw the attention of the House to a recent triumph of one of my constituency's famed wineries, Le Clos Jordanne.

In a recent competition held in Montreal by *Cellier* magazine, Californian wines competed against those from France to see if new world wines could outdo France's famous Bordeaux and Burgundy regions. What the judges of this competition did not know was that a Niagara wine was one of a handful of outsider wines that had been slipped into the competition to shake things up.

In the competition between the two world-famous wine regions of France and California, it was a bottle of Niagara's Le Clos Jordanne's Claystone Terrace '05 that took the number one spot.

I invite all members of the House to join me in congratulating the vintners of Le Clos Jordanne and to also join me in a reception hosted by the Canadian Vintners Association honouring our great Canadian wines later this evening.

* * *

● (1400)

ABORIGINAL WOMEN

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, on May 13 I stood in this House along with my colleague from Labrador and called on the government to launch an independent public investigation into the known 520 missing aboriginal women and girls in Canada. Last week we made a formal request to the justice minister. To date there has not yet been a response.

We know the government is still funding Sisters in Spirit, committed to by the previous Liberal government, and we commend that, but three years later it is simply not enough.

Forty-three per cent of those 520 cases have occurred just since the year 2000, a phenomenon that appears to be rising as more women go missing, three in Manitoba in the past year alone.

Aboriginal women deserve no less concern, no fewer investigations and no less protection than all women in Canada. We believe the government must act to answer the questions of why this is happening, why the investigations are falling short, and why the women and their families are not being acknowledged. They deserve no less. It is time. Canadians deserve no less.

* * *

[*Translation*]

CANADIAN LAVENDER PRODUCER

Ms. France Bonsant (Compton—Stanstead, BQ): Mr. Speaker, the tourism industry's 2009 Mercuriades gala was held on May 21 at the Montreal conference centre. Bleu Lavande was named SME of the year and also received an award in the SME market development category.

Perched atop Applegrove Hill in the quaint town of Fitch Bay in the southern part of my riding, the Bleu Lavande estate is the only Canadian producer of internationally certified lavender. Founded in 1999, the company has developed a new kind of expertise in Quebec over the years, an industry that would seem to be at odds with the local climate. Specialists consulted before the project got off the ground were unanimous in their opinion that it would fail miserably.

Today I would like to salute the founders, Christine Deschenes and Pierre Pellerin, and sincerely congratulate the entire Bleu Lavande team.

* * *

JEWISH GENERAL HOSPITAL

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, in 1934, thanks to the combined efforts of its founders and many donors from the community, the Jewish General Hospital was established for the benefit of all people of Montreal.

[*English*]

Today, the Jewish General Hospital distinguishes itself by offering the very highest level of treatment and care to patients from diverse religious and cultural backgrounds, and is considered one of Canada's best acute care hospitals.

[*Translation*]

On June 18, 2009, I will have the honour of attending the gala commemorating the hospital's 75th anniversary. I would like to wish a happy anniversary to the hospital, its staff and its volunteers.

* * *

[*English*]

FIREARMS REGISTRY

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, I rise today to enthusiastically support private member's Bill C-391 to scrap the useless long gun registry. This bill, which was introduced by the member for Portage—Lisgar on May 15, 2009, is the only bill currently before Parliament that focuses solely on closing down the registry.

The members opposite complained that previous bills, including my own Bill C-301, contain unpalatable legislative details. Hopefully, opposition members will see fit to support this new revised bill.

The registry has not saved even one life during its 10 years of operation. Incredibly, now $2 billion later, the 1995 legislation has run 1,000 times over budget without any tangible result beyond creating a paper-pushing bureaucracy.

The time has come to cast aside politics and deal with reality. The time has come to support Bill C-391 so we can write the long gun registry into Parliament's history books once and for all.

* * *

● (1405)

FEED NOVA SCOTIA

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, I rise today to congratulate Dianne Swinemar, executive director of Feed Nova Scotia, on receiving an honorary doctorate of civil law from St. Mary's University. This degree recognizes Ms. Swinemar's outstanding leadership in community activism.

I had the pleasure of working with Ms. Swinemar and I have long admired her commitment to ending chronic hunger and alleviating poverty.

Dianne led the transition of the Metro Food Bank Society from a Halifax based distribution centre to Feed Nova Scotia, a provincial food collection and distribution centre serving 150 food banks and meal programs province-wide. During the 2008 fiscal year, Feed Nova Scotia distributed 1.8 million kilograms of donated food valued at $14.4 million to local feeding programs across the province.

I ask the House to join me, her husband Lloyd, and her daughters Rebecca and Jennifer, in congratulating Ms. Swinemar on this well-deserved honour.

* * *

D-DAY

Mr. Bradley Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, in a little less than two weeks, Canadians will commemorate the 65th anniversary of D-Day, the day when allied troops began the final push to free Europe from Hitler's tyranny. Sixty-five years ago, 15,000 young Canadians swept ashore at Juno Beach to give their all for their country.

When Canadian forces hit the beaches of Normandy on June 6, 1944, they did not know if victory was assured. They did not know what the next day would bring. They only knew that they must go forward. They only knew that they must fight on. They only knew of their need for courage.

Canadians have long been willing to fight for their freedom and that day they did us proud. Believing in a cause greater than themselves, many sacrificed their all for a country they loved.

Over the next 11 days, I ask all Canadians to take some time to remember the battle, to remember the cause and to remember those who fought.

* * *

[*Translation*]

ALZHEIMER'S DISEASE

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, the ninth annual RONA Memory Walk is taking place on May 31, 2009. This year's walk marks a special anniversary, namely, the 20th anniversary of the Alzheimer Society of Lanaudière. The original walk for this cause in all of Quebec, the Lanaudière walk will take place with “family” as its theme.

Everyone is invited to take part in this walk and to raise funds in support of people who have this disease, as well as their loved ones. All the money raised will help to improve regional services. The Alzheimer Society of Lanaudière helps more than 6,000 people who have Alzheimer's disease and supports more and more natural caregivers who must also live with this disease.

I wish to sincerely congratulate all the volunteers and the organizers of this event. I would also like to commend the dedication shown by Janie Duval, the chair of the board of directors, Dr. Jean-Pierre Boucher, honorary president, and Magalie Dumas, director general of the society.

I therefore invite everyone to join me on May 31, 2009, in Joliette for the walk to support the Alzheimer Society.

[*English*]

TAXATION

Mr. Stephen Woodworth (Kitchener Centre, CPC): Mr. Speaker, the leader of the Liberal Party refers to himself as a tax and spend Liberal. He said point blank that he would raise taxes. The Liberal Party even passed a policy at its recent convention reaffirming its support of a job-killing carbon tax.

Now the Liberals' new plan is to create a 45-day work year. The Liberal plan would lead to massive increases in job-killing payroll taxes, an increase in taxes that would hurt workers and small businesses alike.

It is becoming evident that the Liberals have never met a tax they did not like.

Fortunately, this Conservative government is in favour of cutting taxes. The Conservative government is providing $20 billion in additional personal income tax relief, which all economists agree that during a recession is the right thing to do.

* * *

[*Translation*]

YVON FONTAINE

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I would like to congratulate Mr. Yvon Fontaine, president of the Université de Moncton, who was elected the new president of the Agence universitaire de la Francophonie by over 60% of his peers.

This agency is a global network of 677 French-language higher education and research institutions. We are proud that Mr. Fontaine, a New Brunswick Acadian, is heading up such an important organization.

By becoming president of this agency, Mr. Fontaine has demonstrated that the New Brunswick francophonie is more vibrant and dynamic than ever. He is proof that the Canadian francophonie knows no borders and I am certain that he will proudly represent all French-speaking Canadians, particularly Acadians, during his term of office.

Mr. Fontaine, deserves our hearty congratulations.

* * *

● (1410)

[*English*]

ABORIGINAL AFFAIRS

Mrs. Shelly Glover (Saint Boniface, CPC): Mr. Speaker, Bill C-8, the matrimonial real property bill, would correct a clear inequality that exists for those living on reserve by granting them basic rights and protections that all other Canadians currently enjoy in the event of a relationship breakdown. This inequality often adversely affects women and children the most.

Last night the opposition attempted to kill Bill C-8, but that attempt failed. I am pleased that this important piece of legislation will now get the discussion it deserves.

Despite a lot of misinformation, Bill C-8 would provide first nations communities the very thing that they are seeking, namely, the mechanism to enact their own culturally relevant laws without any involvement of the federal government.

The bill would also ensure that in the interim, as communities develop their own laws, families would be immediately protected from the legal void that has existed for far too long.

Extensive consultations were held, including with the Assembly of First Nations. It is time to act now based on many of the numerous studies on the subject that recommend it.

* * *

WINDSOR SPITFIRES

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, on Sunday in Rimouski, the Windsor Spitfires overcame tragedy, history and the odds to complete one of hockey's most sensational turnarounds: storming back from two opening round losses to decisively capture the Memorial Cup.

Their triumph was a powerful vindication for a team devastated last year by the tragic passing of their captain, Mickey Renaud. When the Spits gathered at centre ice for a victory photo, clutching the iconic No. 18 of their captain-in-spirit forever, Mickey was surely looking on, grinning in his unforgettable way, as this year's captain, Harry Young, hoisted the Memorial Cup in his place.

In overcoming this tragedy so fully, the team captured the spirit of an embattled community. They reminded us that whatever adversity the people of Windsor confront, they will persevere and ultimately triumph.

I know the House will join the member for Windsor West and me in thanking Rimouski for a world-class event and in congratulating the Spitfires on attaining, in unprecedented fashion, the highest pinnacle of Canadian junior hockey.

* * *

[*Translation*]

LEADER OF THE LIBERAL PARTY OF CANADA

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): Mr. Speaker, the Liberal leader enjoys himself. He enjoys announcing that he likes taxes and want to impose more taxes on us. He likes to raise Canadians' taxes. That is now very clear.

But he will not answer any more questions about his hidden fiscal agenda. He does not want to talk about it. It would certainly be embarrassing if he did, because he would be bombarded by criticism from across the country.

What taxes does he want to raise? Who will suffer these tax hikes? The disadvantaged? The unemployed? The poor? He should stand up in this House and tell us.

Because the Liberal leader prefers empty rhetoric and tax hikes, Canadians will reject the Trudeau-style Liberal patronage, a destructive ideology that brought us to the brink of social and economic bankruptcy. Quebeckers will remember that.

MAHMOUD ABBAS

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Speaker, I would like to draw the attention of the House to the visit to Ottawa by Palestinian President Mahmoud Abbas.

Born in Galilee in 1935, Mr. Abbas is one of the founding members of Fatah. After serving as prime minister under Yasser Arafat, he became president of the Palestinian Authority on Arafat's death.

Since he became involved in the Palestinian cause in the 1950s, this moderate has taken a clear stand in favour of diplomacy as a means of creating a Palestinian state. He also orchestrated the talks that led to the Oslo accords in 1993.

In keeping with its traditional position, the Bloc Québécois will continue to support an end to violence and the resumption of peace negotiations, as well as an end to the occupation and colonization of the occupied territory. Lastly, we can only reiterate our support for any action that promotes the creation of two sovereign states existing side by side.

We hope that his visit here will further peace in the Middle East.

* * *

● (1415)

[*English*]

RURAL COMMUNITIES

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, I rise today to salute the Federation of Canadian Municipalities whose representatives were on the Hill today to release their report on the needs of rural communities, which is titled, “Wake-Up Call: The National Vision and Voice We Need for Rural Canada”.

Our rural communities and the industries that support them have been hit hard by the Conservative recession. Whether it is forestry, fisheries, agriculture, mining or tourism, the federal government needs to step up and do more to support these vital sectors during the downturn. A true recovery for Canada will only be achieved when the economy of rural Canada begins firing on all cylinders again. It is critical that the government stop taking rural Canada for granted and finally come forward with a focused strategy to address the many issues facing rural Canada.

We offer our thanks to the FCM representatives who have brought their message to Ottawa today.

We need action more than ever. The future of Canada relies on our rural regions.

* * *

LEADER OF THE LIBERAL PARTY OF CANADA

Mr. Earl Dreeshen (Red Deer, CPC): Mr. Speaker, the leader of the Liberal Party must be living on another planet or perhaps he is out of touch with reality because of his lengthy absence from Canada.

The leader of the Liberal Party recently said, “We will have to raise taxes”. How does the leader of the Liberal Party suppose that a tax increase will benefit hard-working Canadian families?

Canadians should not be surprised, however. They are becoming accustomed to these harmful Liberal economic policies. They know the Liberal Party would raise the GST. They know the Liberal Party would impose a job-killing carbon tax. They know the Liberal Party would eliminate the universal child care benefit.

The leader of the Liberal Party should stand up in the House today, come clean with Canadians and tell them which taxes he will raise, by how much he will raise them and who will be forced to pay these higher taxes.

ORAL QUESTIONS

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, in March, there were 65,000 new EI recipients. Nevertheless, more than 40% of unemployed workers still do not have access to the system, even though they paid into it. The problem is that there are 58 different regional eligibility thresholds, but just one national crisis.

Considering the national crisis, why does the Prime Minister refuse to improve access to employment insurance?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government improved the employment insurance system by spending a lot more this year. Looking at the new figures, the reality is that we had more new EI recipients in March than new unemployed workers. This indicates that the vast majority of unemployed workers are receiving employment insurance.

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, yesterday, the Minister of Finance admitted that the recession will be more serious than we originally thought. That might be news to this government, but not to the unemployed. If the recession is more serious than we thought, even more economic stimulus is needed.

What better stimulus than to improve employment insurance? Why does the Prime Minister refuse to act?

Right Hon. Stephen Harper (Prime Minister, CPC): On the contrary, Mr. Speaker, because of the economic situation, we will be spending much more this year on employment insurance. That is how we are reacting to the situation. We cannot change the employment insurance system every two or three months. The Leader of the Opposition voted in favour of the budget. Our response to this situation is helping the great majority of the unemployed workers in this country.

[*English*]

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, the Prime Minister says that the system helps most people. Here are some people it does not help.

In Quebec and Atlantic Canada lobster fishermen are hurting especially hard and so are their crews. In Glace Bay, in Parsons Pond, in Shediac collapsing prices are forcing fishermen to let their crew go. Thousands of them may not qualify for EI at all, despite what the Prime Minister says.

Why is the government not fixing EI to help these Canadians in their hour of need?

● (1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the government has just announced additional assistance for marketing in the lobster industry. We continue to meet with stakeholders in that industry to address the specific and very serious problems in the industry.

However, there are figures out today showing that in March the number of EI beneficiaries went up more quickly than the number of unemployed.

The system has been changed. People are benefiting from the system. We will be spending a lot more money on the system. Unlike the leader of the Liberal Party, we cannot be changing our minds on budgets every two or three months.

* * *

THE ECONOMY

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, in 2003 the finance minister was a senior member of the Mike Harris government and it ran on a balanced budget. Whoops, it turned out to be a big deficit.

Last November, he projected never ending surpluses. Whoops again, two months later it was an $80 billion deficit, which the IMF says is now $120 billion. That is enough to wipe out all the debt reduction since Liberals balanced the budget in 1997.

Why is the minister so bad with numbers?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, virtually every national government in the world is running a deficit. Ours, by comparison, remains much lower than our competitors.

That member, who was once an esteemed economist, should know that when interest rates are zero and we have a recession like this and we have the strong, long-term fiscal position we have, that we put money into a deficit to ensure we help unemployment people in our country.

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, the implication of what the Prime Minister said is to agree with the Liberal Party and increase EI.

I would also suggest that both the Prime Minister and the Minister of Finance subscribe to an excellent publication titled “deficits for dummies”. It might help them to come to some understanding.

My question for the finance minister is this. Canadians want to see the colour of his money. The deficits are soaring and the promises are soaring, but we are seeing nothing invested in communities and Canadians are not seeing any jobs created—

The Speaker: The right hon. Prime Minister.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, let us be clear. When we did our prebudget consultations, the Liberal Party wanted two more weeks of employment insurance. We gave five more weeks of employment insurance, plus all kinds of additional money for training, for people both on EI and not on EI. These are measures to help the unemployed in this recession.

What we are not going to do is, every two or three months, come up with another economic policy, another budget, until we need to raise taxes. Our deficits are affordable, but they will remain short-term.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, for a year now, the government has kept on making contradictory statements on the real economic situation. During the election, the Prime Minister denied the very existence of a crisis. Then his Minister of Finance admitted there would be a slight deficit. A few months later, he set the figure at $34 billion, and finally yesterday admitted that it will be still larger than that.

Will the Prime Minister admit that he made a mistake in his homework, that his recovery plan is totally inadequate and that he must now take action and present a new plan which will better meet the needs of the population?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, we are spending a great deal of money and that includes improvements to employment insurance to benefit the country's unemployed. Compared to other countries, our deficits are workable and short term. There is only one contradiction here and that is that the Bloc Québécois asked for two more weeks of EI. We added five, and it voted against that measure because it constantly votes against the interests of this country's real unemployed.

● (1425)

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, now I have heard everything.

The government's inaction in dealing with the crisis is inexcusable. Last November, the Bloc made some proposals, but they all went nowhere. A few weeks ago, we submitted phase 2 of our recovery plan, which included loan guarantees for the forest industries, compensation for the harmonization of the GST with Quebec, implementation of the Kyoto protocol, and improvements to unemployment insurance. Those are all serious and rigorous measures.

What is the Prime Minister waiting for before he takes action?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, during this crisis, the Bloc has done just one thing: voted things down. It voted against improving employment insurance, against programs to stimulate the municipalities, against tax reductions for taxpayers. The Bloc voted against those measures, but we have taken action. That is the difference.

* * *

EMPLOYMENT INSURANCE

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, not only does the Minister of Human Resources and Skills Development refuse to lift a finger to help the unemployed, but she is also distorting the proposals made by the Bloc Québécois and the other opposition parties. She knows very well that a 360-hour eligibility threshold would result in a maximum of 36 weeks of benefits and not 52 weeks as she falsely stated.

Instead of spreading misinformation, should the minister not lower the eligibility threshold to facilitate access to employment insurance?

Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC): Mr. Speaker, I would like to again remind this House and the Bloc Québécois members, who do not understand anything, that our employment insurance system works as follows. If the unemployment rate is higher in a given region, a shorter period of employment is usually required in order to qualify for benefits. However, if there are practically no unemployed people or the unemployment rate is low in a region, a longer period of employment is required to qualify for benefits.

Here is what one journalist had to say today in *Le Devoir*: "The 360-hour measure would result in considerable costs and a higher deficit, which—"

The Speaker: The hon. member for Saint-Lambert.

Mrs. Josée Beaudin (Saint-Lambert, BQ): Mr. Speaker, in that case, there a great number of us who do not understand.

If the minister were the least bit concerned, she would recognize that the current system does not meet the needs of the unemployed and she would eliminate the two-week waiting period, an unfair and unwarranted measure.

Unless she believes, as does the Minister of National Revenue, that improving the employment insurance plan will promote moonlighting, as though claimants were cheaters, what is she waiting for to take action?

Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC): Mr. Speaker, I will address those listening to us. According to their proposal, a worker who becomes unemployed and is entitled to 30 weeks of employment insurance, would receive the same 30 weeks of benefits, but the benefits would start two weeks earlier and end two weeks earlier. With our proposal, if a worker unfortunately becomes unemployed and is entitled to 30 weeks, they will receive an additional five weeks at the end. This represents about $2,000 for someone receiving weekly benefits of $400.

The Bloc voted against our proposal providing an additional five weeks. They were against it.

* * *

THE ECONOMY

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Conservative government's fiscal and economic policies have failed. They have resulted in the worst recession since 1929, the biggest drop in GDP in 18 years, the first trade deficit in 33 years, and falling exports for the sixth consecutive quarter, something we have not seen for 60 years. The Minister of Finance said that his deficit would beat Brian Mulroney's record. Some 400,000 people are out of work. It is a complete failure.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I did not hear a question.

Everyone knows that this is a global recession. International experts say that Canada's economy is doing better than that of any other G7 country. Our programs and our budget are helping people during this economic crisis.

● (1430)

[*English*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the approach that has been taken has been completely reckless. By cutting taxes for the banks and the big oil companies just a few months ago, the Conservatives have now created the largest deficit we have seen in the history of Canada, worse than Brian Mulroney's, for heaven's sake.

What do they have to show for it? There have been 400,000 people thrown out of work. There should at least be some results for the steps they have taken, but there are not. It is a result of their policies, supported time and time again by the Liberals.

When is the Prime Minister going to admit that he has it wrong and he has to change direction if the Canadian economy is going to survive this?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, one of the reasons the deficit will be larger this year is of course because of all the assistance that is going to unemployed Canadians for retraining and for unemployment insurance.

The leader of the NDP raises the issue of tax cuts for business. I recall that it was the leader of the NDP, when he was pushing this coalition thing, who was all prepared to support those corporate tax cuts. I say to the leader of the NDP that I do not know how many times he has admitted he is wrong, but stop changing direction every other week.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the International Monetary Fund says that Canada can and should do more to kickstart the economy. The government has failed to do so. The money is not making it to the infrastructure projects, so it is not creating work this summer in our communities the way it should.

The IMF says that Canada's economic recovery is shrouded in risk, partly because of the record $1.3 billion of consumer and household debt that people have. They are getting dinged and gouged with interest rates.

When is the government going to understand that we need a second stimulus package? Bring it to the House—

The Speaker: The right hon. Prime Minister.

Right Hon. Stephen Harper (Prime Minister, CPC): There are three things, Mr. Speaker. First, lots of infrastructure spending is going out, and will be out, this year; second, the IMF is on record as being very complimentary of the Minister of Finance's action on this economy; and, third, we have the opposition parties, and I think Canadians will notice this, saying, "The deficit is too large, why don't you spend more?"

What was absolutely clear during the last election, and every day since, is there is not a person over there who has a single clue of what to do about the economy.

* * *

EMPLOYMENT INSURANCE

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, it was a Liberal government that brought in seven—

Some hon. members: Oh, oh!

The Speaker: Order, order. The hon. member for Notre-Dame-de-Grâce—Lachine has the floor. We will have a little order. Some minister is going to want to hear the question.

The hon. member for Notre-Dame-de-Grâce—Lachine.

Hon. Marlene Jennings: Mr. Speaker, it was a Liberal government that cleaned up the Conservative deficit mess and then brought in seven surplus budgets.

Since October, the number of Canadians depending on employment insurance has grown by 36%. Even worse, Calgary, Vancouver, London, Kitchener have more than doubled their EI recipients in just one year. Thousands of Canadians are left out of EI because of eligibility rules that pick winners and losers by Canadian regions.

When will the government stop pitting Canadians against each other, establish—

The Speaker: Order. The hon. Minister of Human Resources and Skills Development.

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we are working hard to make sure those who are unfortunate enough to lose their jobs get the benefits they need and deserve, including extra training for those people who have been working for a long time and now see their jobs gone forever. We are helping them get the training with up to two years of EI benefits. While they invest in their own future, we are helping them.

It is interesting to note that some Liberals actually agree with us. Let me quote, "It's my view that if you get rid of the regional rates and there are changes forced on the EI system because of the economic circumstances, those in the high unemployment regions will be hurt disproportionately."

Who said it—

The Speaker: The hon. member for Notre-Dame-de-Grâce—Lachine.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, we have heard it all before. Some 40% more Montrealers are collecting employment insurance compared to this time last year. As if that were not bad enough, Montrealers need hundreds more hours of work to be entitled to employment insurance than many other Canadians. Thousands of families in Montreal were counting on employment insurance, but the government has been turning them down.

What are the Conservatives doing to eliminate regional disparities? When will they do something? When will they come up with a—

● (1435)

The Speaker: The hon. Minister of Human Resources and Skills Development.

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, when will they quit flip-flopping?

This is what one Liberal member said:

[*English*]

"It's my view that if you get rid of the regional rates and there are changes forced on the EI system because of the economic circumstances, those in the high unemployment regions will be hurt disproportionately."

Who said that, Mr. Speaker? The Liberal EI expert, the member for Dartmouth—Cole Harbour.

* * *

INFRASTRUCTURE

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, I want to correct the Prime Minister. It is the government that is sitting on infrastructure money that this Parliament passed four months ago. Also, the Conservatives said to communities that their projects have to be completed by March 2011. They cannot, because the government cannot get the money out the door. They are saying no to Victoria's Johnson Street Bridge and Esquimalt's Archie Browning Sports Centre.

Municipalities are caught in a mess due to the government's incompetence. Will the government simply extend the March 2011 deadline by at least a year? Tell the House how it is going to streamline the process.

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, in recent months we have made commitments for more than 1,000 projects in every corner of this country. This program is getting set up faster than any program the Liberal government ever had.

I would ask the member for Esquimalt—Juan de Fuca to listen to this: "We voted on a budget that contains a very substantial injection of stimulus into the economy. We voted for it in April. It is not coherent intellectually or economically for me to come out in May and say put another $30 million in. I am perfectly willing to come back in September and October."

Does he know who said that? His own leader.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, if there is one thing this minister is good at, it is making false promises.

I think he should listen to this. The government asked for shovel-ready projects and Vancouver Island answered the call: sewer extensions in Sooke and work road extensions in Langford. However, they have received zip. They cannot get their projects going until the government gets the money out the door.

I will ask the minister a simple question, for all Canadians. When is he going to say yes to Sooke, Langford and the other communities that are pleading with the government for the money they need to service their constituencies—

The Speaker: The hon. Minister of Transport, Infrastructure and Communities. Order.

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I can say that the very first stimulus projects we announced anywhere in the country were in the province of British Columbia. I can also say that I know one member from Vancouver Island who has worked very hard to deliver infrastructure projects to his riding. I am talking about the member for Saanich—Gulf Islands.

I will make one promise to the member. If he were to phone the Liberal leader in British Columbia, Premier Gordon Campbell, and ask him if he is pleased with the speed with which this government has moved on infrastructure, he would get a very supportive answer.

* * *

[*Translation*]

FORESTRY INDUSTRY

Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ): Mr. Speaker, driven to desperation by this government's inaction, forestry workers have been reduced to occupying ministers' offices in order to be heard. The many committee consultations by the Conservatives only mask their inaction. Instead of ramping up the empty rhetoric, the government should implement solutions proposed by industry stakeholders, such as a program of loan guarantees for the forestry industry.

What is the government waiting for to set in motion a real plan to save the forestry industry?

● (1440)

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, I will give a proper answer to an empty question that is pure falsehood.

In 2008, Export Development Canada provided 226 forestry companies in Quebec with $9 billion in financial services, including loan guarantees. The opposition should stop making false statements.

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, the crisis in the forestry industry is getting worse because the government is doing nothing. It lacks both the vision and the will to act. Ingenious solutions have been proposed, but the government has turned a deaf ear. For example, the president of the Fédération Québécoise des Municipalités, Bernard Généreux, is recommending using more wood in constructing government buildings.

Does the Minister of Natural Resources not think this is an avenue her government should explore?

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, as people in the House of Commons are aware, we have set up a Canada-Quebec committee that has been working for several weeks to suggest ways of helping the forestry industry in Quebec. We know that the situation is very difficult. We recently announced $200 million in partnership with the Government of Quebec for silviculture and forest management projects and other areas.

The committee is continuing its work and will submit other recommendations to the government. Announcements will be made at a later date.

OFFICIAL LANGUAGES

Mr. Richard Nadeau (Gatineau, BQ): Mr. Speaker, the Commissioner of Official Languages believes that, unless major changes are made, the Vancouver and Toronto airports will be unable to adequately serve visitors in both official languages. In light of the upcoming 2010 Olympic and Paralympic Winter Games in Vancouver, the authorities must work closely with their partners, including Air Canada and Canada Border Services Agency.

Can the Minister of Canadian Heritage and Official Languages explain what he intends to do to correct the situation?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, we very much appreciate the excellent work done by the commissioner over the past year. He has examined the areas of concern and has advised this government. I met with the commissioner a few weeks ago and I am ready to take action. He gave me the figures concerning those two major Canadian airports, I am prepared to take action to ensure that all Canadians will receive quality service in the official language of their choice.

Mr. Richard Nadeau (Gatineau, BQ): Mr. Speaker, we learn from the report that official language minority communities are being poorly served by the Roadmap for Canada's Linguistic Duality. It was announced a year ago, and a comprehensive implementation plan still does not exist.

Can the minister tell us what he is waiting for to unveil the details of that plan and allow all affected stakeholders to continue their work?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we have kept our promise. I have here the report from the Commissioner of Official Languages. It states, "The progress that has been made is impressive on many levels." And with respect to official language minorities, it says "the Commissioner mentions that the future of official language communities is very promising".

We are making clear, effective and significant investments. We have increased official languages expenditures by 20%, to $1.1 billion over 5 years. Much progress has been made.

* * *

[*English*]

MEDICAL ISOTOPES

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, here is what we know about the situation at Chalk River.

There have been three unplanned and extended shutdowns in 17 months and at least four radioactive leaks. The NRU licence was renewed with AECL in July 2006 without ensuring all safety requirements were met. A new 40 year isotope supply agreement was signed with MDS Nordion with no backup plan and now it is the subject of a $1.6 billion lawsuit.

With 5,000 daily tests and treatments for Canadians now at risk, when will this end?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, this government has taken great action with respect to the isotope file. In December of last year, we set out a five point plan in which we indicated we understood the difficulty in the supply chain regarding medical isotopes and that we would take action toward it.

We have taken action and the Minister of Health is working with the provinces and territories to deal with the shortage of supply, My officials, along with myself, are reaching out to the other isotope producing countries in order to increase the supply in the world.

● (1445)

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, this is a Conservative made in Canada crisis now described by nuclear medicine experts as a catastrophe.

There is no plan B, there is no one left to blame and there is no one left to fire. The last natural resources minister argued that "a continued shortage of isotopes for just one week", he said, was the difference between "life or death for some patients".

As we are now facing an indefinite shutdown again, with 5,000 daily tests and treatments for Canadians at risk, how could the minister possibly have allowed this situation to occur?

Hon. Lisa Raitt (Minister of Natural Resources, CPC): Mr. Speaker, I thank the hon. member for Ottawa South for his interest in the file.

What would have been very helpful to this file that I and the government are faced with today is if he had actually brought his concerns to the member for Markham—Unionville when he was the minister of natural resources and could have dealt with this issue at that point in time.

Thirteen years, five Liberal cabinet ministers dealing with this issue in front of them and they did nothing.

* * *

OFFICIAL LANGUAGES

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, this morning, the Official Languages Commissioner presented his annual report marking the 40th anniversary of the act. The central theme of the report was lack of leadership. An excellent example was the Olympic Games in Vancouver.

The commissioner points to the Minister of Canadian Heritage and Official Languages and the President of the Treasury Board for their inaction.

Does the Prime Minister find their behaviour acceptable? Will he act or do like they do, close his eyes, wait until the Olympics are over and then hope our reputation as a bilingual country does not suffer too much?

[*Translation*]

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we agree with the Commissioner of Official Languages when he points out that the 2010 Olympic and Paralympic games are truly the opportunity, in this the 40th year of our Official Languages Act, to make our support of official languages truly clear. The 1988 Olympic Games were a great improvement over the 1976 Games and the 2010 Olympic Games will be a great improvement over the 1988 Games. This will be a great success for both official languages and each and every Canadian in each and every part of this country will be able to celebrate our athletes in the official language of their choice.

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, let us talk some more about the Commissioner of Official Languages's report: lack of leadership by the Prime Minister, lack of leadership by the President of the Treasury Board, lack of leadership by the Minister of Canadian Heritage and Official Languages in connection with the Olympic Games, lack of leadership by the Minister of Transport, Infrastructure and Communities in connection with the airports.

If everyone in his cabinet lacks leadership, is this not simply because, as far as official languages are concerned, they are all following the lead of the Prime Minister: no leadership, no vision, no importance?

[*English*]

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, we are showing leadership and I will give one example. Earlier this year, we invested $4.5 million into the École Jules-Verne, the first ever francophone high school in the province of British Columbia.

My mother was one of the first teachers of French immersion in the province of British Columbia, an anglophone, with other people standing up in order to support kids who were trying to learn French for the first time in their lives. They were given virtually no support, no resources and no textbooks but they stood and fought.

I am standing here 32 years later as her proud son of this government that has invested to create the first ever francophone school in British Columbia. We have come a hell of a long way.

* * *

HEALTH

Mr. Bob Dechert (Mississauga—Erindale, CPC): Mr. Speaker, our government has a proud record when it comes to protecting our youth, whether it is through our tough new justice legislation or through the proposed Canada consumer products safety act. However, tobacco remains a concern for many parents, especially when it is marketed in a way specifically aimed at our children.

Would the Minister of Health tell the House what action our government is taking to protect our youth from tobacco products?

Hon. Leona Aglukkaq (Minister of Health, CPC): Mr. Speaker, during the last election, we committed to take real action to protect our young people from tobacco marketing practices.

This morning I had the pleasure of announcing that our government will crack down on the marketing strategies used by tobacco companies to entice our children. A promise made, a promise kept. This will include setting a minimum package size for cigarillos and blunts that are less affordable for children, prohibiting flavours and additives that would appeal to children, and banning all tobacco advertising and promotion that may be viewed by youth.

Thanks to the action of this Conservative government, Canada is a world leader in tobacco control.

* * *

● (1450)

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, before the start of the recession, 28% of claimants had already used up their employment insurance benefits, but were still unemployed. That means half a million people. With the recession, we can expect some three-quarters of a million people to have used up their benefits before they find work. People do not want employment insurance. They want jobs.

But, while this government is unable to create jobs, why is it refusing to change the employment insurance system to make it more accessible?

[*English*]

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, that is exactly what we are doing.

First, we expanded the employment insurance program to give people more time to find a new job by adding an extra five weeks of regular benefits. We then expanded and made a significant investment of $2 billion to help those who are on EI and those who do not qualify to get the training they need for the jobs for the future.

Finally, just yesterday we launched an initiative to help those workers who have been in the workforce for a long time who may have lost their jobs permanently to help them get up to two years of benefits while they get new training. Those members voted against it.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, we voted against them because they were not the right changes to EI that needed to be done. More than one in four claimants exhaust their EI benefits before finding jobs. Now, with a crippling recession, it will only get worse. EI benefits need to be strengthened to help families when they need it most.

When will the government realize that it has failed to deliver on its promise to create jobs and start working with us to implement job creation and make EI more accessible to help Canadian families, instead of insulting them by telling them that they want to be on EI and—

The Speaker: Order, please. The hon. Minister of Human Resources and Skills Development.

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we were asked for two weeks of additional EI benefits. We gave the unemployed five weeks. They voted against it.

They are saying that we should offer training. We are investing over $2 billion in additional training so the unemployed can get the jobs of the future. They voted against it.

We are investing in the unemployed so they can get employment insurance benefits for up to two years while they train for new jobs that will replace the ones that have gone away. We are supporting their families. They voted against that too.

* * *

[*Translation*]

FOREIGN AFFAIRS

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, negotiations for peace have reached an impasse. President Netanyahu, the new Israeli president, is questioning certain aspects of the peace plan. The roadmap provides for an end to Israeli settlements in Palestinian territory and recognition of two states, and the UN advocates the return to the 1967 borders.

Will the Minister of Foreign Affairs confirm that recognition of these three points remains essential for long term peace in the Middle East? Is this in fact the Canadian position?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, Canada's position remains unchanged. Canada believes that expansion of the settlements, including through natural growth, does not help the peace efforts.

I would add that, in addition, the government also feels that not only the terrorist threat but also the refusal by some to recognize Israel's right to existence and to self defence represent two major obstacles to the peace process.

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, Canada chairs the Refugee Working Group. This forum has been inactive for years. What is keeping Canada from using it to put forward a proposal for a realistic settlement on the matter of refugees, which would serve as a basis for negotiations and could bring the two parties together? Why not?

Hon. Lawrence Cannon (Minister of Foreign Affairs, CPC): Mr. Speaker, in this regard, the Government of Canada has already done a huge amount. Hon. members will recall the international aid Canada provides in this sector. The minister responsible for this aid has been extremely active in this matter. Canada continues to support a policy to permit two states to live in peace and harmony side by side.

● (1455)

[*English*]

TAXATION

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, I have checked the record and earlier today in question period the Prime Minister said that he would not bring in a new budget "until we need to raise taxes". That is a massive admission of a Conservative hidden agenda to increase taxes in this country.

When will he introduce that budget? What taxes will he increase? Who will pay and by how much?

Some hon. members: Oh, oh!

The Speaker: Order, please. Perhaps we could have a little more order in the chamber. It is very difficult for the Chair to hear the person who has the floor, which is essential.

The right hon. Prime Minister has the floor now and we will have a little order.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I have no idea what the member is talking about. We all know, unfortunately for him, that it was the leader of his party, the Liberal leader who said that he will have to raise taxes, who has promised to raise the GST, whose convention voted again for a carbon tax and who is proposing EI reforms that would mean massive increases in payroll taxes.

Canadians know that and that is not the direction in which they want to go, especially in a time of recession.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, at exactly 2:23 p.m. in this House, earlier in question period, the Prime Minister said that he will not produce another budget "until we need to raise taxes". That is what he said on the record of this House a half an hour ago.

It was this party that eliminated a Conservative deficit, that balanced the books, that brought down 10 surplus budgets, that cut taxes by $100 billion and left the best fiscal record in Canadian history.

When will the Prime Minister come clean to Canadians?

Some hon. members: Oh, oh!

The Speaker: Order, please. The right hon. Prime Minister has the floor.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again I think everybody was clear on exactly what I was saying.

We have a party opposite that has demanded billions of dollars of spending. This government has brought in an important stimulus package.

Every two or three months that party wants us to bring in yet another budget with yet more spending and with no idea how they will pay for it. That is a recipe to raise taxes and not what this government will be doing, which is why nobody will elect it.

Oral Questions

RURAL COMMUNITIES

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, today the Federation of Canadian Municipalities released a critical report on the government's lack of action in rural Canada.

It states that over 50% of Canada's exports come from rural areas in terms of natural resources, agriculture and raw materials, but the wealth the government reaps is not benefiting rural and northern communities. Rural Canadians have to fight for what many others already have, from clean water to basic health care.

Why is the government not making a long-term commitment to rural Canada? Why is it taking rural Canadians for granted?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, I am a proud rural Canadian and I am happy to stand here, on behalf of rural Canadians, and bring in new legislation that would do away with the long gun registry, which of course the NDP members support. I am here to support aboriginal women's rights on reserve, something they do not support. I am here to support infrastructure agreements with rural Canada, something they voted against. I am here to support rural water agreements, which they voted against.

I am proud to stand here and represent rural Canada. I wish they would help us.

* * *

● (1500)

CITIZENSHIP AND IMMIGRATION

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, Dmitri Lennikov graduates from high school this Friday. His gift from the Minister of Immigration could be the deportation of his father and the forced separation of his family.

Dmitri has spent all of his school life in Canada. The Lennikov family has been contributing to my community for 11 years. They have never been accused of any crime. Today the Lennikov family has come to Ottawa from B.C. They are no longer just a memo or a briefing note, but a real family.

Will the minister meet with the Lennikovs? Will he keep this family together?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I think it is very unfortunate that a member would try to politicize a case that has been before the Immigration and Refugee Board, before our courts, and before our public servants with both an application for humanitarian compassion and a pre-removal risk assessment.

We do not politicize cases of inadmissibility that come before the Immigration and Refugee Board, an independent, quasi-judicial body. There is a legal system in place for these matters to be considered. This particular case has been considered by our courts and by the IRB.

* * *

CANADIAN HERITAGE

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, I understand the Robert Shankland Victoria Cross and Distinguished Conduct Medal was sold last night.

Would the Minister of Canadian Heritage kindly provide the details of this sale to the House?

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Mr. Speaker, Robert Shankland's medals, which include both the Victoria Cross and the Distinguished Conduct Medal, were sold by auction last night, and I am pleased to report to the House that the new owner of the medals is the Canadian War Museum.

Mr. Shankland is one of Canada's heroes who showed tremendous bravery—

Some hon. members: Hear, hear!

The Speaker: Order, please. The hon. minister has the floor.

Hon. James Moore: Mr. Speaker, he is one of Canada's heroes who showed incredible gallantry and bravery at Passchendaele. His Victoria Cross and the heroism that earned it are part of our proud history of courage and sacrifice.

We were not willing to let his proud heritage be lost. His medals and memories now belong to Canada for all of us to remember well into the future.

* * *

PRESENCE IN GALLERY

The Speaker: Order. It is my honour and privilege to draw to the attention of members the presence in the gallery of Mr. Robert Fowler, one of Canada's most distinguished diplomats and most recently the United Nations Secretary General's Special Envoy to Niger.

[*Translation*]

Over the course of the past 40 years, not satisfied with having represented his country as a career diplomat, Mr. Fowler put his talents as advisor and negotiator at the disposal of Canada and the international community, despite the real dangers inherent in this most vital work.

[*English*]

I know that all members join me in thanking Robert Fowler for his service to Canada, both in our country and abroad, and in expressing our pleasure and our gratitude that he is back home with us.

Some hon. members: Hear, hear!

● (1505)

[*Translation*]

ORAL QUESTIONS

The Speaker: During oral question period, the Minister of State for Economic Development Agency of Canada for the Regions of Quebec, in response to a question from the member for Chicoutimi—Le Fjord, used words that, in my opinion, were unparliamentary. As I indicated this morning in my ruling on a similar matter, members must be careful in the choice of the words they use. I therefore invite the minister, in the same spirit of cooperation shown this morning by other hon. members, to withdraw his remarks.

Hon. Denis Lebel (Minister of State (Economic Development Agency of Canada for the Regions of Quebec), CPC): Mr. Speaker, I used the words I heard in the question. Since my words are considered unparliamentary, I will say that I probably should have said that the elements of the question were erroneous. I therefore withdraw the word I used. I should have said "erroneous".

[*English*]

Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, during question period, something very unfortunate happened during the remarks from the hon. member for Wascana.

He stood up in the House of Commons and, in order to protect his leader from explicit promises to raise taxes earlier on, he tried to apply that to the Prime Minister. The quote he should have used in completion was the following: "What we are not going to do is, every two or three months, come up with another economic policy, another budget, until we need to raise taxes".

He cut the word "not" out of the quotation in order to give exactly the false impression to Canadians about what the Prime Minister said, and we know why he did it. His motives were purely an attempt to fudge what his leader said about his plan to raise taxes. He should stand and apologize now.

Some hon. members: Oh, oh!

The Speaker: Order, order. I have a feeling we are continuing the debate, but the hon. member for Wascana has been asked to say something, so I will hear him.

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, I appreciate the remarks by the hon. parliamentary secretary because in fact the sentence says, "What we are not going to do—

Some hon. members: Hear, hear!

Hon. Ralph Goodale: Wait for it, wait for it.

—is, every two or three months, come up with another economic policy, another budget, until we need to raise taxes".

The words very clearly speak for themselves. The Conservatives will not produce another budget until they need to raise taxes. The rules of this Parliament require another budget by next spring. In other words, they will be raising taxes next spring or before.

Some hon. members: Oh, oh!

The Speaker: Order, order. This is clearly a debate. This is not a point of order.

I suggest that hon. members calm down and tomorrow morning when they get their copy of *Hansard*, have a nice read. Perhaps the matter will resolve itself when the transcript is available.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, I would like to raise a point of order concerning the withdrawal of unparliamentary language by the Minister of State for Economic Development Agency of Canada for the Regions of Quebec.

Mr. Speaker, I would like to make it clear to him, through you, that the member for Chicoutimi—Le Fjord did not use the word "falsehood", as the minister did. I believe it is clear in our standing orders that, when a member is asked to withdraw his words, he does so without any commentary and without any attempt to minimize the gravity of what was said.

The Speaker: No doubt it is our hope at all times, when hon. members withdraw language used in the House, that they do so clearly and without any other suggestion. That may not have happened in this instance. I do not have the text of the question in front of me and I did not hear every word. Perhaps after looking at Hansard tomorrow we will have something more to say. At this time, however, I believe that the words are withdrawn and the matter, in my opinion, is closed. I will, however, examine what the hon. whip has said, as well as what the hon. members said during question period.

GOVERNMENT ORDERS

● (1510)

[*Translation*]

CREE-NASKAPI (OF QUEBEC) ACT

The House resumed consideration of the motion that Bill C-28, An Act to amend the Cree-Naskapi (of Quebec) Act, be read the third time and passed.

The Speaker: Before question period, the hon. member for Abitibi—Témiscamingue was speaking. I believe he has another eight minutes to make his remarks.

The hon. member for Abitibi—Témiscamingue.

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, it is a relief when calm returns to this place. It is too bad that people sometimes get carried away in question period.

Now, back to the work at hand, which I find much more interesting than question period. I refer to Bill C-28 concerning Cree and native communities in northern Quebec.

As I have eight minutes left, and now one less, I would like to point out that the bill is in negotiation. The agreement has been in negotiation since 1984. Following the James Bay and Northern Quebec Agreement, it took nine years for discussions to begin to reach the agreement signed by representatives of the nine Cree communities and the Government of Canada.

The agreement will give greater autonomy to the Cree and the Naskapi, in fact, more to the Cree than to the Naskapi because there is still room for an agreement with the Naskapi. The lands of these two communities overlap and so an agreement with the Naskapi is required as well.

The land mentioned in the agreement overlaps part of the land of the Inuit in Quebec, but, overall, the James Bay Cree should end up with full autonomy with regard to the Canadian government through the agreement. Accordingly, the Cree Regional Authority will be able to take over the federal government's responsibilities under the James Bay and Northern Quebec Agreement.

It was in fact essential for the Cree to come to an agreement with the federal government and with the Quebec government pursuant to the James Bay and Northern Quebec Agreement. It appears that these agreements are now complete and finalized. We can very soon allow the Cree to move to full autonomy over their ancestral land. This is the intent of Bill C-28.

We will support this bill because we consider it important to support autonomy and the native peoples. The Bloc has always recognized that native peoples are distinct and have a right to their culture, language, customs and traditions and to choose the way their identity will be developed. That is what is happening with this bill.

I do not have a lot of time left, but I want to emphasize before the House that when the government can and wants to, it is possible to reach agreements with native peoples. I believe that this agreement with the Cree paves the way for further agreements. What we would most like to see are further agreements with the Innu, Algonquin, Attikamek and Naskapi so that aboriginal communities not only have rights and responsibilities but are also allowed to develop in accordance with their ancestral customs on their ancestral lands. That is what this bill will achieve.

We should remember that there was a Cree-Naskapi Commission, which made a number of recommendations.

● (1515)

There were 20 of them, and I would like to highlight a few: full and explicit recognition of the inherent right of Eeyou self-government—that is what this bill provides; recognition of the existence and application of Eeyou traditional law, customs and practices in the exercise and practice of Eeyou self-government; and elimination of provisions that conflict with Eeyou traditional law, customs and practices.

All that will be achieved, therefore, on their lands. I read only three of the 20 recommendations. The important thing is that henceforth they will be self-governing and will have jurisdiction over their ancestral lands, which will enable the Cree to develop. The Eeyou community will also be able to develop in accordance with its customs.

We think, therefore, that this is an excellent bill. When the government wants to, it can sit down at the table. It should do the same in regard to Bill C-8 on matrimonial rights in aboriginal communities. This bill has been severely criticized by all feminist organizations and aboriginal associations and communities. We think the government should go back to the drawing board and introduce a new Bill C-8.

We hope, in conclusion, that Bill C-28 passes quickly so that Cree community self-government can be established. We hope this government develops in accordance with the ancestral customs of the Cree. I can only hope one more thing: that this entente cordiale between the Cree and the federal government proves sustainable and leads to the development of these communities, which are located in a part of the country where life is not easy.

I wish them, therefore, the best of luck. I hope that the wishes and desires of the Cree communities which signed the agreement leading to Bill C-28 will all be realized. It is the Bloc's greatest hope that the Cree communities joined together in the Grand Council of the Crees achieve their independence, live finally in accordance with their traditional customs on their own lands, develop themselves and administer what is lawfully theirs, that is to say, their ancestral territory.

[*English*]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I too am rising in support of Bill C-28, An Act to amend the Cree-Naskapi (of Quebec) Act. New Democrats very strongly support this important legislation.

I want to provide a bit of background because the amendment has been in the works for a number of years. There is a long history around the Cree Naskapi in Quebec. The James Bay and Northern Québec Agreement was signed in 1975 and was Canada's first modern land claims settlement. However, this settlement was an outstanding Cree and Inuit claim to aboriginal rights and titles dating back to the 1800s. The agreement should have been signed a century or more before, but it took from some time in the 1800s until 1975 to have an agreement put in place.

I am from British Columbia and although some land claims agreements have been signed, many nations there are still without those kinds of agreements. Something has been put in place in British Columbia called the common table and roughly 60 nations have signed on to the unity protocol. If we can have the kind of movement on treaties and land claims that we have seen around the amendments to the Cree-Naskapi Act, that would be a welcome opportunity in B.C.

As to the history around this agreement, in 1975, when the province of Quebec announced its intention to develop the hydroelectric potential in the James Bay region, the commitment to recognize Cree and Inuit rights had not yet been fulfilled by the federal and provincial governments. Court injunctions were put in place in order to push back on the fact that the Cree and Inuit had not been consulted. Ultimately, it culminated in the James Bay and Northern Québec Agreement, but that agreement was negotiated without any implementation plan. It continued for many more years.

I want to read from the testimony that was provided to the committee by the Grand Council of the Crees. In its testimony it highlighted some of the events that took place. It said:

> The Cree-Naskapi (of Quebec) Act was passed by Parliament in 1984 after several years of discussion between the parties and consultations with the Cree communities and the Naskapi Band. With great difficulty, a new funding regime was eventually put in place by Canada that was compatible with the assumption by the Cree communities of new responsibilities in respect to the planning priorities for their development and administration.
>
> After adoption of the act, and to the present day, the Grand Council of the Crees of Quebec/Cree Regional Authority has acted as a forum for the concerted implementation of the act. It also continues to be the guarantor and protector of Cree rights. While the act opened the door for the assumption by the Cree communities of certain responsibilities concerning their development, there were still many aspects of the James Bay and Northern Quebec Agreement that had not been properly implemented by Quebec and Canada.
>
> It was the announcement by Quebec of its intention to build further hydroelectric development projects in the territory—and particularly the Great Whale hydroelectric project—that sparked the Crees in 1989 to take out a comprehensive court action that sought to stop the proposed developments and also sought the implementation of those numerous aspects of the James Bay and Northern Quebec Agreement that had not been implemented by Canada and Quebec.

We can see there was a very lengthy, convoluted, litigious process put in place.

It goes on to say:

> When Canada and the Crees entered into out-of-court discussions from 2005 to 2008, this model of devolving to the Crees the planning and setting of priorities for the certain of the obligations that were in dispute was found to be adaptable to the issues between the parties.

I want to backtrack a little. In February 2002, the province of Quebec and the Crees signed the agreement respecting a new relationship between the Government of Quebec and the Cree of Quebec, known as the Paix des Braves. The Cree agreed to discontinue most of their court cases against Quebec and suspend others with respect to matters shared with the government.

This agreement eventually led to this new relationships agreement. Although it is not part of this legislation, it was a new relationship between the Government of Canada and the Cree of Eeyou Istchee. This was an important document because chapter 3 of this new relationship agreement outlined a two-stage process that would look at the implementation of some of the previous agreement that was signed.

● (1520)

This new relationship agreement includes a mutually agreed upon James Bay and northern Quebec implementation plan for the next 20 years, resolution of pre-litigation and other grievances, in addition to a phased approach toward Cree governance modernization.

At the heart of this what we have in the bill before us is only part of what needs to happen. Bill C-28 is only stage one. The commitment in the new relationship agreement said that within 18 months roughly this amendment to the Cree-Naskapi (of Quebec) Act would be brought forward as part one.

Bill C-28 would carry out two main objectives. One would be to equip the Cree Regional Authority with additional responsibilities and powers, including bylaw making powers, so that the authority would be better able to receive and carry out certain specified responsibilities which are assumed by the federal government under the James Bay and Northern Quebec Agreement and recognize the Crees of Oujé-Bougoumou as a separate band and local government under the Cree-Naskapi (of Quebec) Act.

We have heard across the board that the nations involved in this and the other nations that are on the other aspects of this agreement are all in agreement that this has to happen. There is full support for the Cree-Naskapi (of Quebec) Act amendments.

The next stage, on which all parties have agreed there is a process in place, is that within three to five years another set of amendments would be brought forward to look at the autonomous governance structure that the Crees are fully entitled to have put in place.

Prior to colonization, the Cree nations were an autonomous nation. They had full control over their social, economic and, I would argue, environmental issues, because they were the stewards of the land. They were a fully functioning government structure. Part of this agreement examines the changes that need to be put in place for part two.

We have had assurances from the government and some comfort from the Cree nations that they feel confident that this process will be in place to see these part two amendments come forward within three to five years. I am sure all members of this House would welcome that. Sadly, it took 19 years to get this first set of amendments in place, but they are before us now and we are fully supportive of them.

Part of what was successful was the consultation process.

I want to backtrack for a moment and mention the United Nations Declaration on the Rights of Indigenous Peoples. Although Canada has not signed on to this aspirational document, I think it does include a framework that is important for us to reflect upon when we are talking about indigenous peoples, first nations peoples, first peoples of this country. There are many articles, but I want to refer to article 18, which states:

> Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

With respect to the consultation process, the briefing document that was provided to members talks about the kind of consultation that happened. We have consensus on all sides on Bill C-28, An Act to amend the Cree-Naskapi (of Quebec) Act.

At committee we heard that the Department of Justice was involved with Indian and Northern Affairs right from the outset. The Auditor General, when reviewing other land claims agreements, has said that often the Department of Justice comes in at the tail end. What happens is that a process may have been ongoing for a number of years and when it is down to the final details, all of a sudden the Department of Justices will say, "Wait a minute. Hold on. We have a problem with this".

I would suggest that the government look at this particular case, Bill C-28, as a model of how it might want to consider other negotiations, whether it is land claims, treaties, or self-governance, and include the relevant departments at the beginning so that we do not run into roadblocks.

The Auditor General was before the committee regarding additions to reserves and treaty land entitlement, and what we discovered of course is that there is not that concerted effort in looking at these agreements.

● (1525)

With respect to the consultation process, the briefing documents acknowledge that under the new relationship agreement, the Government of Canada is obliged to consult with the Grand Council of the Crees. That in itself is progress. The government is acknowledging the need to consult.

The briefing documents talk about what the consultation process looks like with the Cree. Meetings were held with the Cree, including the Crees of Oujé-Bougoumou, with their legal representatives throughout the drafting of the legislation which began in 2007. There were formal meetings, conference calls and many exchanges of letters and emails. Both the English and the French texts of the legislation were reviewed by the Cree. The Government of Canada considered all suggestions proposed by the Cree, and the input received was reflected in the proposed legislation.

That seems to be a very reasonable approach. We have legislation that has a direct impact on the lives of the people in the Cree communities. The Cree was an autonomous self-governing nation prior to colonial times. The Cree have the capability, the infrastructure, and the leadership in place to directly address the issues facing their communities. It would seem reasonable that when the government is drafting legislation that is going to have a direct impact on their communities that they would be included from the outset.

We have seen success with this approach. Bill C-28, because of that very reasonable approach, has had rapid passage through the House and through the committee. The committee certainly heard from witnesses. We did our due diligence. We heard from witnesses who were being impacted by the legislation. We heard consistently that because of this reasonable process, people could sign on to it.

The Cree nations had an opportunity to take this back to their communities, because it was drafted in conjunction with them, get feedback and input, and suggest changes. Here we have a bill before the House that has had smooth sailing because of that process.

Sadly, we have not seen that with respect to other pieces of legislation. A member from the Bloc mentioned the matrimonial real property bill, but I want to raise it as well because that bill has not had a smooth ride.

What the government deems has been consultation, the nations are saying was not consultation because they did not develop that process in conjunction with the nations that were going to be affected.

The ministerial representative's report that the government commissioned made a number of recommendations with regard to consultation.

Some of the elements in the consultation process that was used on Bill C-28 were the very elements the ministerial representative touched on. She said that the department should develop as soon as possible specific policies and procedures related to consultation in order to ensure that future consultation activities can identify and discharge any legal duty to consult while also fulfilling the objectives of good governance and public policy.

She went on to outline a number of factors:

> Ensuring First Nations have relevant information to the issues for decision in a timely manner.

With respect to Bill C-28, it appears that the Cree nations had the information they required to make the decisions. There was an ongoing exchange of information. Some of the suggestions they made were incorporated into the bill. There was goodwill in terms of the next stage of the process, so there was success.

She mentioned:

> Providing an opportunity for First Nations to express their concerns and views on potential impacts of the legislative proposal and issues relating to the existence of a duty to consult.

I have already outlined that they had that opportunity for input. She also stated:

> Listening to, analyzing and seriously considering the representations and concerns of First Nations in the context of relevant legal and policy principles including their relationship to other constitutional and human rights principles.

In this particular case, the Cree and Oujé-Bougoumou had an opportunity to do that analysis, provide their input and have it incorporated. She states:

> Ensuring proper analyses by the Department of Justice of section 35 issues relating to any proposed legislative initiative are thoroughly canvassed before, during and after consultations.

Although this may not have been a section 35 issue, the Department of Justice was at the table throughout the process and therefore, the department did not become a roadblock further on down the road. Under the old specific claims process, specific claims could languish in the Department of Justice for years without any decision being made. Again, it is a model I would urge the government to consider, to include the Department of Justice, and other departments, right up front. In some cases the Department of Fisheries and Oceans and the Department of the Environment have a stake in whatever is under negotiation. It would be important to have them at the table right at the outset.

● (1530)

The ministerial representative recommended:

> Seriously considering proposals for mitigating potentially negative impacts on aboriginal and treaty rights or other rights and interests of First Nations and making necessary accommodations by changing the government's proposal.

In this case, the government's own briefing documents indicate that it incorporated the feedback and made some changes as it went along. Further, she recommended:

> Establishing, in consultation with First Nations, a protocol for the development of legislative proposals.

Because another series of amendments will be coming up, we fully expect that the framework used in the Bill C-28 amendments will be used in the next series of amendments. The ministerial representative has clearly outlined the process, which appears largely to have been used in the current process.

For example, we know that the government has a process under way around aboriginal consultation and accommodation. It is called, “Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult”. The department might want to consider some of these other recommendations that were made, because it appears that first nations have not been included in drafting these interim guidelines.

This looks like an internal risk management exercise for the federal government rather than looking at the broad context of what it means to consult. At one point the document talks about making sure that the government essentially covered its aspect of it without considering whether first nations have been given an appropriate opportunity and the resources. We also know that many first nations communities simply do not have the money to do the kind of work that would provide the feedback and input into a fulsome consultative process.

There is evidence of success with Bill C-28. This evidence of success and this piece of legislation that seems to meet the needs of the government and the Cree nations involved would be a good model on which to move forward.

It is very important that we support Bill C-28 and that it is passed so that the other place can do its due diligence with this legislation. It is a success for the Cree nations and a positive step forward in terms of their assuming their rightful position in self-governance, in assuming the full responsibilities and duties that come with the Cree peoples taking on their bylaws and governance structure.

I am celebrating the NDP's support of this important piece of legislation. I look forward to the amendments coming forward in the next three to five years that will also honour that same process. Hopefully, the lessons learned from Bill C-28 can be applied to other agreements throughout this country.

● (1535)

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, let me commend the member at the outset for the work she does on many of these items in her capacity as critic for our caucus on aboriginal affairs. Her background in bringing people together is an asset to much of the work that she does here, as I know from my own experience with her as caucus chair. She works to identify an issue, challenge or opportunity, gathers people around that opportunity or challenge and finds some common ground and a way to move forward.

In this initiative, it is obvious that is what has happened. It would not surprise me if she, despite being the lone New Democrat member at committee, has in some substantial and meaningful way driven this to a place where something positive and constructive could happen. I know that we have a history in this country of governments not finding a way to work with and honour our commitments to our aboriginal people.

I have said this on many occasions, not the latest of which was this past week in Calgary, where we had a national conference looking at poverty. If we are going to have any vision for the future, one of the things we need to do as a nation is amend our relationship with our first nations people. We need to do all we can in our power and use all the resources we have at our disposal to fix that relationship so that we can move forward together.

This seems to be an ideal time to do that. I would like the member to share with us the government's role and participation in this. Did it participate in a positive way? Did it provide constructive support? Is it going to be supportive of this initiative going forward?

Ms. Jean Crowder: Mr. Speaker, I want to thank the member for Sault Ste. Marie for his tireless work on raising the issues around poverty in this country and talking about potential solutions. He literally has been coast to coast to coast to talk to people, gather their input and their feedback and propose solutions. I want to honour him for the work he has done.

With regard to Bill C-28, previously when I rose in the House and spoke on the bill, the minister was surprised that I was saying something nice about the Conservative government. In this particular case the government did come to the table in good faith, and it worked with the Cree nations to come up with this piece of legislation.

Again, this is a model that could be used. It is a model where all the parties were at the table right from the outset. It was model where the Cree nations felt heard, their input was respected and the legislation in their view reflected the changes they wanted to see.

Hopefully, this goodwill continues and the next series of amendments, which are long overdue, will come forward in that very same spirit.

● (1540)

Mr. John Duncan (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, CPC): Mr. Speaker, I listened to the speech of the NDP aboriginal affairs critic with interest.

During questions and comments we heard the member talk about the process that was used for Bill C-28, the Cree-Naskapi act, in terms of consultation and so on. We also heard very similar comments from the opposition parties in terms of how Bill C-5, An Act to amend the Indian Oil and Gas Act was developed. That Act received royal assent in the last two weeks.

I would like to point out that Bill C-8, which is the bill dealing with matrimonial property issues, was also developed in a very consultative approach. The drafting of the bill was done with two major national aboriginal organizations very much participating; that would be the Assembly of First Nations and the Native Women's Association of Canada. Therefore, it is not a case of black and white on consultation or no consultation. This is a very difficult area when we have 630 first nations across the country.

I would like to invite the member to comment on this.

Ms. Jean Crowder: Mr. Speaker, on matrimonial real property, Bill C-8, there is a difference of opinion between the government and the Assembly of First Nations and the Native Women's Association of Canada. Both of those organizations do not support Bill C-8. They do not feel it reflects what they heard from the communities. In fact many of the recommendations that the ministerial representative and her team made, whose work I quoted from on the duty to consult, were not incorporated into Bill C-8.

The minister came before the committee this morning and talked about what he saw as being important in Bill C-8, which is the ability to allow nations to develop their own codes around matrimonial real property, and that the current state of the Indian Act prevents him from doing that. I would suggest that the government could withdraw Bill C-8 and reintroduce a bill that deals with the ability of nations to give the minister the authority under the Indian Act to have those codes developed. If that is the stumbling block, why not put forward a piece of legislation that actually addresses what he says is the real need?

Again, consultation has to not only meet the government's needs, it has to meet the needs of the people. I heard the parliamentary secretary say that is what Bill C-8 does. Well, Bill C-8 does more than that. Therefore, if the government would withdraw Bill C-8 and reintroduce just the pieces around the Indian Act and bands developing their codes, we might be able to have a different conversation around it.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I am pleased to have the opportunity to ask my colleague, who has worked so hard on this file, a question. This is further to the parliamentary secretary's question about the difference between the approaches with respect to Bill C-28 and that of Bill C-8, which has caused a lot of discussion in this place and a lot of controversy.

Unfortunately, because it is our understanding that proper consultation with respect to Bill C-8 was not done and that there is this differing viewpoint between the Assembly of First Nations and the government and between the Native Women's Association and the government, and because the government tends to interpret any opposition to Bill C-8 as being anti-women or anti-equality, I think we do need some clarification on the different processes that were applied. Where did the government fell amiss in terms of Bill C-8 and why it was successful with respect to Bill C-28?

● (1545)

Ms. Jean Crowder: Mr. Speaker, I want to congratulate the member for Winnipeg North on having an initiative around flavoured cigarillos adopted by the government. That is an example of how we can work together on issues.

With regard to Bill C-28, An Act to amend the Cree-Naskapi (of Quebec) Act, the difference between that bill and Bill C-8 is stark. With Bill C-28, the parties were at the table right from the outset. They had the Cree Nations and the Ouje-Bougoumou at the table along with the Department of Justice as the legislation was being drafted.

We know that did not happen with Bill C-8. There was a very tight timeframe for the Assembly of First Nations and the Native Women's Association to start a process. We discovered in hearing back from them that the process could not get to consultation because there was so much education that needed to happen. There was an education awareness process that took place with the Native Women's Association and the Assembly of First Nations. They did not get to the consultation process.

With the ministerial representative's report, which is very thick, her recommendations were largely disregarded. I quoted from her report in my speech around the elements of consultation she thought were important to truly get the kind of legislation that reflected the needs in the community.

As the member for Winnipeg North pointed out, this is often stated as the New Democrats being against women's rights. I would argue we are advocating strongly that whatever legislation comes forward actually protects women's rights and that we do not get a flawed piece of legislation like we have from the 1985 Bill C-31, which is now seeing people lose their status. We want a piece of legislation that reflects the needs of those communities, the women and their children.

[*Translation*]

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Speaker, I want to congratulate my colleague from the NDP, who is also my neighbour on the Standing Committee on Aboriginal Affairs and Northern Development. I want to congratulate her too on her French. I used to be able to say anything at all about her so long as it was in French, but I cannot do that any more. She has learned a lot from the James Bay Cree. If we look at what has been happening in Vancouver since she found out about the Cree, first nations issues have been settled much more easily. She can use Quebec's experience with the first nations and apply it to British Columbia. The parliamentary secretary realized this and was actually quite happy about it, given the way he reacts when our colleague stands and speaks in the House.

I am very proud of the determination and pride of the Quebec Cree. I cannot speak for the Cree of Ontario or other provinces because, apart from the witnesses who appear before us in committee, I have not had much opportunity to talk to them. Generally speaking, though, the Cree rely a lot on the comprehension and understanding shown by the members of the Standing Committee on Aboriginal Affairs and Northern Development when they come to see us and try to make us grasp their problems and view of things, which is not necessarily our own.

For example, in regard to Bill C-28 before us today, we should not forget that the James Bay and Northern Quebec Agreement has been in negotiation since 1973. Negotiations started as far back as 1973, under René Lévesque, in connection with the James Bay power project. After the project was developed on their lands, the Cree decided to claim some of the benefits. We well remember how hard they had to fight, even going to New York, if I remember correctly, to assert their rights.

Bill C-28 arose pursuant to the promises Canada made in the subsequent agreements. Its purpose is to implement these promises: the James Bay and Northern Quebec Agreement, signed in 1975; the 1992 Oujé-Bougoumou/Canada Agreement, in which Canada promised to remedy the failure to include the Cree of Oujé-Bougoumou in the James Bay and Northern Quebec Agreement; the Cree and Naskapi legislation; and the 2008 Agreement concerning a New Relationship between the Government of Canada and the Cree of Eeyou Istchee, which reaffirmed the promise to give the Cree Regional Authority greater governance powers over the development of the James Bay Cree. I am very happy for the chief of Oujé-Bougoumou, whom I hold in high esteem. She is a very nice lady who has now become a very great lady.

As I just said, the James Bay and Northern Quebec Agreement has been in negotiation since 1973. It comes from the Eeyou Istchee Cree, which translates as the land of the Cree of James Bay, Quebec. The association of Inuit of New Quebec entered into negotiations with the Government of Quebec, the federal government, Hydro-Québec and the James Bay energy corporation. At that point, they focused on the regions and the people in them, recognizing and protecting certain rights and benefits. The negotiations concluded with the signing in 1975 of the James Bay agreement, the first comprehensive land claim agreement in Canada, which today is protected under the Constitution as a modern treaty, pursuant to section 35 of the Constitution Act, 1982. In this agreement, the Cree gave up, transferred and dropped all claims, rights, titles and native interests to and in the lands in the area and in Quebec in exchange for clearly defined rights and benefits.

● (1550)

The James Bay and Northern Quebec Agreement recognized eight bands. This land regime defined three categories of land. I will not enumerate them. In the 1975 agreement, with Oujé-Bougoumou not yet a reserve or even a recognized band, it had to fight until 1992 for recognition and to obtain its own village.

The current agreement comes under the heading of local administration. The Cree-Naskapi (of Quebec) Act establishes the eight bands as corporations recognized by the James Bay and Northern Quebec Agreement and establishes their powers in the following areas—making bylaws with respect to category IA lands under section 45; regulation of buildings for the protection of public safety; health and hygiene; public order and safety; the protection of the environment; the prevention of pollution; the taxation for local purposes of a broad range of local services; roads, traffic and transportation; the operation of businesses and the carrying on of trades; and parks and recreation.

Other sections concern band financial administration, residence, access and other rights on category IA lands, the disposition of interests in these lands, and policing.

Bill C-28 provides amendments for each of these parties, thus giving considerable autonomy. Unfortunately, it is not yet complete, but it is the most progressive in Canada at the moment. I offer the example of an agreement signed not so long ago with a first nations band from my colleague's area, which was also granted autonomy. It was obtained through negotiation, consultation and agreements.

I was listening to the parliamentary secretary reminding us of Bill C-8. The government consulted some people, including women and the Assembly of First Nations. When this bill was introduced, we understood that the Assembly of First Nations acknowledged being consulted. The Native Women's Association of Canada, the Assembly of First Nations of Quebec and Labrador and Quebec Native Women also acknowledged being consulted. However, that is where the existing agreement between the department and these associations representing first nations stops. Consulting and taking nothing from the consultation contributes nothing.

This is why the first nations of Canada and of Quebec have spoken out against Bill C-8, as they did against C-44 and C-21, and as they will continue to do just as long as we do not recognize the philosophy and way of life, the culture and the needs of all first nations. When they ask for something in consultations, it is not enough just to listen but do nothing. Their needs must be taken into consideration. They are persons just as we are persons. Many more agreements can be reached, and I am proud of this for the James Bay Cree.

In committee, after our discussions, unanimity was reached on this bill with the exception of one minor change proposed by the government, which was to adapt the English version to the French in a certain clause, because the French definition was more accurate than the English.

● (1555)

The bill received unanimous support and I sincerely hope that the House will also support it when it comes time to vote. For its part, the Bloc Québécois supports the first nations, as it always has, for that matter.

The Bloc Québécois has made it our duty to support the first nations across Canada, not just in Quebec. We know that the first nations of Canada in general have experienced more or less the same difficulties, and the Bloc Québécois recognizes the aboriginal peoples as distinct peoples with the right to their culture, their language, their customs and traditions, as well as the right to direct the development of that unique identity themselves.

In so doing, it is respecting the direction taken by René Lévesque, a staunch defender of aboriginal peoples, who made Quebec the first government in America to recognize the aboriginal nations in its midst.

Bill C-28 is in fact the extension of the James Bay and Northern Quebec Agreement and of the Paix des Braves, which was signed under Bernard Landry and the Parti Québécois. Bill C-28 enables the federal government to fulfill its obligations to the Cree-Naskapi.

In 2004, the leader of the Bloc Québécois said the following:

> The Paix des Braves ratified by the Government of Quebec and representatives of the Cree Nation has paved the way for these kinds of negotiations and demonstrated that major development projects have to be negotiated with mutual interests in mind. The Bloc Québécois supports the first nations in their fight for emancipation. That is why we are asking Ottawa to follow this example to negotiate a similar agreement with Cree Nation representatives.

In its 2008 report, the Cree-Naskapi Commission identified the negative outcome of the federal government's failure to respect the James Bay and Northern Quebec agreement:

> Consequently, the full potential of local self-government, with its dynamic and evolving nature, has not yet been realized nor achieved by the Cree and Naskapi First Nations because, as one principal constraint, the Cree-Naskapi (of Quebec) Act, after twenty-four (24) years, remains an inflexible, rigid instrument which has not yet been reviewed by Canada, the Cree and Naskapi for the purposes of determining appropriate amendments to enhance and improve Cree and Naskapi local government.

The commission issued a series of recommendations that I will not get into now because most of their demands have been acknowledged in this bill. That is the big difference between this bill and Bill C-8, which we will soon be debating.

I was listening to the member for Saint Boniface earlier, and she was saying that the government had held extensive consultations. That is true, but the extent of the negotiations has little to do with whether the government understood the demands put forward during the consultations. I would like the government to understand that. We could avoid all kinds of futile, useless discussions and debates if only we really listened to the people we were talking to.

I will end on that note. I really hope that all parties in the House will support this bill so that it can make its way to the Senate quickly.

● (1600)

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I am honoured to speak today to this bill that recognizes the rights of the James Bay Cree of Quebec and would set in place a framework to move forward. It is one of those few occasions where we see all members of Parliament working together for a result that is needed and that can actually set a standard to move forward.

I would like to begin this afternoon by placing this agreement in terms of the context so we have a real understanding of what it is we are talking about. As much as we support the bill and recognize the importance of the bill, we need to put it in terms of the overall failure of the federal government to put in place similar agreements elsewhere. We go back to the 1970s, the time when the James Bay projects were first being enacted in the province of Quebec. I think my colleagues from Quebec will agree that at that time the understanding of first nation relations was very different.

When I worked in the region of Abitibi, I remember people talking about how the first nations were for many years considered squatters on their land. The idea of developing projects, whether it was hydroelectric projects, forestry projects or mining projects, they were never done in consultation with the first nation communities affected. In fact, this has been a situation that has gone on right across Canada. Even last year we saw the McGuinty government in Ontario jailing leaders of a first nation community who were trying to lay down some basic ground rules about consultations in their community.

The James Bay agreement stemmed out of what started as the James Bay Cree fighting to be recognized on their own territory and to say that if there were to be development, they would be at the table. If there were to be benefits, they wanted their people to see some of those benefits because they would be the ones living with the long term effects of the massive hydro developments being proposed at that time by the Bourassa government.

The James Bay agreement originally came into place because the province of Quebec recognized at a certain point that it would not be able to go ahead with development without a framework agreement in place with the James Bay Cree. There was too much international pressure. The Cree, Billy Diamond, Matthew Coon Comb, the whole leadership of that period, mounted such an amazing international fight that Quebec came to the table and, because Quebec came to the table, they said that the federal government had to come to the table as well.

We do not see the federal government going out and settling land issues. It is not in the business of doing that. Time and time again, it dodges its obligations. It has refused to meet with first nations communities on the most basic issues. In terms of the initial James Bay agreement, it was because Quebec recognized that if it were to get hydroelectric development off the ground it would need to have an agreement and to have an agreement there needed to be a provincial and federal détente.

The original James Bay agreement set the framework for the Cree of James Bay of Quebec to actually begin to participate in the 20th and 21st century economy and to set a standard in place that every first nation across this country has looked to. The idea of revenue sharing agreements used to be seen as revolutionary and now it is what first nations recognize is needed to go forward.

I would like to compare the situation of the original James Bay Cree agreement, the Paix des Braves, with the bill we are looking at today, Bill C-28, in terms of the development of treaties on the ground and the success of the James Bay Cree, but compare it to the difficulties being faced by other first nation communities that are also trying to establish agreements.

I represent the James Bay region of Ontario and we could not see a starker contrast in terms of first nations development between the James Bay communities of Ontario and the James Bay communities of Quebec where both the federal government and provincial government in Ontario consistently walked away from basic obligations for infrastructure, education and health services that have left the communities in levels of poverty that most Canadians would not believe exist, but on the James Bay of Ontario it is all too often the daily occurrence.

I had the distinct pleasure in a past life to travel along the James Bay coast of Quebec where I saw proper roads, proper houses built and the people were part of the economy. This is not to underplay any of the problems that may exist on the James Bay coast of Quebec but to say that we have a very distinct situation in Ontario.

● (1605)

In my role as a member of Parliament, I took part in the Treaty 9 centenary that was happening across the great territory of the Nishnawbe Aski Nation, which is part of the region I represent. It has been 100 years since the signing of the treaty.

Being in communities such as Martin River, Fort Albany, Kashechewan and Moose Factory, I got a very different view of what those treaties meant than the politicians who were coming in to so-called celebrate it. In many of the communities I went to, people said there was not really much to celebrate in the fact that they signed off their land in good faith, to work as partners, to develop and to give their people a chance. The white commissioners at that time saw the treaties as a way of taking the land and putting the communities onto these pitiful reservations.

There is a difference in how the people talk about the treaties. It is clear that once the federal government signed the treaty, and in fact the province of Ontario signed Treaty 9 as well, as far as it was concerned it was finished with its obligations. It walked away on these communities. In the first nations communities, they still talk about what the treaties meant.

Let us look at the historical records of Treaty 9 communities, such as the Mushkego Cree of James Bay, Ontario. One of the reasons they signed the treaty was because they recognized that with the pressures on the change of life, with the Hudson's Bay factors who had lorded over the land for many years, there was a change coming. They were worried about the future of their children.

One of the key things they talked about in agreeing to sign that treaty was that they wanted their children educated. They would make the agreement to share their land, but they wanted their children to have proper schools. We know that the federal government never lived up to that obligation. In fact, it brought in a system of residential schools, not just on the James Bay coast but all across the territory, that inflicted massive generational wounds on these communities.

Even to this day, in my region of Timmins—James Bay, we have two communities with no schools. There seems to be no plan for schools from the government. There seems to be no awareness by the government of a need to build schools. We see that the treaties that were signed were broken.

Having worked as a land negotiator with the Algonquin Nation, I learned very quickly that the word of the federal government often meant very little when it signed an agreement. It signed an agreement as long as the media lights were on and the ink was still wet on the page, but then when it left, whatever agreements a community may have had, the federal government said, “Take us to court”. Of course the communities are too poor to take it to court.

I was working in the community of Barriere Lake after it signed an agreement with the federal government in 1998 to rebuild the community. I was there five or six years later and not a single new dwelling had been built, even though we had an agreement on paper, signed by the federal government, to work with the community to bring it out of its horrific levels of poverty in Barriere Lake.

I sat in on a meeting in November 2005 with the minister of Indian affairs and all the top bureaucrats from Indian affairs to sign an agreement to build a new community for the crisis-ridden community of Kashechewan. I remember that when we were signing that agreement, it was vague, that the verbal agreements that we had been given by the minister and by the senior Indian affairs department heads were not on paper. They had made promises to work and rebuild the community, but none of the commitments we had in terms of moving to higher ground, of a timeline, of how many houses would be part of a movement to get that crisis-ridden community off a flood plain, were in the agreement.

We were told by the Indian affairs senior administration that it would be a sign of good faith and trust to just sign the agreement. Here we had a community that had been evacuated three times in one year because of a failure of infrastructure, because of the crisis that the community had been put through by the mismanagement of their land and their infrastructure by the federal government.

The community was in a desperate situation and they signed that agreement, just as so many first nation communities have signed agreements over the years, in the best of faith. They believed that when the people sitting across the table from them, who represented the Crown, who represented the federal Government of Canada, said that they would follow through, they would mean it. The fact that everything was not spelled out in the agreement was not a problem because they told the community to its face that the agreement would be respected.

● (1610)

The results are clear. Less than a year later we had the government standing and saying there never was an agreement and there never was money set aside for the community of Kashechewan, there was no plan and this was all somehow a figment of people's imaginations and we misinterpreted what was said at the meeting even though we were there with the senior representatives, the senior civil servants of this country in terms of Indian affairs, and the minister and the senior political staff.

We can see the frustration that exists in communities that take the federal government at its word when it comes to negotiating agreements. The failure of the government to live up to basic standards is evidenced for example going back to the community of Kashechewan.

Just a year and a half ago we had two young men, Jamie Goodwin and Ricardo Wesley, who burned to death in a shack. That shack just happened to be a police station. It was a police station because there was no adequate police service facilities in the community of Kashechewan and there were no fire services in the community of Kashechewan. The Nishnawbe-Aski Police had been warning for years that unless the agreement that existed to fund first nation police services was addressed that someone would be hurt, someone would die, perhaps a citizen in a community where there was no police service, perhaps a police officer in an isolated community who had no backup.

Unfortunately, in Kashechewan, it was the case of two young men who were not criminals. They were just young and rambunctious and they caught in a jail cell that should not have been used as a jail cell anywhere else in the western world, and they burned to death.

I was in that jail before those men died. I was there with the Ontario minister of public safety and security and we showed him this building that looked like a crackshack in a war zone. We told him that this is what police officers are having to make do with and something should done.

We spoke in the House of Commons about the need to have agreements in place. It comes back to the issue of being at the table and signing agreements. In terms of police services, it is the federal government and the provincial government that sign these agreements with, for example, the Nishnawbe-Aski Police Services or with health services. Then, both the federal government and the provincial government walk away on those commitments, and the communities are left suffering.

The fire inquest has just finished in Ontario. The recommendations are damning. They are recommendations that we would have seen in any non-native community 40 or 50 years ago in terms of basic standards that have to be in place. For example, we need fire suppression, we need water sprinklers in any building, we need proper facilities, and we need proper funding for police services in these communities. The issue then becomes that agreements are signed but they are not signed in good faith, not by the federal government, very rarely.

I would like to say in the case of Bill C-28, we have an agreement that works. I think we have that agreement because it was the Grand Council of the Crees who fought for so long and said, "This is our territory. When development happens on our territory, it will happen with our consent and unless they have our consent there will be no moving forward". There was a very clear initial hard line. All the communities worked together to maintain that line. It brought the province of Quebec to the table and then brought the federal government to the table.

I would like to think that it does not take a hard line to get other agreements in place. However, I wonder some days. I wonder when we see the recent report by the parliamentary budget officer and the shameful lack of standards for first nations schools. Again, we talk about agreements that are made and agreements that are broken, and they are casually broken.

In the community of Attawapiskat, which was the impetus that drove the study to get Mr. Page to look at the funding, it is a community that has been poisoned for 30 years. It is a community where children have been at risk, children who now are starting to show signs of leukemia, having gone to school on the largest diesel contaminated site in North American history. That is where their school grounds are. They have been exposed on a daily basis to low levels of benzenes and methylethylenes, blowing up from the dust on the school grounds. That is a community that had negotiated.

Again, we are talking about a community that sat at the table and negotiated in good faith, that had done all the studies that were asked of them, that did all the reports that were asked of them, and that had signed commitments from regional Indian affairs bureaucrats in Thunder Bay, in Toronto, and all the way up to the minister's office, Robert Nault. He came to the community in July 2000 and committed that there will be a school there. Minister Andy Scott in November of 2005 sat with the senior bureaucrats and said, "Make this happen". The former minister of Indian Affairs, who is a Conservative cabinet minister now, wrote a letter to the community and said, "I will support this plan at Treasury Board".

● (1615)

If we were in business with someone who signed these kinds of agreements and then breached them, we would take them to court. We would have a reason and we would win in court. When someone makes those kinds of verbal and written commitments, works with a partner step by step along the way and then at the eleventh hour pulls out of negotiations, walks away and says there never was a deal, that person would be taken to court. Yet, first nations are left high and dry.

It is a question of the need to make a commitment to communities that is not arbitrary, erratic or based on whether ministers decide they are going to spend the money some place else. Maybe they are going to move it back to Treasury Board, maybe they are going to take money from a specific funding envelope for schools and spend it elsewhere. This is what the Parliamentary Budget Officer has shown us very clearly, that the standards at Indian Affairs are erratic, random and not measurable by any standard.

As a former school board trustee, I was always shocked when I tried to get a straight answer out of Indian Affairs about its planning methodologies. It was making them up as it went along. Instead of having bureaucrats who could answer, I was dealing with spin doctors.

The civil service exists to protect the public interest and make sure that money taken from the taxpayers of Canada by the government is spent wisely. The role of the civil servant is not to cover the rear end of ministers based on whatever arbitrary political decision they make on a given day. Yet, this is what we see with Indian Affairs all the time. It raises the question of the federal government needing to take seriously on an across-Canada basis a willingness to negotiate in good faith and to tell first nations communities that it when it makes a plan, the plan will be transparent.

There is kind of a sick joke for people who work in first nation communities where the federal government always says to any first nation, "You have to be accountable. You have to be transparent. We want to see your books. You can't monkey around with your numbers. You have to be able to show how you are spending that money". Well, all first nation communities do that. If they do not, someone takes control of their finances immediately.

Yet, Indian Affairs officials do not subject themselves to any of the same kinds of clear criteria, such as ring-fencing on line items so that funding envelopes cannot be pilfered and spent elsewhere. These are clear obligations. First nations cannot move that spending around. A school board cannot move the funding envelopes around. A municipality cannot go to the local school board and say, "We are not building schools for you this year because we are going to build some roads with it and give a tax cut to our constituents because it is an election year". That cannot happen. That would be illegal under the provincial systems of government and, of course, it should be. Yet, at the federal level, that is the way business is done on first nations territory.

We are looking at an agreement that should be a model, an agreement that was made with a number of communities in the James Bay region of Quebec that drew a line in the sand and said, "There will be a standard of how you work with us, how you consult with us, how you develop our territory, and we will be part of that".

I am very proud to work with all the parties in the House to make sure this bill gets through and that this agreement comes into force. However, the standard of trust and respect has to become part of the federal government mantra in order to develop all our first nation communities because the greatest resource we have in our lands and the territory north of 50 is not forestry, not hydro, not the gold nor the diamonds. It is the young people and the children living on reserves who are often treated as completely neglected backwater. The failure of the government to plan and work with communities to develop the resource of these children, these young people, and these growing communities is a staggering loss for today, for tomorrow, and for what our country could become.

● (1620)

I would hope that the spirit of Bill C-28 will help move us forward and all our communities.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I am glad the member brought up the item about bargaining in good faith. I want to talk more about that as it relates to land claim implementation.

The member has done a lot of really good work on education. I want to ensure he had enough time to bring us up to date on education, especially in the distant rural schools and the amounts of funding. There is a recent report about this.

On the funding, compared to provincial governments, are these children getting an equal chance? If we all co-operated, what could we do to ensure they would get an education on a par with other Canadian children?

Mr. Charlie Angus: Mr. Speaker, with regard to the report brought out by Kevin Page, he does not address the massive shortfalls in salaries paid to teachers, or the lack of special education dollars, or the lack of adequate resources. He simply talks about managing the assets, the infrastructure of schools.

What is very positive about Mr. Page's report is that he offers us a way of working together. He is saying that we need to move toward a capital planning methodology, which exists everywhere with regard to school boards, whether in a school board of just 13 isolated rural schools or in larger cities. Our capital planning methodology would be the same as it was in the city of Toronto, where there are hundreds of schools. The methodology has to be that we take a long-term view, that we understand the conditions of the buildings, which Indian Affairs does not have, that we have a clear standard in terms of what we expect and that we have clear financing in place to maintain and replace these schools.

From Mr. Page's report we see that every year the government under funds school construction and maintenance by about $170 million. Therefore, these buildings are already substandard. Then there is the lack of support from that. Of the money that is in place, the government moves it to spend on other things. In the last five years, $122 million that should have gone directly to building schools was spent on other projects. We cannot do that if we are to protect the education rights of children.

[*Translation*]

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, I would first like to thank my colleague for his analysis of the bill and his eloquent, lively and, I would even say, moving speech, which comes from his very lengthy experience with first nations communities on the Ontario side of James Bay.

I have had the opportunity to visit and get to know the same communities on the Quebec side, and I am aware of the differences he referred to, because the James Bay and Northern Quebec agreements came out of the Malouf decision in the early 1970s, which imposed an injunction that interrupted work on one of the largest construction projects in North American history because laws had been broken. Talented people, people with vision, capable people like John Ciaccia took charge of the issue and said they would resolve it.

I believe that models may exist. But I was sad to hear what he said about the schools, and that is what I would like to ask him about.

Could he tell us about some of the problems? We were all disappointed yesterday by the mediocre responses from the Minister of Indian and Northern Affairs. We can see that he does not really care about this issue. He would do better to look after the plumbing elsewhere in the government.

Could my colleague from Timmins—James Bay give us some examples of cases where young people are being deprived of the resources they need to grow and develop and communities in turn are being deprived of their right to sustainable development, which means taking care of future generations?

● (1625)

[*English*]

Mr. Charlie Angus: Mr. Speaker, Attawapiskat sits on the largest diesel contamination site in North American history. This is where the children go to school. The building has been abandoned for 30 years. The government's solution in Attawapiskat was to tear the building down. There is no other jurisdiction I know of that would tear down a building as a school solution. When the government tore that building down, it promised the community it would have medical teams on hand because it knew the risks to those children. Therefore, community agreed to having it torn down. We do not make a promise of medical teams for demolition unless we know how serious it is. Guess what? There were no medical teams present. Health Canada told the community to send their kids back to school in the middle of the demolition.

We have documented reports of teachers getting sick, children throwing up. We had a teaching crew from the Toronto school board at the time, and the teachers were horrified. Kids had nosebleeds and some passed out in the classrooms. Anywhere else there would be an outcry that would lead to people being charged, people being fired and heads would roll.

We have heard the minister say that he is not aware of any health and safety problems whatsoever and he has told us to prove it. We are talking about children who have been left at risk. A promise was made to have medical teams available to ensure the children would not get sick. Again, it is the lack of good faith from the government. It makes agreements and it walks away, leaving children at risk. That is simply unacceptable in a country like Canada in the 21st century.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, although the bill is not controversial and should get the support of the House at third reading, the subject matter seems to have drifted to the obligations of the Government of Canada with regard to first nation issues.

I want to ask the member about the minister's opinion on the actions taken by his ministry with regard to Bill C-8 and the representations he made in his speech to this place, that he consulted widely and had taken all the necessary steps to engage first nation communities. In fact, I refer to statements about the fact that the Supreme Court of Canada recognized the federal government was required to consult, accommodate and obtain first nations' consent when it contemplated action that could affect first nation, aboriginal or treaty rights.

Even some of the questions that we have seen at question period, again, seem to deny the fact that there was no consultation in the form that was required, that informed consent was not there, that the accommodation was not there.

What assurances or what comfort level does the member have that the government in fact has appropriately consulted with these communities with regard to the important changes to the act under Bill C-28?

Mr. Charlie Angus: Mr. Speaker, the obligation to consult has been defined in court decision after court decision. It is the obligation of the federal government to work with first nations.

Again, if we are going to move forward, it is the prerequisite for developing legislation, where we start to move away from treating first nations as somehow children or wards of the state who can be treated in an arbitrary fashion.

Bill C-8 looks to address some of the existing issues on how first nation laws are enacted. However, clearly we did not see a pattern of consultation. The government needs to understand that until it does consultations, until it works collaboratively, first, with the first nations and then with its partners in the House of Commons, it will be unable to force legislation through. It will also be unable to attack its opponents and say that we are against human rights and so on. The government can do it all it wants, but it will not get the legislation it needs.

I hope the minister would learn from this and reflect on it. Why waste the time of Parliament and why waste the time of Canadians? If he does not do the groundwork and consult, the bills will eventually fail. It is the obligation of members of the opposition to push back in those cases because without consultation, there is no legitimacy for developing first nation law.

● (1630)

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, given the member's long track record of working with aboriginal people in northern Ontario and in Quebec before he arrived here in 2004, how could the model that has been used to put this bill together so successfully be used in the very real challenge that he himself faces in his riding in both Attawapiskat and Kashechewan?

Mr. Charlie Angus: Mr. Speaker, when I worked for the Algonquin nation in Quebec, it always called the Cree the "big brothers" because the grand council of the Cree had set the standards. It set the standards by being tough and by laying down some really hard lines in the push back against the original James Bay development. Out of that came a framework for agreements that has established a whole series of agreements, which have helped move these communities forward.

The problem is other communities do not have that strength and they rely on the federal government to represent them and the federal government has failed.

The Deputy Speaker: It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Saint-Bruno—Saint-Hubert, Arts and Culture; the hon. member for Madawaska—Restigouche, Unemployment; the hon. member for Pickering—Scarborough East, Financial Institutions.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I am not going to use my whole time slot because there is cooperation on the bill. I want to use my time as a springboard to talk about some of the items the previous member talked about and to get points on the record about land claims implementation and improving or amending land claims.

There are two types of land claims. There are comprehensive claims that deal with everything. It is a complete treaty that deals with the entire land, resources, and sometimes self-governance agreements that are attached. That is called a comprehensive claim.

Then there is a specific claim. If there is a treaty in place but the treaty has not been followed specifically, there is a claim that an item in the treaty has not been followed and there is a grievance.

Regarding specific claims, which I will deal with first because they are the easiest, the government brought forward a good initiative, which all parties agreed with, to get specific claims into a tribunal and get them out of the old system. Basically two adversaries made a claim that something was done or not done. The judge, in essence, was one of those parties, and obviously that did not make any sense.

The new system for specific claims is very good. It has an independent arbiter get arguments from the two parties and then make a decision. That is a very good improvement, and it's a big step forward. It deals with thousands of those little specific annoyances. Many of the claims are small, but some of them have been backlogged for years and years. All parties agree that this should speed it up and deal with the problem.

With regard to the comprehensive claims, which are in lineups for years and years, a number of them are under negotiation. Once again, we have to make sure there is a fair system to deal with them that does not have them lost in the other business of the department, that there are enough resources that people are not waiting another generation to have their land claim and self-governance dealt with, that it is done in a fair manner and that there is some type of independent arbiter who actually makes the ultimate decision. Hopefully, we can move forward in that respect.

The last area is when there is a treaty, especially a modern treaty, and how we deal with the provisions to implement that. Having a land claim and a self-government agreement is not really the end of the road, as some people might think. It is actually the beginning of a great journey of governments together: the Canadian government; first nations governments; all aboriginal governments, Inuit and Métis. It is a starting point for a new government-to-government relationship. It is a living type of relationship; it is not set in stone. It has to evolve and unfold in good faith and in the spirit those agreements were signed so they can work and progress.

It does not matter how much legalese there is, nothing will work if the will is not there to make it work. To make it work changes have to be made, with modifications and provision of the resources and the good will to make them work.

In regard to some of the modern treaties that have been signed, there are a number of problems. The Auditor General has pointed them out. It is so significant that the first nations with modern treaties, many of them north of 60, have formed a land claims coalition, because their grievances are falling between the cracks. People think an agreement is signed and that is the end of it. Organizations and governments have other things on their plate and they forget that with these modern treaties the implementation process is not smooth, it is not financed, it is not finished. There is a lot of evolving to do and a lot of work to be done on the implementation.

● (1635)

It is pretty bad when so many hundreds of first nations people have to have an organization and conferences to try to bring their points and grievances to us. They need to be dealt with in good faith.

The funding amounts for these claims are not necessarily known on the first day the claim is signed. As an example, the negotiators in the Yukon claims, very wisely, put in a nine-year review period. They will go back after nine years and see that the money being transferred under the program services transfer agreements to each first nations government to run a program that was formerly run by the federal government is enough.

It was very wise that there would be a nine-year review. Unfortunately, just to use this as an example, we are now in the thirteenth year of the nine-year review. It should not take that long. They have done baseline studies, with both governments having officials involved, to study the gross expenditure base and exactly how much it takes to run those programs. It is time to get to the table to get those amounts resolved. As the member has said, the federal government has to provide a negotiator who will negotiate in good faith.

The point made to us is that over these many years, more years than it took to fight the first world war, the negotiators have constantly changed on the federal side and they came without a mandate from cabinet. These things are not going to make for progress.

Hopefully government officials have received that message over the last few weeks from the coalition and from our committee hearings, where we have dealt with this to some extent. I compliment the committee for bringing that topic up. I forget which member actually brought it up, but I commend that member for bringing it to all the members' attention.

Another example is that these particular modern agreements allow a first nations government to take on certain powers. That makes eminent sense. We have some great success stories of first nations delivering their own programs. Unfortunately, they seem to be endlessly roadblocked in taking on the powers that have been legislatively assigned to them.

We have one first nation that has been working on a particular power, and I do not want to point any fingers, for nine years now. The two world wars basically could have been fought in that time. That is to take on a simple power that is legislatively their right. Nothing should take that long. Maybe people have problems with the agreements, but we should have thought of that when we signed the agreements.

The agreements are laws. In fact they are stronger than the ordinary laws of the land, because they are constitutionally protected. The land claims, and in some cases the self-government agreements, are constitutionally protected, although not the Yukon agreements.

We have signed these agreements in good faith with the honour of the Crown. We should be implementing them in good faith. We should sit down, provide negotiators, hopefully with consistency, and with enough mandate and resources to come to an agreement so that first nations can take on these programs. I think we would all be pleasantly surprised, and we would benefit from the success stories that would evolve.

Some of these things in our history have not gone well. These new models obviously cannot be worse, and they could be great success stories for the country. There could actually be resource savings, for a lot of reasons I will not get into. Obviously it would save of a lot of human failure and lack of success stories. We would have new models that might work in those communities, if we simply put some spirit, some effort and some resources into the implementation of these claims.

I have had one member from my community suggest that we set up an independent commission, like the specific claims commission, to deal with some of these implementation problems, as opposed to having these negotiations go on forever. In fact it is funny that there would be a negotiation over something that is a right by law. Why do we not just have an independent decision and get on with it so these agreements can continue?

● (1640)

The bill we are talking about today is a good example of making a correction, but of course it took far too long. I know there are more grievances. A number of times in committee some administrative corrections were requested. I compliment the federal government. It seems to have committed that within a year the other details will be taken care of. We did not want to move forward until we got the assurance from the department that these other administrative improvements that need to be made in this area are going to be made.

The last point I want to make is that sometimes various departments of the federal government do not seem to be aware that when there is a relationship with another government of equal stature in certain areas, it is not just the Department of Indian Affairs and Northern Development. These agreements are signed by Canada and a first nation. All the departments within the first nation have to abide by these agreements, but so do all the departments in the federal government.

If there is a responsibility to consult, as the last member spoke very eloquently about, it is not just the Department of Indian Affairs and Northern Development; it is the Government of Canada and all the departments. The Government of Canada has 50 or 60 departments and agencies. It is not only the department that can do things that could affect the rights of first nations, Inuit or Métis.

And just as a sideline, I hope the minister will give attention to the Yukon Métis association that met on the weekend and is looking for funding.

It is not just the Department of Indian Affairs and Northern Development that has to respect the responsibility to consult, because any other department or agency could do something that would impinge on the rights of aboriginal people. They have to be very aware that these modern treaties, which include a government-to-government relationship and a duty to consult, apply to all federal departments and agencies. I hope the officials who are listening from other departments will remember this and get up to speed.

It is a very complicated task, because there are a variety of agreements across the country that are all different. That is a benefit, because individuals and communities are different, but it also makes it complicated for administrators to know the responsibilities of the federal government and to deal in the honour of the Crown with each individual government and community.

It is a big task, but the progress being made in this bill is an example that the job can be done if everyone works together. For that reason I will be supporting this, and I will be looking for progress. Hopefully we will continue, as we do with specific claims in areas that still need to be dealt with, on comprehensive claims and the implementation of modern treaties.

● (1645)

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, I have a question for my hon. colleague, who has done a tremendous amount of work with first nations communities.

The Senate is doing a review of the Indian Act in Manitoba and other parts of Canada right now. It is going to first nations communities and asking the question of whether the Indian Act impedes their ability to build their communities to become economically self-sufficient and viable.

My personal view is that the Indian Act should be scrapped and that consultations should take place with first nations communities to determine how a structure can take place in order to create a relationship that is going to be mutually beneficial and productive. Certainly the status quo actually hamstrings the ability of first nations communities to develop.

I know that with first nations in my riding of Esquimalt—Juan de Fuca, chiefs and councils have a terrible time with development. In fact, they have four to five times the amount of red tape as non-aboriginal communities and people who want to develop their land.

I would like to ask my friend whether he thinks a good route forward is to consult with first nations communities and remove the shackles that impede the ability of first nations to develop their lands.

Hon. Larry Bagnell: Mr. Speaker, that is a very interesting question about whether the Indian Act should stay or not. I will give two answers to it.

First, last week we had an interesting speaker in the parliamentary restaurant, a professor from the University of Ottawa, and I asked her specifically about the Indian Act. She said that there were a lot of bad things in it but that there also were a lot of dependencies, that it was a government department that actually came through with certain items for first nations and that it was their contact in government. She had sort of a mixed view. The point is that it would be a very complex task but it should be looked at.

The second answer relates to the land claims that we have had in Yukon. Once one has been through a modern treaty, a land claim and a self-government agreement, the Indian Act no longer applies. My personal opinion is that the evidence of that is like night and day as to the results of the success stories. I used to go around to these first nations bands and find a cabin, may or may not find a shack and may or may not find a band administrator and that was about it.

Now that those bands have self-government agreements and land claims, they have modernized buildings, a modernized bureaucracy and they are delivering their own programs. All governments are receiving less complaints about the programs because they are being delivered right there in their villages. Many of their people are no longer unemployed because they are the bureaucrats delivering the programs to their own people.

It is a long road but it is like night and day and a great success story, which is the reason I say we should get on with comprehensive claims with all the first nations that would like to do it.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I would like to engage the member in a dialogue around this bill in the context of the upcoming anniversary of the annual day of reconciliation on June 11.

In Manitoba, we just held a day of healing and reconciliation this past Saturday where a clear message was sent to me and others that this place needs to offer more than an apology to the aboriginal people of Canada for the trauma of the residential school experience, and that we really need to be acting very specifically and concretely on initiatives that will deal with the hurt and the systemic inequalities that now exist in the first nations, aboriginal and Métis communities.

I would like to know from the member how he sees this bill fulfilling that promise and what else we need to do in this place to actually show we are serious about national healing and reconciliation.

● (1650)

Hon. Larry Bagnell: Mr. Speaker, the member made the excellent point that the apology was not really the end. It is like signing a land claim; it is actually the beginning. It is the beginning of recognition by every member of Parliament that there was a grievous mistake and grievous ramifications and effects not only to generation that went through it but to their progeny.

If we recognized that problem in the great ceremony we had here, then we also need to recognize that we need to deal with that problem. For instance, we cannot allow the healing fund to expire as if everyone is healed just because the apology was made. We cannot allow the reconciliation process, when it gets started, to be a sounding board and not have any action. The purpose of the reconciliation hearings will be to give us an idea of not only the effect it has had on people but what their ideas are of what we can do to mitigate those effects and help them get on with life.

The member certainly would have been moved by the ceremony we had in my riding a couple of weeks ago where they tore down an old residential school. What moved me was that virtually all the speakers talked about their chance for a new beginning, that, as the member said, if we give them the tools and the resources then they can leave the hurt in the past. It will never be gone but they can now get on with a new life. They are looking forward a new bright future, like all Canadians should have.

If we put that commitment into it, I think all of our citizens will move ahead to the benefit of all of us.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I congratulate the member for Yukon, who I have known very well for many years, on the exceptional work he does on behalf of first nations. The member is always here and yet always gets home to see his family in Yukon on the weekends. I do not know where he gets his energy but it is much appreciated by the House that he is here to help with this important legislation.

My question for the member has to do with the United Nations Declaration on the Rights of Indigenous Peoples. My understanding is that Canada is not a signatory. This came up in our discussions on Bill C-8 on matrimonial real property. The declaration includes such items as the rights of indigenous peoples to self-determination; to maintain and strengthen their distinct political, legal, economic, social and cultural institutions; to not be subjected to forced assimilation or destruction of their culture; and, without discrimination, to the improvement of their economic and social conditions. The list goes on.

Those, to me, seem to be values that Canada should embrace and they should be reflective in legislation that we bring before this place as it relates to our first nations.

Does the member know why Canada is not a signatory to the United Nations Declaration on the Rights of Indigenous Peoples and does he know whether or not the bill before us now, at least in spirit, reflects the principles underlying that declaration?

Hon. Larry Bagnell: Mr. Speaker, the member makes a very good point. I will not speculate on the technical reasons that the government has not signed it, but he talked about the values that are there.

As I said earlier in my response to the member for Esquimalt—Juan de Fuca, if one follows those values that occur in the self-government and land claims agreements in the modern treaties, such as the social values and the ability of first nations, maybe there is another answer. Maybe they have ways of running their own local justice system, as they have successfully for thousands of years. Maybe they have a different way of self-determination. Maybe they have different matrimonial property rights. Maybe they have a different way of looking at governance, where everything is not the individual, but one has collective rights.

One of their biggest arguments against Bill C-8 as it is written is that it does not recognize collective rights as a way of governing another people. The United Nations declaration points out all these points. As the member for Esquimalt—Juan de Fuca said, our pilot projects in Canada in the modern treaties that got certain first nations away from the Indian Act have been very successful.

● (1655)

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to, bill read the third time and passed)

* * *

MESSAGE FROM THE SENATE

The Deputy Speaker: I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed certain bills.

* * *

NUCLEAR LIABILITY AND COMPENSATION ACT

The House resumed from May 15 consideration of the motion that Bill C-20, An Act respecting civil liability and compensation for damage in case of a nuclear incident, be read the second time and referred to a committee.

The Deputy Speaker: When the bill was last before the House, the hon. member for Skeena—Bulkley Valley had 15 minutes left to conclude his remarks.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, it is a pleasure to continue this discourse that was interrupted some weeks ago before the House rose.

I want to remind the folks in the House and at home that we are dealing with Bill C-20, the Nuclear Liability and Compensation Act. This is an attempt to reform a very old piece of legislation that has been sitting on the government's books for a number of years. It does require some modernization but the government has gone about it in such a way as to leave very few, outside of the very narrow band of the industry, satisfied, and has allowed no real sense of security or knowledge that communities will be properly compensated in the event of a nuclear accident.

The bill would limit the liability that a nuclear provider will be exposed to in the event of a nuclear accident to $650 million. On a number of fronts this raises concerns for New Democrats and for Canadians across the country, whether they live in a community that has a nuclear reactor in it, adjacent to a community or just on the broad principle of how this country goes about dealing with the very sensitive and controversial issue of nuclear energy.

This is all happening within the context that is not exactly ideal for the nuclear industry. We hear in the House, day after day, questions put to the Minister of Natural Resources about Chalk River, which is a nuclear facility here in Canada owned by the government that seems to go through problems every 18 months or so, in which it leaks, contaminates and then shuts down. In the shutting down, this facility provides isotopes that are used in diagnostic testing for cancer patients and provides 80% of the Canadian supply and more than 50% of the world supply, throwing the world into all sorts of concern that Canada is becoming an increasingly unreliable partner in this field.

It also falls into the context of Ontario putting many billions of dollars forward foreseeing that it is running out of viable energy supplies and deciding not to put the economy on a green track but deciding to invest in nuclear instead.

Obviously the CANDU reactor, the AECL is one of those bidders, as is the French and some other interests. This is an extraordinarily important file for the government, obviously, because it seems to want to sell AECL, a Canadian subsidized company, an arm's length crown corporation into which the Canadian taxpayer has put more than $20 billion over time.

No other energy sector outside of the oil and gas sector has received the kind of subsidies and special treatment that the nuclear industry has, and that is continued under Bill C-20. We do not offer limited liability to other sectors in the Canadian economy. We do not say to the auto sector, the manufacturing sector or the resort and tourism sector that the Government of Canada will backstop major accidents.

To understand why we feel that the bill falls short at $650 million, one has only to go back to when there have been nuclear accidents and look at the costs to clean it up and the costs to compensate people. What do other countries do when they are faced with the question of liability? There is a variance of degrees in ways that this industry is treated but we cannot find any cases where the limited liability is set at such a small amount.

For example, all nuclear providers in the U.S. contribute to a common pool that approaches upward of $10 billion in the event of a nuclear accident; that is $10 billion to $650 million. It does not matter when we are taking the size and scale in terms of our country being smaller than the U.S. because a nuclear accident is a nuclear accident and a community affected is a community affected. We can take the case of Japan and Germany which are advocating and putting in position unlimited liability.

One needs to ask how viable this technology and industry is if it requires not only $20 billion in government subsidies and subsidies every year, because we just kicked in another few hundred million dollars, but it also requires the government to backstop the liability of the industry. The risks are so great, as acknowledged by the government, that the taxpayer will either be backstopping any large insurance claims or it will just prevent Canadians from suing the government beyond a certain amount.

One needs to wonder how the government comes to the point of saying that if, in the event of a nuclear accident of some scale in Pickering or in any of the other communities associated with these nuclear facilities are seriously harmed or destroyed, that it will set a figure as to how much they can be compensated for the loss of life, industry, home, community, and then we need to imagine that over time.

● (1700)

How would $650 million compensate a community with nuclear toxicity in its soil and water? We know the half-life of some isotopes could be many thousands of years, and taking that over time means hundreds of thousands of years of contamination.

This is the challenge with nuclear that has been described as the saving grace under the carbon constrained economies that we are looking at right now. The liability component is serious and significant and it has to be curtailed by government. The special treatment that is afforded to nuclear is not afforded to other industries.

The government often talks about not wanting to pick winners and losers, about letting the invisible hand of the marketplace dictate what will or will not happen, but then we see bills like Bill C-20. This is not an Adam Smith bill in design or designation. This is not a free market, free capital principled bill. This legislation would have us enter the marketplace, decide, and then tip the scales one way or the other.

That is the debate required here. That is what the government must defend in bringing the bill forward. The Liberals support the bill overwhelmingly, but I am not sure if any of the Liberal members will stand up with conviction.

Many representatives of the nuclear industry appeared before committee when the Chalk River spill and contamination occurred. Canadians heard that there was no leak at Chalk River and that contamination was contained. These words are used in common parlance as meaning to contain something or to withhold it. What in fact happens is that nuclear radiation leaks out of the facility, is held in a pool for a certain amount of time and then released into the Ottawa River. The nuclear industry defines that as containment. A leak is not a leak if it goes into the air. That is something else entirely. Another word is used for that. The government said there was no leak and anything that did happen was contained.

We have all heard in Parliament and in committee folks using words that in common usage mean one thing, but in a specific application mean something entirely different. People are led astray.

The nuclear industry is very nervous because at this moment it is trying to sell a bunch of Candu reactors. It is trying to sell them to Ontario, then maybe to other countries, and then maybe sell off all of AECL. Moving the limited liability act through the House is critical to the government's hope of eventually selling off this public asset.

If we are talking about competitiveness for the nuclear industry, then for heaven's sake, one would imagine the government would look to our competitors, primarily Europe, Japan and the United States, to find out what they are doing for their industries. What kind of compensation regime have they set up? What kind of limited liability have they set up to allow the Canadian product to compete fairly?

From all of our reading of this, and we have yet to see it corrected by the government or anybody else, that has yet to be proven. That is not what our competitors use. Our competitors allow for something that would seek a bit more compensation.

Even undercutting that entire argument, what is proper compensation after a nuclear accident? The industry said the Three Mile Island incident did not typify a major accident in the sense that it did not go through a full nuclear meltdown. The cost in those days was just shy of $1 billion. This legislation limits liability to $650 million.

The Chernobyl accident stands alone in its own rarefied air of when something really goes wrong. The compensation amounts that would be required if a Chernobyl incident happened obviously would exceed anything close to the limited liability act.

As Ontario muses as to whether it will go with the Candu system or the European or some other model, the liability question stands front and centre. This is all meshed into one.

● (1705)

There are the incidents at Chalk River where we have a reactor that is 50-some years old. It leaks from time to time. It contaminates the Ottawa River from time to time. It leaks out the smoke stacks and out the pipe itself. They call them pinhole pricks, but I suppose it does not take much in terms of a nuclear leak to really matter. It throws into question the whole nature, orientation and management of the nuclear industry by the current government and previous governments.

One has to take this all into consideration with the other choices that are available when it comes to producing energy. We have seen the government apply the blinkers when it comes to the tar sands, continuing a $1.3 billion to $1.4 billion tax subsidy into northern Alberta every year, whether or not the market is roaring hot, too hot according to the people who live there, subsidizing an industry that did not need subsidizing.

The government has shown itself to be incapable of properly measuring its own greenhouse gas emissions. It challenges every bill the opposition puts forth. The NDP has proposed a bill for the next round of climate change commitments in Copenhagen and the government's number one criticism has been, “We are not sure that you can properly account for things here, here and here”.

The Commissioner of the Environment and Sustainable Development, the auditor of all things environmental came before committee this morning and confirmed to government and opposition members who were there that the government has no capacity to measure its own greenhouse gas numbers and the effectiveness of any of the programs that it runs. Yet the government feels completely comfortable in taking credit for all sorts of reductions it is going to have in the future when it cannot actually measure what it has already done.

The whole thing is thrown into suspicion, and into this walks so much certainty from the government with respect to nuclear. Is nuclear part of the debate? Absolutely. Should it be put on the table with the alternatives? Absolutely. But the government is not creating a level playing field. We have seen that with the recent budget that came from the government when we compare it to what came out of Washington. In terms of the alternative resources, in terms of the alternative generation of energy, it is the game. Everyone who has studied this, everyone who has looked at economic recoveries around the world knows that energy has been and will be the central question for economies.

The government is spending on a ratio of one to fourteen per capita to the Americans right now. On the alternative energies—we are not talking nuclear or the fictitious carbon capture and sequestration the government keeps pandering and no one is listening to and certainly no one in industry is interested in investing in—but the true alternatives, the solar, the wind, the tidal and run a river on those fronts that have an extremely high job creation potential, the government is doing one-fourteenth on a per person basis compared to our American counterparts.

What happens to an industry, especially a nascent industry, when it is looking to locate itself on one side of a border or another? Industry representatives from wind, from solar, from tidal, from all of these groups, Canadian firms, have come to us time and time again to say that they are leaving. They want to operate here and they want to create the jobs here, but the investment climate is terrible.

Take wind for example. The government has a program that was meant to run out in year 2011. It was successful. The provinces actually filled in the void and they subscribed to it. This is a program that started a number of years ago. The government should realize there is success to be had in creating wind energy in Canada and perhaps even manufacturing in Canada. It could be helping out those communities such as the one we visited in Welland the other day, where a former auto parts plant is now making components for the wind industry. The government should be magnifying that, making that greater. It should have a vision that Canadians can get excited about and enthralled with. Rather than realizing that, still we see a government tinkering at the edges, putting up fictitious ideas that no one supports. It has yet to present a credible environmental plan that anyone, right wing, left wing, environmental, industry will validate. Not one has said that the numbers the government pretends to have in dealing with climate change can be validated. That was confirmed again by the auditor.

This liability act raises many questions for Canadians who are faced with concerns around nuclear liability and they are given no assurances. They are told that we will have a limited liability and nothing else.

Government members time and time again remain silent on this. Members of the official opposition, the Liberals, seem to give this a wink and a nod and off it goes. It feels more and more like an inside job. It feels like a job where Canadians are not allowed to participate in the conversation, saying that if we are going to support this industry for another $20 billion and another 50 years at cost overruns, leaks and melts and all the rest of that, then for heaven's sake there will be something that will allow—

● (1710)

The Deputy Speaker: Order. I will have to stop the hon. member there.

Questions and comments, the hon. member for Yukon.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, the member correctly made the point that the government has cut the wind energy program. I am hoping that as a fellow northerner, quasi-northerner, he would support the effort that because wind energy in the north is a lot more expensive as it is a harsher climate and there is rime icing, the incentive for wind energy has to be even higher in the north so we can take advantage of it and get it going. Hopefully he would support that.

In an industry that he has described as dangerous, how much confidence does he have in the independent regulators? Especially when the government fires the independent regulator, how much confidence does he have in that system?

Mr. Nathan Cullen: Mr. Speaker, the government fired the regulator once and then appointed somebody new, so I do not suppose it has that tactic to use again. It will have to find another scapegoat if it is looking for one.

We are hearing now that AECL has actually been briefing the department and the minister, suggesting that the shutdown in Chalk River that produces the isotopes may not be for one or two months, that it may be six or eight months.

This is a concern for those who are in cancer treatment and who need these isotopes. We are getting urgent letters from doctors and hospitals across the country wanting to know what the situation actually is. It is one of the reasons we requested an emergency debate yesterday, so that the government could come forward and say what the actual numbers are and what it is doing to fill in the gaps in terms of people who are in cancer treatment or will be in the next number of months. The government has not been forthright on this at all.

In terms of the member's first question, we are as alienated and disaffected as anybody in Yukon, so we hold on to our northern status properly. This place feels as far away where I come from as it does for the member.

We must treat wind energy or any of the alternatives as industrial projects, no different from a mine. We cannot make the mistake that the B.C. provincial government did and throw away the licences for 300 rivers forever, essentially privatizing and hiding behind the idea that it is a green project and therefore it cannot be held up to criticism.

Any industrial project must meet good environmental criteria and must have the local community supporting it. Otherwise it is not a green project that anyone should support.

● (1715)

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I very much appreciate the enthusiasm with which my colleague delivered his speech.

However, as he rightly points out, nuclear power is dangerous. At the same time, and I would like to hear his thoughts on this, we are not like the United States, where there are a great number of nuclear projects. They can afford to pool their money and place $11 billion into a reserve in the event of an accident. That is probably the amount required, if not more, to clean up a nuclear accident.

Given that we are talking about Canada, which has only a few nuclear projects, I would like the member to tell me how many insurance companies could provide more than $650 million in coverage.

Mr. Nathan Cullen: Mr. Speaker, I thank my colleague for his question. The situation in the United States is different because there are many more companies. However, the pooling of $10 billion, as in the United States, might be enough to cover the cost of a nuclear accident. The question is not how much the companies are willing to pay but what would be the compensation in the event of an accident.

The liability established in the United States, Europe and Japan is not the same as that provided for in the bill. Who are we trying to delude by saying that the level of compensation is lower in Canada? The Government of Canada wants to show that this is an opportunity for nuclear companies. That is ridiculous. The situation in the United States is different. At the same time, this bill cannot set a liability of $10 billion. It is not possible for us to do the same thing.

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, the only nuclear plant in operation in Quebec at this time is Gentilly-2. Continuing its trend of unsustainable choices, ones that run squarely counter to sustainable development, the current government chose to go ahead with the rebuilding of the Gentilly-2 nuclear plant, at an estimated cost of $2 billion.

Will my friend and colleague tell the people from the Trois-Rivières area, those who are likely to be affected in the event of a nuclear accident at Gentilly, what impact this bill will have? It will deprive them because not only would they never be compensated for losing their health in such circumstances but they would not be compensated for material losses either, at least appropriately.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I thank my hon. colleague from Quebec.

That is the issue for local people, the only one. In the event of a nuclear accident, there is an overall liability limit. That is not an amount just for individuals and another for the municipalities or industries affected. That is an overall amount, for one and all families in the event of an accident. With this bill, the possibility of a nuclear accident has to be considered. We cannot have this debate without taking that into account.

Regarding the limit, the government says it is high enough. I think not. The problem the Liberals are having in committees now is that they cannot get amounts changed. Should the House approve this bill at this stage, it would then be impossible to amend it with respect to compensation amounts and limits. We have a problem with that. I assume and hope that the Liberals, Bloc members and all the other members also have a problem with that.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, under the bill in the setting liability limits, one of the questions that has come up in some discussions is that if the liability limit is set too high, there may be a problem with a party being able to acquire sufficient insurance, which all of a sudden has some business implications.

Is anything in the bill, or may be considered in the bill, to address the situation where limits may be set so high that no one could possibly afford the insurance to provide that service?

● (1720)

Mr. Nathan Cullen: Mr. Speaker, that is the point about the low limit set by the bill in order to attract the investment. Other jurisdictions such as the United States, Japan, Europe, which have viable nuclear industries, much bigger than ours, have set much higher limits. The fact that we have to set such a low and artificial limit for this industry alone should be of concern to Canadians. We do not do that for any other industry

The fact is if an accident were to happen at a nuclear facility, as has been shown in any other accident that happened in the past, the costs are enormous. The true cost of operating nuclear facilities is not simply the cost overruns on the production; it is the eventual and incurred cost of risk that is sitting in that facility. If things go wrong, it gets expensive quickly, not only in terms of dollars but also of human life and suffering.

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, I appreciated my colleague's comments on the bill and the concerns he raised. Has he looked at the larger picture? A number of years ago we built nuclear energy facilities in Ontario at a cost that grew exponentially over time. Ultimately they had to be dealt with by the provincial government. People of Ontario now have to pay these substantial costs through their energy bills and we do not know how long that will go on.

Now the Conservatives government has brought forward a bill that suggests the people of Canada will end up bearing the brunt of any liability should anything happen at some of these nuclear facilities. When is this going to stop?

Mr. Nathan Cullen: Mr. Speaker, there are two things.

First, it would be helpful if the Ontario government would put a portion on the bill that compensated the nuclear industry for the cost overruns that had already been incurred. It would be helpful for Ontarians to see on every bill how much it costs them.

Second, if there were an accident, I would assume that this place would be taken up with the compensation. That factor has to put into the price right up front. Let us not lie to Canadians about what the real cost of nuclear is, let us be honest with them.

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, I am pleased to rise in debate on Bill C-20.

Let me begin by talking about the highlights of Bill C-20 on nuclear liability. Like much of what the government does, there is not much new here. Bill C-20 is a culmination of discussions that begun under the previous Liberal government. In fact, it replaces the 1976 Nuclear Liability Act. It establishes a clear regime in the event of a nuclear accident. Thank goodness there has never been one in Canada.

The key element of the bill is to increase operator liability from $75 million to $650 million. It is important that my hon. colleagues from the NDP keep that in mind, that the bill is about increasing the liability limit not decreasing it.

This is in response to recommendations from the Senate Committee on Energy, the Environment and Natural Resources. It is interesting to see the government taking its lead from the Senate, which it was so busy stacking just a few months ago. Obviously their overzealous rhetoric about the other chamber is more for show than anything else.

As I have stated, there is not a lot new in this bill. In fact, the same bill was introduced in the last Parliament, and probably would have been on the books by now if not for the fact that the Prime Minister broke his own fixed date election law last fall and called an election.

In the last Parliament, the natural resources committee conducted a comprehensive study of the bill, as it then was, and some amendments were considered, including the possibility of raising the liability limit.

I look forward to hearing from expert witnesses when the bill goes back to committee, as I think it will. I certainly will support having it do that. I am looking forward to hearing ways it may be possible to improve the legislation.

One issue that ought to be addressed would be a possible amendment that would allow for the industry to look for insurance outside of Canada if it would be a problem to be limited. It is important that we at least hear the arguments on that. It is certainly an issue that has been raised by representatives of the industry. Clearly we would prefer that they shop in Canada for things like this, but let us hear what they have to say about the argument for broadening that if there is some limitation or lack of competition for this kind of liability insurance.

We know there are some kinds of insurance that very few insurers will offer. We think of a group like Lloyd's of London as being famous for insuring things that nobody else will. If there is only one insurer in the country that will insure what the industry does, it may be stuck with that price. We have to at least hear what the industry has to say about that.

Other than that, it does not seem to be a particularly controversial bill. As we read through the bill, a few questions come to mind. We could ask why the operators liability should be limited to $650 million, which is a tremendous increase from what it has been. The answer is that if it were higher than that, they would be unable to get liability insurance. It is not available, as I understand it, for amounts higher than that, therefore no new plants will be built. That is an important consideration.

Another question is, are there to be no qualifications for appointment to the tribunal that is set up in the legislation? This is something we ought to consider at committee, considering the views of expert witnesses on what kinds of qualifications the members of the tribunal ought to have and what kind of people we are looking for on the tribunal.

Overall the bill is a good example of civil servants doing their work well, as it probably emanates from them. I thank them for their work.

However, one thing that already concerns me with Bill C-20 is the role of the minister in reviewing the liability amount every five years. My concern on this question of the review of liability stems from the lack of a coherent nuclear energy policy coming from the government. How will the government deal with this liability issue when it does not seem to be able to competently manage this file in its entirety? I have concerns, as many members do on this side—

● (1725)

The Acting Speaker (Mr. Barry Devolin): The government House leader on a point of order.

* * *

BUSINESS OF THE HOUSE

Hon. Jay Hill (Leader of the Government in the House of Commons, CPC): Mr. Speaker, time is very short and I want to offer my apologies to the hon. member for Halifax West for this interruption.

There have been discussions among all parties in the chamber and I think if you were to seek it you would find unanimous consent for the following motion. I move:

That, notwithstanding the Standing Orders or usual practices of this House,

the House revert to "Presenting Reports from Committees" for the sole purpose of reporting back from committee, Bill C-29, An Act to increase the availability of agricultural loans and to repeal the Farm Improvement Loans Act and Bill S-2, An Act to amend the Customs Act; and

when Bill C-29 is reported back, it be deemed concurred in at report stage and deemed read a third time and passed; and

during the debate on May 28, 2009, on the Business of Supply pursuant to Standing Order 81(4), no quorum calls, dilatory motions or requests for unanimous consent shall be received by the Chair and, within each 15-minute period, each party may allocate time to one or more of its members for speeches or for questions and answers, provided that, in the case of questions and answers, the minister's answer approximately reflect the time taken by the question, and provided that, in the case of speeches, members of the party to which the period is allocated may speak one after the other.

The Acting Speaker (Mr. Barry Devolin): Does the government House leader have unanimous consent to move the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Barry Devolin): The House has heard the terms of the motion? Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

PUBLIC SAFETY AND NATIONAL SECURITY

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, it is an honour to present, in both official languages, the first report of the Standing Committee on Public Safety and National Security. In accordance with its order of reference of Tuesday, May 5, your committee has considered Bill S-2, An Act to amend the Customs Act, and agreed on Tuesday, May 26 to report it without amendment.

● (1730)

AGRICULTURE AND AGRI-FOOD

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Mr. Speaker, I have the distinct honour to present, in both official languages, the second report of the Standing Committee on Agriculture and Agri-Food in relation to Bill C-29, Canadian Agricultural Loans Act.

* * *

CANADIAN AGRICULTURAL LOANS ACT

(Bill C-29. On the Order: Government Orders:)

May 26, 2009—Bill C-29, An Act to increase the availability of loans for the purpose of the establishment, improvement and development of farms and the processing, distribution or marketing of the products of farming by cooperative associations—Minister of Agriculture and Agri-Food

(Bill concurred in at report stage, read the third time and passed)

The Acting Speaker (Mr. Barry Devolin): It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

SUPREME COURT ACT

The House resumed from March 23 consideration of the motion that Bill C-232, an act to amend the Supreme Court Act (understanding the official languages), be read the second time and referred to a committee.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, it is a great pleasure for me to rise on Bill C-232, which amends the Supreme Court Act. I am in favour of this bill not only because it was introduced by an hon. member from New Brunswick, where I come from, but also because I think official bilingualism is very important for New Brunswick and the entire country. Bill C-232 is intended to amend the Supreme Court Act in this direction.

Judges will be chosen from the people described in clause 1 and will have to understand French and English without the help of an interpreter. Canada's francophones have a right to be served in their own language, especially in the courts and most especially in the Supreme Court. That is a basic right for all Canadians, regardless of whether they live in Quebec or in my riding of Moncton—Riverview—Dieppe.

Like many other francophones in Canada, the Acadians in my riding are not all bilingual by any means. They find it hard to express themselves and understand various expressions in English. We speak English or French depending on how we learned our mother tongue. I learned French on the rinks and in the schools of New Brunswick, and I married an Acadian woman. It is the language I support here.

The Supreme Court justices should be able to understand and speak French. Canada is a bilingual country and who better to set an example than the judges of the highest court in the land? I think that all members of Parliament should understand the importance of this bill and support it. Canada is a country that was built by the French and English. We should ensure, therefore, that everyone is served in the language of his or her choice, especially before the Supreme Court.

There are laws in this country guaranteeing linguistic rights. The first is section 16(1) of the Canadian Charter of Rights and Freedoms, which says that "English and French are the official languages of Canada and have equality of status and equal rights and privileges...". It is a matter of equality. This was not the situation in 1986 when the Supreme Court heard the case of the Société des Acadiens v. Association of Parents for Fairness in Education, and when the Supreme Court wrote that there was no equality right for French in this country. That was corrected, however, in the Supreme Court's Beaulac decision. In addition, section 18 of the Canadian Charter of Rights and Freedoms says "...both language versions

[French and English] are equally authoritative". This means there is equality under Canadian law.

● (1735)

[*English*]

In English, the Official Languages Act says that any journal, record, act of Parliament, et cetera, shall be made, enacted, printed, published and tabled simultaneously in both languages, and most importantly, both language versions are equally authoritative. This is the law of the country.

In the case of Société des Acadiens v. Association of Parents, it was not accepted that an accused had a right to translation when being presented with a criminal charge. As I mentioned, this was corrected by the decision in Beaulac, a 1999 Supreme Court decision, under the pen of then Mr. Justice Bastarache. It was decided to completely reject the law in the case of the Société des Acadiens and say that, "To the extent that Société des Acadiens stands for a restrictive interpretation of language rights, it is to be rejected".

That has been the law of the country with respect to accused persons since 1999. There were two judges in that decision, the late Antonio Lamer and the current sitting member, Justice Binnie, who disagreed with the decision, but on the grounds that a criminal case should not be purported or extended to make constitutional law. Whether or not we agree with those justices is a matter of debate here.

That is the first and best reason why we should follow this bill. There is another reason though and it is the best evidence rule. This is a common law-created rule which suggests that from the 18th century forward, the best evidence is to be used. What does that mean? It means that the best the nature of the case will allow is the quote from the 1745 decision of the English courts.

What better evidence can there be before a judge of the highest appellate court in this country, who wants to interpret what is being said, other than to understand exactly what is being said? It goes to the very nature of advocacy before our highest court.

In a bit of a segue, we are talking about all nine judges of the Supreme Court being able to understand, not necessarily speak but understand, both languages. Imagine that if there were judges who came from the province of Quebec or parts of New Brunswick where there are only unilingual French-speaking candidates, imagine the shoe on the other foot, so to speak. If an English litigant hired the best lawyer he could find in Ottawa to make an argument at the appellate level on a very important case to that litigant, and the judges were divided four-four and it came down to one judge who could not understand English, there would be an outcry. The English litigant would say, "He is not listening to my argument. He is listening to the interpreter".

We all admire our interpretation people in this Parliament and across the courts. It is a wonderful instrument, but the very nature of interpretation means that they are taking words and forming them in their own artistic belief as to what the speaker intends. That may work in solemnizing marriages. It may work in giving out change in an arcade, but it does not work at the highest level of advocacy in this country.

The advocates who are before the Supreme Court of Canada will tell us that 90% of the cases that are decided by the court are decided when a judge of the court asks them a question, and their response wins or loses the case for them. If that answer has to go through an artistic interpretation of what the advocate meant, justice is not being done.

There is an argument that maybe the best qualified individuals will not be chosen. That is like saying that eight of our nine Supreme Court justices right now are not the highest qualified judges in the country. I think they are.

● (1740)

[*Translation*]

The level of bilingualism in law schools all across this country has greatly improved over the years.

[*English*]

Many law faculties across this country teach common law in French and civil law in English, and the two marry quite well together.

Just a final word on the evils of translation. Translation is impossible. Interpretation is an art. An English language recording of a conversation may be put into evidence in court, but so will the transcript. That proves that in courts of law across this country, more evidence is better. Better understanding is the best evidence rule, and as I said at the beginning of my speech, all of that sensible, irrefutable, logical argument that we have to have the best evidence and the advocates have to be understood in the language they use is trumped in this case.

[*Translation*]

Canadian law reflects the equality of Canada's two official languages, that is to say, English and French.

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I would first like to congratulate the member for Acadie—Bathurst. I have known him for many years and I know he is very committed in the fight to promote French, recognition, access for those appearing in court to their mother tongue and full and complete justice delivered in French.

I have no difficulty imagining areas of Canada where this situation is mishandled. In more fundamental terms, the merit of this bill is in its attack on the Supreme Court, the ultimate court of justice. We know this court's role. It is not only the guardian of rights. Of course, it has had the job of interpreting the meaning of the Canadian Charter of Rights and Freedoms since 1982. It has also has the job of keeping the law current. In doing so, it can invalidate certain provisions of the law or add to sections of law that may be considered incomplete.

The member for Acadie—Bathurst rightly points out that, we should expect realistically that the people who have been appointed to the Supreme Court can understand both English and French without the help of an interpreter. The member for Acadie—Bathurst belongs to a party with very specific ideas on the appointment of judges and with which I have generally agreed.

It is the prerogative of the Prime Minister to appoint judges to the Supreme Court. Parliamentarians were consulted regarding the two latest appointments. I was on one of the committees myself. I recall that it involved appointing a judge to represent the prairies, Manitoba, specifically. With the current President of the Treasury Board, who was Minister of Justice, we looked at one judge's candidacy. When he appeared before us, it was very clear to us that he had no skill in French. He claimed to understand it and I did not doubt him. He was a worthy candidate. He had a good record and was very erudite, well versed in jurisprudence, and clearly had the ability to write—qualities of some importance in interpreting the law. I repeat that, in terms of his knowledge of the law, he was beyond reproach. However, it was troubling that the government was making this appointment. It was of some concern that the government lacked sensitivity and was putting forward a candidate who did not know French.

I put the question to this judge, who now sits on the Supreme Court. I asked him if he did not find it was a handicap not to know French. It is one thing to not know civil law, since it is not the legal tradition in the other provinces. But to not know French in the Supreme Court can be a problem when counsel and parties appear and a judge wants to evaluate—perhaps not so much the evidence, because it has been assessed at the trial level—or understand briefs, when points of law are raised or new law is being created. Only one jurisdiction, a single court, can change the law, and that is the Supreme Court. The other courts are limited to interpreting the law and remaining true to the intent of the lawmaker, but the Supreme Court can help to change the law.

Here is one example. In 1995, a legal challenge concerning sexual orientation was taken to the Supreme Court

● (1745)

In 1982, when the constituent drafted the Canadian Charter of Rights and Freedoms, some members, including my colleague and friend Svend Robinson, who was then the member for Burnaby—Douglas, suggested that sexual orientation should be included in the charter. Of course, I was not in the House at the time, because I was barely 20 years old. So, in 1982, some parliamentarians proposed to add sexual orientation as a protected right under section 15. However, that request was rejected.

At the time, former Prime Minister Jean Chrétien was the Minister of Justice. Unfortunately, the groups that wanted sexual orientation to be included in the Canadian Charter of Rights and Freedoms did not succeed in their endeavour. This was followed by a very broad movement that lasted for several decades. The issue went all the way to the Supreme Court of Canada. In 1995, in the Nesbit and Egan case, the court ruled that section 15 must be construed as including sexual orientation. This is a very good example of the power, the ability and the prerogative of the Supreme Court of Canada to bring about progress in the law.

The proposal made by the hon. member for Acadie—Bathurst regarding appointments is a very reasonable one. In fact, I cannot think of any instance where our colleague did not act reasonably, because he is himself a reasonable and moderate person. So, it is very reasonable to ask us to include a requirement to understand English and French without the assistance of an interpreter.

Again, how can one truly render justice if one cannot read the submissions, or listen to the representations of all the counsel? Is there not also a symbolic value involved? If one is appointed to the highest court in the land, should one not be responsible for knowing French?

I have not had the opportunity to discuss it with the hon. member for Acadie—Bathurst but, in my opinion, if a person is not perfectly bilingual but is committed to improving his knowledge of French, then this person should also be considered for the job.

However, there must be an obligation to achieve the desired results. Ultimately, when a judge is sitting on the bench to issue his first ruling or to hear the parties, whether by leave to appeal to the court or otherwise, that judge will have to know French and be familiar with that language and its subtleties. As we know, law is often about nuances, it can be convoluted and subtle, and it often requires us to be able to get into the substances, the nuances and the interpretations.

Of course the Bloc Québécois will support this bill. The Bloc first came here in 1990. In 1993, our parliamentary group expanded its representation under the skilful leadership of Lucien Bouchard. Also, as early as in 1995, my former colleague, Suzanne Tremblay—and some parliamentarians probably remember her—was given the responsibility, in Mr. Bouchard's shadow cabinet, of the dialogue that we must maintain with francophones outside Quebec.

I remember that Mr. Bouchard, as leader of the Bloc Québécois—and a strong believer in the francophonie outside Quebec and in the necessary friendship and solidarity link that had to be established—announced a policy in Shediac, in 1994, entitled "Francophones d'Amérique : le temps d'agir". The way we already understood the rights of francophones outside Quebec back in 1994, it included the whole issue of the administration of justice and, ultimately, that of the Supreme Court of Canada.

I am going to conclude by congratulating the hon. member for Acadie—Bathurst. I hope that all parliamentarians will support this balanced and moderate bill, which certainly deserves to be passed.

● (1750)

Mr. Thomas Mulcair (Outremont, NDP): Mr. Speaker, I too am extremely proud to support this important bill, Bill C-232, introduced by my colleague from Acadie—Bathurst. The bill proposes an extremely simple criterion for determining whether a person can be appointed to the Supreme Court or not:

> In addition, any person referred to in subsection (1) may be appointed a judge who understands French and English without the assistance of an interpreter.

It is difficult to determine the degree of understanding of another language necessary to carry out a task. In Quebec, the first criteria were set out under legislation governing the practice of certain professions some 45 years ago. These requirements changed over the years and were in particular incorporated into bill 22, the first recognition of French as the official language of Quebec. They are now part of the Charter of the French Language. For instance, as a general rule, in order to become a member of a profession, to join a profession, a person must have the appropriate knowledge of the French language to practice that profession.

There are many pitfalls along the path to that knowledge. I remember the language tests of the day when I worked as a lawyer for the Conseil de la langue française, and then for Alliance Québec. These are extremely delicate matters, and that is why I really like this very simple and direct choice which does not require anything further. It simple states that one must be able to understand the English and French languages without someone else interpreting them.

Others have pointed out the importance of being able to grasp subtleties, and very often judges need to grasp and work with certain complicated ideas and concepts. We are spoiled here in the House. We have world-class interpretation. We are indeed extremely lucky to be able to count on the remarkable contribution of these women and men who work so closely with us. I use that order because the women are by far the majority.

In terms of the law, it is not always the same. I was also responsible for the translation of Manitoba's laws. I revised the translation of all of Manitoba's laws and regulations after the Supreme Court ruled in 1985 that Manitoba had to repair a historic wrong and start translating all its laws. I mention this point in particular to illustrate the importance of the message. Today, again, Graham Fraser, the Commissioner of Official Languages, was talking about the urgent need to have bilingual judges on the Supreme Court. Apart from the reasons I just mentioned, that is to say, how important it is to understand the nuances and so forth, requiring these judges to be bilingual is a powerful symbol.

When someone is a member of a linguistic minority, whether an anglophone in Quebec or a francophone in the rest of Canada, how can he expect the people before whom he is appearing to be sensitive to his case when it is about language rights—basic rights in a society with two official languages—if they are feeling defensive because they do not speak both official languages?

If someone never took the trouble to learn the other language or never was encouraged to do so, will he have the necessary sensitivity to decide a case of this kind? When I say someone who never took the trouble, I do not mean to criticize. We should look at it the other way around. What an incentive it would be for young law students to go back to school in order to perfect their knowledge of French. They could choose to have an internship with a company or a judge in order to improve or polish their latent knowledge of French, which they had learned a little in high school or in French immersion but which they had never really worked on.

We have two legal systems in Canada. We are bijural, therefore, in addition to bilingual. The common law can be expressed as well in French as in English, as I just mentioned in the case of Manitoba. Quebec's civil law has an English version which can be found in the Civil Code of Quebec. Both versions are equally authoritative, as has been determined, expressed and reinforced by the Official Languages Act and by decisions of the Supreme Court of Canada.

How can we continue with this anomaly? When people appear before any other court whose judges are appointed by the federal government, it is a constitutional right to have a judge who can listen to them, serve them and understand them in their own language.

● (1755)

There is only one exception. Do my colleagues know what it is? It is the Supreme Court. It is this incongruous exception that the hon. member for Acadie—Bathurst wants to correct with Bill C-232, and that is why it is so easy to support him in this effort.

Canada is lucky to have two legal systems and incredibly lucky to have two official languages. I think that many people will see the powerful signal we are sending today as a reason to go and acquire a knowledge of French that is appropriate to the exercise of one of the highest offices in our country, a judge on the Supreme Court of Canada.

I listened closely to the Liberal member who spoke earlier. I do hope that what he said reflects the official position of the Liberal Party of Canada. We will see when the time comes to vote. That said, despite all that the Conservatives have said to try and convince us that they have recognized linguistic duality as a reality in Canada, I think they will vote against this bill, even though it is exceptionally clear. We shall see.

Anyway, we in the NDP are not speaking from both sides of our mouths on that issue. We do not hesitate to say that, with the opportunities we are given in this country to learn both languages, anyone who knows that a particular job requires that he or she be bilingual, will be motivated to learn his or her second language. This year is the 40th anniversary of the passage of the Official Languages Act. Similarly, anyone who aspires to a senior role in government now has an incentive to learn the other official language. Nearly all senior positions require a knowledge of both official languages.

I had the opportunity to work in several provinces. I worked on the political scene for a long time in Quebec and Quebec City. When I came to Ottawa, I was quite shocked, not to say disappointed. I had always thought—it was naive of me, I realize it now—that official bilingualism existed and was alive in the federal public service. As it turns out, that bilingualism was largely an illusion.

In parliamentary committees, one must not try to get an answer in French, even from people who have had to prove their knowledge of French in order to obtain the job that brings them before the committee. There is still a big difference between the two sides. The francophones who appear before the committee and who fill important roles within the administration always try to respond in English—even though English might be their second language and they have learned it, but it still might be a little difficult for them—to a Conservative member who asks a question in English, for example. They make an effort, even though they are francophone and they are working hard at their English to be able to answer.

I am our finance critic on the Standing Committee on Finance. Government officials sometimes appear before our committee. We know they have had to demonstrate some knowledge of French in order to advance to their position. I am thinking of the person responsible for financial institutions who appeared last year. Although we were asking this woman questions in French, she stubbornly refused to answer in French. She consistently answered in English. That is very common, especially in the financial sector, and it is unfortunate. Clearly, the incentive that once existed is no longer working or it is no longer enough to make people want to retain the French they have learned.

If this bill passes, I think all the students embarking upon their legal studies at one of Canada's law faculties in September 2009 will always bear in mind that, in order to make it to the most important position a lawyer can aspire to, they must possess knowledge of languages. I am convinced that if these young, brilliant students have not already taken the time to learn French, or English as the case may be, they will find the time and the incentive to do so, since this will push them closer to that level of excellence, which includes, in a society with two official languages, the imperative need to know both official languages.

For that reason, and in closing, I wholeheartedly support my colleague's proposal. Furthermore, I would like to congratulate him for finding the right text and wording, a way to express it, that will win everyone over.

I hope this will translate into a vote of support by the Liberals. We have already obtained the support of the Bloc. We will watch the Conservatives closely.

● (1800)

Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services and to the Minister of National Revenue, CPC): Mr. Speaker, I am pleased to rise today to speak to Bill C-232, An Act to amend the Supreme Court Act (understanding the official languages). This bill would introduce a new requirement for judges appointed to the Supreme Court to understand English and French without the assistance of an interpreter.

The government firmly supports the promotion of English and French in Canadian society. As Canadians, we are proud of our bilingual institutions and especially the Supreme Court of Canada, which plays a fundamental role in our democratic society as the ultimate protector of the values set out in the Canadian Charter of Rights and Freedoms. The government's commitment to ensuring our courts have sufficient linguistic capability to guarantee access to a court in one or the other of the official languages applies to the Supreme Court of Canada as well.

The Governor in Council, on the recommendation of the Prime Minister, makes the appointments to the Supreme Court. The justices in this court must be of the highest calibre. Accordingly, persons with the best legal knowledge and abilities must be chosen to fill the available positions.

The Supreme Court Act provides for the composition of the court and the number of judges. It provides that at least three justices must come from Quebec. The composition of the Supreme Court of Canada reflects regional representation. The rest of the judges appointed come from Ontario, the Atlantic provinces, the prairies and British Columbia. The practice of ensuring regional representation guarantees that the most highly qualified and deserving candidates in the country are appointed to serve on the Supreme Court.

That does not mean, however, that everyone appointed to the court must be bilingual. In fact, the special nature of the Supreme Court as the highest court in the land and the fact that it has only nine judges from the various regions of Canada prompted Parliament to make an exception to the application of subsection 16(1) of the Official Languages Act in 1988. Bill C-232 proposes to circumvent this exception. This would harm regional representation on the court.

The government's position is that the proposed amendments are not needed to guarantee access to the court in one or the other official language. The Supreme Court, as an institution, makes all its services and communications available in both official languages. Anyone appearing before the court has the choice of using English or French, in the presentation of both legal proceedings and arguments. The decisions of the court are also published in both official languages, and this helps establish ever expanding bilingual jurisprudence for all Canadians to consult.

The court shows on an ongoing basis that it is capable of performing its duties at the highest level in both official languages. There is nothing to indicate that the court has provided less than the highest quality legal services Canadians deserve and expect. I would ask hon. members to bear in mind the risk that the passage of this bill represents, especially since no one has implied that the justice meted out by the court is of anything less than the highest quality.

The proposed changes would make bilingualism a prerequisite for appointment. In view of the complexity and great importance of the cases heard by the court, judges must have more than perfect linguistic skills to understand subtle, complex legal arguments based on a profusion of factual evidence. An obligatory requirement like this would limit the pool of qualified candidates from parts of the country where the percentage of judges able to hear cases in both official languages is not as high as in Quebec or New Brunswick, for example.

The government obviously agrees that linguistic skills are a major factor in the process for selecting judges to sit on superior courts, including the Supreme Court. We will continue to give them ample consideration, as we did in our last appointment to the court, Justice Thomas Cromwell, an eminent jurist who is perfectly bilingual, highly qualified, and very worthy.

● (1805)

That being said, the Supreme Court is at the very apex of our legal system, and in view of the important role it plays, the government feels that the overriding factor in the appointment of judges is and must remain merit based on legal excellence and personal aptitude.

Bilingualism is an important factor in the evaluation of candidates, but only one factor among others, including proficiency in the law, sound judgment, work habits, honesty, integrity, a sense of fairness and a social conscience.

We are very aware of the fact that our courts must have sufficient linguistic capacity to provide equal access to justice in French and English.

We should also distinguish between institutional bilingualism, which is historically part of the government's responsibility to ensure that Canadian citizens are served in both English and French, and individual bilingualism, as advocated in Bill C-232.

At the present time, the Supreme Court, as an institution, provides services of the highest quality in both official languages.

The effect of Bill C-232 would be that linguistic considerations would overshadow the most important consideration of all, merit, by reducing the pool of otherwise highly qualified candidates from parts of the country where there may be fewer lawyers and judges who are capable of handling cases in both official languages.

It is not necessary to run the risk that the merit principle will be pushed aside out of a concern for bilingualism. The court already fully meets its objective of ensuring that Canadians have a right to be judged in the official language of their choice. All court services and communications are provided in both English and French.

All the current judges on the Supreme Court, with one exception, are perfectly proficient in both official languages and able to try cases in either official language without an interpreter. The judges also have the benefit of ongoing language training.

High quality interpretation and translation services are provided during court hearings and all judges are assisted by one or more bilingual employees.

The current requirements of the Supreme Court Act regarding the composition of the Court and the historical practice of regional representation allow us to fulfill our important commitment to legal pluralism, while ensuring that the people of Canada are served by judges who are very distinguished and extremely proficient.

The current court structure has provided Canadians with a solid, independent legal branch that is the envy of free, democratic countries around the world.

The quality of the current members of the Supreme Court of Canada and their commitment to the job demonstrate how seriously the current government and previous administrations have always taken their responsibility to appoint judges to the highest tribunal in the land.

Bilingualism is one important factor in the process for selecting judges. However, it should not be allowed to outweigh the most important factor of all: a candidate's merit and legal excellence.

For the reasons just outlined, we recommend that the members oppose Bill C-232.

● (1810)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, enough is enough. This bill is quite simple. It deals with the traditions that have existed at the Supreme Court of Canada for a long time. The Conservatives say that they will oppose the bill introduced by my colleague from Acadie—Bathurst, which puts in place something that is already a tradition in this country.

Why? It is quite simple. A Supreme Court justice is not fully competent unless he understands both common law in English and the civil code in French. This is the minimum qualification for becoming a Supreme Court justice. However, the Conservative government refuses to accept the facts. It is precisely because it is incapable of understanding the qualifications required in the Supreme Court of Canada that Bill C-232 was introduced by the member for Acadie—Bathurst.

We have just been told that the Conservative government does not think that British Columbians can speak French. That just goes to show how out of touch the Conservative government is with the people, particularly the people of British Columbia. In the past, the Minister of Finance has even said that his Canada starts at the Atlantic Ocean and ends at the Rocky Mountains. He left out British Columbia entirely. It is clear that the Conservative government does not understand that British Columbia is one of the provinces in which the francophone population is growing in absolute numbers.

When I was a child, there were only two francophone schools. Now there are dozens of them. We have sixty or so in British Columbia because we have francophones from all over. We have a whole rainbow of francophones from Africa, Asia, Europe, Quebec of course, Acadia and western Canada. They all speak French as their first language, and that is changing British Columbia tremendously.

That is not all. More students attend immersion schools in British Columbia than anywhere else in Canada. Our schools are packed. Sometimes parents wait in line all weekend long to register their kids at these schools.

For the Conservative government to suggest that British Columbians cannot speak French is insulting. It is simply not true. It is insulting to the people of British Columbia and to people elsewhere in Canada.

With respect to qualifications, it is clear that people are going to immersion schools and even to management schools. These people understand French well, can speak it, and are studying law. At some point in time, they will meet the minimum requirements for the Supreme Court: they will understand common law in English and the civil code in French.

[*English*]

I certainly do not understand this drive by the Conservatives to lower standards. We have seen it in a whole variety of things, such as air safety, transportation safety, and food safety.

The Conservative government always seems to want to push for lower qualifications. There are two basic qualifications for a Supreme Court judge: the ability to understand the civil code in French and the ability to understand common law in English. Those are simple and important requirements only at the Supreme Court level. The Conservatives do not seem to understand that and that is why we have the bill that is before us today.

The idea that higher standards and stronger qualifications are not taken into consideration is something that I find objectionable. That we need a lower standard of service, that we do not need the qualifications that have served us well in the past seems, in many areas, to be the objective of the Conservative government.

That is why the Conservatives are opposing this simple but important private member's bill put forward by the member for Acadie—Bathurst. The bill would reinforce those qualifications and standards to ensure that every Supreme Court judge understands the civil code in French as well as common law in English. I would be equally opposed if the Conservatives appointed unilingual Francophones who do not understand common law in English because the function of the Supreme Court is too important to do that.

However, that is not what the Conservatives are saying. They seem to be saying they are just going to choose whatever standards they want. We have seen what that has meant in a whole variety of areas. We have seen poor financial management from the government. Those qualifications are unfortunate, but that is the net result. We have seen a whole variety of lower safety standards. We see this drive from the government that does not make sense.

I do not accept lower qualifications and I do not think any member of Parliament should. We should set a higher bar and this legislation would set the bar to what traditionally we all understood, that a Supreme Court justice needs to understand common law in English and the civil code in French. It is very simple. Nothing has to go through translation, nothing has to go through interpretation. Supreme Court judges must be able to function adequately in the two official languages, so that they can pass through the two legal codes that are often written in two different languages.

● (1815)

[*Translation*]

That is the issue that is before us. We hope that the Liberal Party of Canada will support this bill. We know that the Bloc Québécois said it would support the bill and that the NDP has always been consistent when it comes to the issue of official languages. It is not just the member for Acadie—Bathurst who is fighting a pitched battle to win respect for the official languages in Canada. The entire New Democratic Party has done so since it was formed, and not just at the federal level, but in all the provinces, including mine, British Columbia. It is the NDP that has brought about these changes to respect linguistic duality in Canada.

In British Columbia, a French-language school system was created under an NDP government, as in Saskatchewan. In Manitoba, the official languages bill was introduced and implemented by an NDP government. In Alberta, it was Léo Piquette, an NDP MLA, who pushed for respect for the official languages. In the Yukon, it was an NDP government that introduced the bill to respect French and English. In Ontario, the college system was put in place by an NDP government, and in the Atlantic provinces, NDP MLAs were among those who pushed hardest for language rights.

We are not two-faced. When a New Democrat talks about official languages in British Columbia, Manitoba or the Atlantic provinces, he or she pushes for mutual respect and linguistic duality. We do not act like certain other parties that may say they are in favour of the official languages in this House, but who start attacking the official languages as soon as they leave Ottawa.

We have seen this with the Conservative Party, with the Reform Party and, sadly, with the Liberal Party in western Canada. Outside Ottawa, the Liberal Party has always attacked francophones at the provincial level. Unfortunately, the Liberal Party has a sad history of saying one thing in Manitoba, British Columbia or Saskatchewan, but another thing in Ottawa.

We are consistent. We are the only party in the history of the country that has always been consistent on the issue of official languages. That is why we fully support this bill. That is also why we support the principle that a judge should have the qualifications to become a Supreme Court justice. In other words, judges must be able to understand common law in English and the civil code in French. That is why we will vote for this bill.

[*English*]

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, with all due respect to the hon. member who just spoke and the member who sponsored this private member's bill, I believe that all members can agree that the Supreme Court consistently demonstrates that it has the capacity to conduct its business at the highest level in both official languages and there is no indication that the court has provided less than the highest quality of justice.

There has never been any question that the quality of the decisions of our highest court is lacking or that there is a failure to indeed understand the law. Is the hon. member suggesting that the rulings of our Supreme Court are not impartial and objective when the justices use the interpretive services available? With the greatest respect, if this is the suggestion, then I must disagree in the strongest possible terms.

To the contrary, institutions such as the Supreme Court of Canada have enabled our country to forge an international reputation as a peaceful, democratic and stable society. The court is respected and admired all around the world and stands as a symbol of Canada's shared commitment to opportunity, fairness and the rule of law.

The hon. member for Acadie—Bathurst is concerned about the interpretation services at the Supreme Court and suggests his concerns are based on his experience with the interpretation service provided to this esteemed chamber. I do not think that the quality of interpretation, whatever the hon. member's concerns might be, is in any way relevant to this debate. The interpretation and translation services available at the Supreme Court are of the highest quality and the interpreters are professionals trained to capture the legal complexities of the arguments before the court.

No one can reasonably suggest that the judges of the Supreme Court are not able to fully appreciate and understand the representations made by lawyers during hearings. I am confident that the individuals appointed to the Supreme Court will continue to make an outstanding contribution to the work of the court and serve this country honourably. It is therefore essential that the best and the brightest be appointed on the basis of legal merit, excellence and personal suitability. Bilingualism is certainly an important factor to be considered prior to making an appointment, but must be weighed among many others.

I ask myself, would the hon. member for Acadie—Bathurst like to see a highly qualified French jurist excluded from sitting on our highest court simply because he or she is not bilingual and does not possess the capacity to, in using the terminology of the hon. member, understand the subtleties of the law in the English language? I would suggest not. The hon. member's bill would do exactly that. It would exclude a brilliant mind from the Supreme Court.

The Supreme Court of Canada is in many respects a unique body because it usually sits collegially with all nine judges chosen from different regions of the country hearing some of the most important constitutional and legal cases of our times. Indeed, it was such considerations that militated in favour of exempting the Supreme Court from the duty imposed upon other federal courts in section 16 of the Official Languages Act in 1988.

I will again stress to hon. members the fact that this bill hinders regional representation by limiting the pool of qualified candidates in regions of the country where a percentage of potential qualified candidates capable of hearing a case in both official languages is not as high as in Quebec and in the member's home province of New Brunswick.

As the former president of the Canadian Bar Association said on the issue:

> The CBA advocates appointments to the Supreme Court of Canada based solely on merit, and ultimately representative of the diversity of society as a whole. The CBA adds that bilingualism should be one aspect of merit in selecting candidates for appointment to the Supreme Court. Other qualities include high moral character, human qualities such as sympathy, generosity, charity, patience, experience in the law, intellectual and judgemental ability, good health and good work habits.

For all these reasons, I urge hon. members to oppose the bill.

● (1820)

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, first I would like to thank the House which, through the democratic process, has debated Bill C-232. This legislation is important for all Canadians using either official languages. My arguments can be summarized with the following question: do we accept the fact that our country has two official languages?

I also want to thank the members for Moncton—Riverview—Dieppe, Hochelaga, Outremont, Lotbinière—Chutes-de-la-Chaudière, Burnaby—New Westminster and Fundy Royal, for their comments.

I would like to correct something that the member for Fundy Royal said. He said that the member for Acadie—Bathurst had mentioned that interpreters in the House of Commons were less competent than other ones. I never said that, and the member should apologize. That is not what I said. I said that in committees—and this has nothing to do with the quality of our interpreters—when a person speaks rather quickly, like me, sometimes the interpreters cannot keep up with that person. They ask me to slow down. In committee, we often get messages from interpreters telling us that we talk too fast. They ask us to slow down a bit.

Let us imagine that we are at the Supreme Court, the highest court in the land, and that a judge or a lawyer says that he did not understand something. This is the highest court in the land, in a country that claims to be bilingual, that has two official languages and that passes legislation in Parliament that is drafted in English and French. So, I am asking myself a question. When a judge has heard a case and returns to his office, does he take an interpreter with him to translate the French act, or to read the English legislation? Where is the justice here?

Four or five years ago, the current Prime Minister of Canada did not speak French as well as he does now. He has learned French, and I congratulate him for doing so. He knows that if he wants to serve our country, he must speak both languages. I will make no bones about the fact that, seven years ago, the NDP leader also did not speak French as well as he does now. He made an effort. However, the judges on the Supreme Court of Canada do not have to make that effort. They hear cases, but the citizens involved cannot go to the United Nations to appeal the decision. The Supreme Court of Canada is the last resort.

There will be a vote tomorrow evening. I am calling upon Parliament to support Bill C-232, which states clearly that the judge must be capable of reading and understanding the law in both of this country's official languages. Voting in favour of this bill at second reading means it will go to committee and there it will be studied and we will hear from experts. The Canadian Bar Association, the Association des juristes d'expression française du Canada, the Young Bar Association of Montreal, the Fédération des communautés francophones et acadienne du Canada, the Quebec Community Groups Network, and even the Premier of Quebec support the bill. They can see that it is a good bill. Why not study it in committee?

The Conservators choose not to. They do not even want it to go to committee. This is regrettable, coming from a government that claims to respect our two official languages. Even the Commissioner of Official Languages says it is essential to send a message. Even university spokespersons from Toronto say it would be a good thing. In four or five years, someone aspiring to a position on the Supreme Court will learn both official languages.

● (1825)

That would show respect for the two communities in our country.

I sincerely call upon the House of Commons for its support. This bill can be studied and then we will decide whether it will become law in this country, but let us give it a chance.

The Acting Speaker (Mr. Barry Devolin): It being 6:30 p.m., the time provided for debate has expired. 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. Barry Devolin): All those in favour will please say yea.

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Barry Devolin): In my opinion the nays have it.

And five or more members having risen:

The Acting Speaker (Mr. Barry Devolin): Pursuant to Standing Order 93, the division stands deferred until Wednesday, May 27, 2009, immediately before the time provided for private members' business.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

● (1830)

[*Translation*]

ARTS AND CULTURE

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I am here for the adjournment debate tonight because I asked a question in the House and did not receive a satisfactory answer. Some might say that I will not receive a satisfactory answer tonight, but I will give it one more try.

On February 12, I asked a question about the elimination of two programs that subsidized tours: PromArt and Trade Routes. The elimination of these programs really hurt artists who tour abroad. As I told the minister on February 12, if not for help from an Italian producer, La La La Human Steps, a dance company, would not have been able to go to Italy. It makes no sense that artists now have to ask foreign producers to cover their travel and shipping costs. Traditionally, in industrialized nations, artists, cultural organizations, dance and theatre companies offer their services to foreign producers, who pay their fee, and the home country covers travel and shipping costs for the artists, their sets and their costumes. That is how it has always been done. That is how every other industrialized country still does it.

So, in addition to the performers' fees for La La La Human Steps —which, as we know, is a very modern dance company—a foreign producer had to pay for their transportation. That is a huge blow to Canada's reputation and that of its artists. As we can see, the Conservative Government of Canada no longer wants to support its artists so they may travel abroad.

Just this morning, in today's paper, Alain Dancyger, executive director of Les Grands Ballets Canadiens, criticized the situation. Indeed, because of the Conservatives' incompetence and their refusal to subsidize a dance company like Les Grands Ballets Canadiens, the company is now facing a shortfall of $150,000. A dance company involves a lot of people and a lot of cargo, including sets and costumes. They needed $250,000 right off the bat every year in order to tour abroad. That is what the Canadian government had been giving them in subsidies through a program called PromArt, which had a budget of several million dollars. Thus, the executive director of Les Grands Ballets Canadiens, Alain Dancyger, strongly criticized the situation this morning. He said he was very embarrassed by the fact that he had to seek out funding from a country like Egypt. To depend on donations from Egyptian companies, because our own country—a G8 country—cannot support us, as he said, is unacceptable.

One must wonder what it will take for the Conservative government to listen to reason and restore the programs that have been eliminated. Of course, every time I ask a question of this nature, the government always plays me the same old broken record. It probably already has it queued up. It will say, "Our government has made record investments in culture", which is not exactly completely accurate. It will add, "The Bloc Québécois voted against it." I would remind the House that the Bloc Québécois voted for this government's budget on May 10, 2006, and on March 27, 2007. I hope it will have some other arguments this time.

● (1835)

[*English*]

Mr. Dean Del Mastro (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, if they keep asking the same question, they are going to get the same answer. It is like groundhog day here in the House. I get up every day and I think that maybe we will move on and we will get to something where we can actually establish that every answer I have given is in fact true and we will move on beyond that. However, as I say, it is groundhog day every day; it is the same question.

The hon. member has given me an opportunity to talk about this government's record. She cited a couple of groups in Quebec. I am proud to say that those groups have received, and do receive, substantial support from this government.

She said that I would mention that our government has put record funding into the arts. That is true. There was $540 million in budget 2009 and yes, the Bloc Québécois voted against it.

The Bloc also came up with a Bloc stimulus package, but what was not in the Bloc stimulus package was so much as a mention of the arts. Where was it? It is a pretty thick document. It is probably 50 pages long. The Bloc could not even work the arts in. If I were in the Montreal arts sector, I would be really upset with the Bloc. What can I say? The Bloc forgot about the arts sector.

Who did not forget about the arts community is the Conservative government. In budget 2009 we made an outstanding number of investments, more money than any government in history. The hon. member is well aware of this. In fact just to cite a couple of examples, there is $60 million in additional funding for cultural infrastructure projects; $20 million in new funding for training institutions; $100 million for festivals from coast to coast to coast; a $25 million endowment that will showcase emerging artists on the global arts scene. We have increased the funding for the Canada Council from $150 million a year to $181 million. That is a 17% increase. All the arts groups have come forward and thanked us for putting that additional money into the Canada Council because that is artists helping artists. That is what our government has done. We have increased the funding for the CBC each and every year that we have been in government. I hear from Quebeckers how popular Radio-Canada is. We have increased its funding each and every year. That is what this government has done.

What has the Bloc done? It produced a stimulus document that does not even mention the arts. I did not have anything to do with that. The Bloc did that. Maybe in her follow-up question the member will be able to explain why the Bloc forgot about the arts, why it voted against the arts when budget 2009 came up. The Bloc record in the last few months is kind of shameful, to be perfectly honest.

It is clear that this government is standing behind the arts. The member can look at our record and at the investments we have made. It is very clear we are standing behind the arts. We understand the value of a vibrant arts and culture sector in Canada. We are standing behind it.

What is also clear is that the Bloc forgot about the arts in its stimulus package. The Bloc also voted against the budget. It is also clear that each and every time I come into this House on the late show questions, it is groundhog day.

[*Translation*]

Mrs. Carole Lavallée: Mr. Speaker, it is certainly not groundhog day. Or at least it will stop being groundhog day when the day comes that we get some answers with justifications, because the reductions that have been made are not justified.

What is more, on that same day, February 12, I had a question for the Minister of Canadian Heritage and Official Languages concerning the Canada prizes. We know these were created to please the people in charge of Luminato, and their promotional documents were even cut and pasted into the budget. The purpose is to give hundreds of thousands of dollars in bursaries to young foreign artists, when what we were asking of the government was money for our artists to enable them to go abroad. They absolutely did not get it.

Three months ago, almost to the day, the minister answered me by saying that there was another project besides the Luminato one. He said he would show it to me and it would be made public in the very near future. He also said that he would be able to talk about it and make factual comments. I would love to talk about it but here we are, three months later, still with no public announcement of any kind.

[*English*]

Mr. Dean Del Mastro: Mr. Speaker, it seems we have changed gears a little bit. The member is accepting the fact that this government is the government that is putting more support behind the arts than any other government in history. It is putting more money behind the arts than any other government in history.

This government is proud to recognize the importance of a strong arts and culture sector for Canada's creativity and innovation in these challenging economic times. We are proud of our unparalleled commitment to the Canadian artists in all regions of the country, as well as celebrating creativity in the arts at the highest international level. That is our record. That is what we are going to continue to do. We stand four-square behind the artists of this country.

● (1840)

[*Translation*]

UNEMPLOYMENT

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, I rise in this adjournment debate to speak to a very important matter that I raised with the minister on March 13, the job losses in my province of New Brunswick. The reality is that the Conservative federal government has not done much since coming to power. In addition to squandering the surplus left by the previous government, it has racked up an incredible deficit.

We wonder if we have hit bottom yet. We are no longer talking about a deficit of $1 billion or $34 billion. We are now talking about a deficit over two years of approximately $120 billion. When will this unreal deficit level off? In the meantime, tens of thousands of workers have lost their jobs across the country. When people lose their jobs, their families lose their livelihood.

In his reply, the President of the Treasury Board stated that the members of the Liberal Party had obstructed or attempted to delay the economic action plan. I would like to refresh his memory. In November 2008, the government and the Prime Minister prorogued Parliament in order to shut it down completely. Basically, it was a way of covering their backs and avoiding a vote of confidence that they would have lost. When the time came to do something, it was already too late. The economic action plan was presented well after the crisis had taken hold.

In the meantime, people are continuing to lose their jobs and to apply for employment insurance. They often need another 9, 11, 13 or 15 hours of employment to qualify for employment insurance. One thing we are asking for is a 360-hour threshold for benefit eligibility.

There is one area where the government is really dragging its feet on going ahead with the economic action plan and job creation. In towns in my riding, the Conservative government boasted about making an announcement in March of this year. Two months later, these same municipalities were still waiting for the go-ahead to issue calls for tenders. Today, municipalities where the government made its announcements in March 2009, two months ago, are still waiting for the go-ahead just to issue a call for tenders. To be legal in New Brunswick, a call for tenders has to allow a 21-day bidding period.

When will these infrastructure projects really start? In July, August, September, October or November? Winter will come and nothing will have even started. The government talks about creating jobs. When people lose their jobs and we want to put them to work again, the government should not claim that the Liberals were blocking things. We need to look at what the government has done to date. It is making announcements, but it cannot give the go-ahead at the same time. Meanwhile, people have lost their jobs and are not working, and other people are losing their jobs and not starting to work again.

Where is the Conservative government in all this? People need to start working again. We need to stimulate our economy. Meanwhile, people are sitting at home waiting to find a job or be called to work in construction.

[*English*]

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, I will certainly relay for the member for Madawaska—Restigouche some of the things that we have been doing.

We are concerned about the job losses being experienced by Canadians but let me be clear that our government is absolutely committed to helping Canadians through this time and we will continue to help them through this difficult time.

Our government is making unprecedented investments to help vulnerable and unemployed Canadians. Among other things, we have extended EI benefits by five weeks, which is more than double the two weeks advocated by the opposition. We have extended the work-sharing program. More than 100,000 Canadians are being protected by working with Canadian employers to share costs and avoid layoffs.

We were and are investing $500 million in skills training and upgrading for long-tenured workers, $1 billion in further training through the EI program and $500 million in training for those who do not qualify for EI. We made changes that will process claims faster and cut red tape for employers. To do so, we have invested more than $60 million for processing, including hiring additional staff to manage the workload and to implement the budget measures. We are monitoring the effectiveness of these measures to ensure they are effectively helping Canadians.

What we will not do is implement the Liberals' 360 hour, 45 day work year idea. The opposition members can say what they want about this scheme but that fact is that it is irresponsible at this time. It is a proposal that would result in a massive increase in job-killing payroll taxes that would hurt workers and businesses alike, especially small businesses that already run on tight margins. The Liberals now say that this scheme will not require higher taxes and that it will come from general revenue. However, where does general revenue come from? It comes from taxes and Canadian workers in businesses.

This irresponsible proposal would not help Canadians find new jobs or get new skills. It would simply add billions to the tax burden on Canadians. However, that is not surprising given that the Liberal leader is borrowing an ill-conceived NDP idea. The NDP have never seen a tax they did not like. However, the Liberal leader is also ignoring the Liberal Party's previous position in this regard from the last time they were in government. The former Liberal government said:

> —significantly reducing entrance requirements...is not likely to equate to substantially increased EI coverage, particularly for the long-term unemployed.

In fact, on April 1, 2008, at the HUMA committee, the Liberal EI expert and human resources critic, the member for Dartmouth—Cole Harbour, said:

> It's my view that if you get rid of the regional rates and there are changes forced on the EI system because of the economic circumstances, those in [high unemployment] regions will be hurt disproportionately.

Those are not my words. Those are the words of the Liberal critic for EI, the man responsible for advising the Liberal leader on EI policy.

The Liberal leader also said very recently what a Liberal government would do. He said, "We will have to raise taxes". It is that simple. It is wrong-headed and it is simply the wrong thing to do right now.

This government's economic action plan does help Canadians get new skills for new jobs and is helping Canadians through these difficult economic times. Unlike the opposition, on this side of the House we will not force all working Canadians and businesses to pay more tax at this critical time for a wrong-headed proposal.

● (1845)

[*Translation*]

Mr. Jean-Claude D'Amours: Mr. Speaker, how ironic of the parliamentary secretary to say such a thing when this afternoon, just a few hours ago, the Prime Minister himself said that his next budget would include tax hikes. He has the nerve to try to make someone else the messenger. We are not the ones who said it. The Prime Minister is the one who said it.

The fact is that we are in the middle of an economic crisis. Who should we be helping during this economic crisis? We should be helping our workers, the people who need help supporting their families.

My specific question was based on the President of the Treasury Board's answer about the economic action plan. Why did the Conservatives make those announcements two months ago when they cannot even give municipalities the contracts so that they can create jobs right away? If the government had done its job two months ago, perhaps even two years ago, infrastructure programs would be putting people to work right now on construction sites in cities and towns.

Why are they waiting? What are they waiting for? Are they waiting for more people to be out of work? Are they waiting for more struggling people to kneel before them and beg for help, for work? Why wait so long? Why mislead the people?

[*English*]

Mr. Ed Komarnicki: Mr. Speaker, I would ask the Liberals to get behind the infrastructure program and watch what is going to happen through the construction season this year and next year. It will certainly add a lot to the economy.

We have invested not only in that area but also an unprecedented amount to help vulnerable unemployed Canadians through $8.3 billion in the Canada skills and transition strategy in order to help Canadians recover and prosper from the economic downturn.

The opposition's plan is absolutely clear, notwithstanding the member for Wascana trying to make something out of nothing and taking something out of context. The fact is the opposition's plan is to raise taxes. It has said that it will have to raise taxes or job killing EI premium additions that will hurt both employers and employees. This will do nothing to help those who are unemployed for a long time to get the skills training they need and get jobs.

What the Liberal plan will do is add billions more to the tax burden of Canadians who are trying to do the best they can in this economy. The idea the Liberals should accept is the idea we have, which is to prepare Canadians for the future and provide jobs now, today and into tomorrow.

● (1850)

[*Translation*]

FINANCIAL INSTITUTIONS

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, in March, I asked the Minister of Finance a question. I said at the time that the interest and fees that the major credit companies charged consumers, big businesses and small and medium-sized businesses had a devastating impact on consumers.

I posed a question to the Minister of Finance some time ago with respect to concerns that Canadians were increasingly bringing to bear on Parliament and parliamentarians, and certainly on our party, about rising credit card fees and rates, not just for consumers but also for merchants and for small businesses.

[*English*]

As the hon. minister knew at the time, he had undertaken to suggest that if we passed Bill C-10 there would be action. I took the minister at his word. It was 70 days before we received any type of response from the government. The response that we had was a first step. I am not sure if we could consider it a half-hearted step, but what is extremely important to all of us as members of Parliament is to ensure that we have a timely resolution to what is a growing concern for Canadians.

That growing concern can best be expressed by a simple fact that the interchange fee, that is the fee that is charged to the merchant for receiving a credit transaction, has been increasing sometimes to the tune of more than double.

The House will know that my work with small business, with small enterprise, particularly retail gasoline marketers, was really the beginning of the concern that was raised with me last year.

Both Visa and MasterCard constitute nearly 95% of all the transactions in this country, so the semblance of competition is certainly not there.

While there is evidence that parliamentarians are getting this, we have a joint committee of industry and the committee of finance together working on the issue of interchange fees and the complexities that it creates. The fact is that in the other place Liberals have been working very hard. The committee work is almost finished there.

This member of Parliament and my party have been very interested in ensuring that the government acts purposely and deliberately.

I know my good colleague and friend, the Parliamentary Secretary to the Minister of Finance, will have obviously some comments in terms of defending, but I think we both have to recognize that more can and should be done.

We hope that it will note take more than nine or ten months to finally get the second tranche of action, particularly as it relates to areas where consumers are most affected, things such as dual cycle billing and opportunities for consumers so they can opt out when they find that their interest rates have been increased often without notice.

While it is important to increase the font size of the regulation that would provide larger and better information to consumers and the idea that, for instance, there is more competition, it is very difficult to compare apples with oranges.

I ask the hon. parliamentary secretary, when can he deliver to the House concrete action? Can we expect the next steps to take place as soon as possible and does the minister and his parliamentary secretary consider the issue of credit cards, its bearing on consumers and on merchants, unfinished business?

Mr. Ted Menzies (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, I would like to thank my friend, the member for Pickering—Scarborough East, for his question, as well as his work on the joint committee to which he referred.

In recent months, concerns surrounding the practices of card issuers have garnered increasing attention in the areas, as the member has said, of interchange fees as well as interest rates, business practices and marketplace structure.

Parliament is formally examining this important issue, as the House of Commons finance and industry committees along with the Senate banking committee are currently undertaking studies. In fact, as a member of the finance committee, when possible I have participated in the joint finance-industry hearings on this very subject. We heard from the processors of debit, credit and the gift card transactions. Additionally, the Competition Bureau has also launched an investigation on the competitive environment in which interchange fees are set.

As part of our economic action plan, our government recently announced strong new consumer protection rules with respect to credit cards. Among the new proposed regulations are summary boxes on contracts and applications, clearer implications of minimum payments, timely advanced disclosures of interest rate changes, a minimum 21-day grace period, express consent for credit card increases and limits on debt collection practices, and more.

We believe that when Canadians make the choice to use a credit card, they are not signing away all their rights. As well, Canadians should not need a magnifying glass and a dictionary to read their credit card agreements or applications, and they should not have to be a lawyer to understand them either.

We are focusing on greater clarity and more timely disclosure from credit card issuers when dealing with consumers. Our new consumer friendly rules will empower Canadians by making it easier for them to shop around for the credit card best suited to their needs without fearing they will be taken advantage of later.

Numerous public interest groups applauded our aggressive consumer friendly measures. For instance, the Consumers Association of Canada remarked that all of the things the finance minister has done are actually just what it asked for and that overall, it has to congratulate him.

The Retail Council of Canada declared that it was "pleased that the finance minister has taken these steps today. It demonstrates that the federal government recognizes just how serious the problem has become".

The Canadian Restaurant and Foodservices Association noted:

> Restaurant owners across Canada support [the finance minister]'s announcement today as a first step in establishing the rules of play for credit cards in Canada...the Minister recognized concerns about the interchange fees that merchants pay as well. "We are thrilled that the Minister recognizes there are two types of credit card consumers: those who use cards to make payments and those who accept payments by credit card".

We have moved to protect consumers by introducing tough new regulations.

● (1855)

Hon. Dan McTeague: Mr. Speaker, I want to thank my good friend and colleague, the member for Macleod.

I just wanted to absolutely ensure that the hon. member—I was going to say minister, but perhaps someday down the road—will make an undertaking to take the time required to make the changes necessary for future regulations to protect consumers to a greater extent than simply providing a greater modicum of communication as it relates to debit cards, the entry by Visa and MasterCard and the concern about interchange fees which are having a devastating impact on retailers as we speak. We hope that these issues in fact will be considered by the member and his party.

I know the great synergies in the House on this issue. I know there can be the opportunity for consensus. I am a consensus builder in terms of my record and my reputation, but I can say that this is one of the most fundamental economic issues that we need to deal with.

I encourage the hon. member to make a commitment here and now as to when we are going to see these regulations further enforced.

Mr. Ted Menzies: Mr. Speaker, I again thank my hon. colleague for his efforts and his encouragement for us to make the right moves.

Part of the right moves that we have made in support of our industries and our small businesses is to reduce the small business tax rate, as well as to increase the small business tax rate threshold and to increase the lifetime capital gains exemption for small business owners.

I also draw the member's attention to the words of his Liberal colleague, the member for Scarborough Southwest, in this weekend's Toronto *Sun*:

> We have the best banking system on the globe. The cynical and critical discourse aimed at our banks is troubling.... Instead of having pride in our banking system, we have a penchant to bank bash.

I encourage all colleagues in this House to work to help protect consumers, and we hope that we can do that.

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:59 p.m.)

CONTENTS

Tuesday, May 26, 2009

ROUTINE PROCEEDINGS

GOVERNMENT ORDERS

STATEMENTS BY MEMBERS

ORAL QUESTIONS

GOVERNMENT ORDERS

ROUTINE PROCEEDINGS

PRIVATE MEMBERS' BUSINESS

ADJOURNMENT PROCEEDINGS

MAIL POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid / Port payé

Lettermail **Poste–lettre**

1782711
Ottawa

If undelivered, return COVER ONLY to:
Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5

En case de non-livraison,
retourner cette COUVERTURE SEULEMENT à :
Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5

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@tpsgc-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-pwgsc.gc.ca
http://publications.gc.ca