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Monday, November 30, 2009

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Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, November 30, 2009

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

• (1105)

[*English*]

CONTROLLED DRUGS AND SUBSTANCES ACT

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC) moved that Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy), be read the second time and referred to a committee.

He said: Mr. Speaker, I rise today to speak to a bill designed to recover our youth, to deliver a greater sense of peace and order to our communities, and to tackle a major interest of organized crime, all things that would seem especially timely for the member of Parliament who represents the riding which will host many of the Olympic and Paralympic games in the year to come.

The bill which I am introducing, Bill C-475, is a bill designed to tackle the procurement of precursors for the production of methamphetamines and amphetamines, specifically crystal meth and ecstasy. These are drugs which have become known as a scourge in our community, drugs which have affected Canadians from coast to coast, and which in fact have special relevance to the youth of our country.

A report of the United Nations that was tabled this very year underlined a link between crystal meth and suicide among indigenous youth in Canada. A sample of street youth aged 14 through 30, surveyed in Vancouver, found that 71% had tried amphetamine-type stimulants and 57% had used them more than 10 times.

The most serious health implications of amphetamine and methamphetamine resulting from chronic use are dependence, characterized by compulsive drug seeking and drug use, and a phenomenon known as amphetamine or methamphetamine psychosis. The latter is a mental condition similar to episodes of schizophrenia, according to the United Nations report.

We have also discovered that these drugs affect a huge variety of Canadians from coast to coast to coast. It is shocking how quickly stories have come in, in the last few weeks, since I introduced this

bill, which highlight the effect of the drugs on persons and families in the riding I represent, in my home province of British Columbia, and across Canada.

Too many of our young, healthy Canadians are losing the battle against these awful drugs, both of which are made from many easily accessible materials. These drugs have had a wide-ranging and harmful effect on Canadian communities, leaving no one untouched by their effects. The damage has been staggering and our fight against these drugs carries on today.

The trauma experienced by users includes great physical, psychological and emotional harm. Not only does amphetamine-type stimulant use affect those who consume it, but also the families and communities of the user. It is unfortunate that there are so many sad stories of otherwise young and healthy individuals who have had their lives affected for the worse by these drugs. Some have been brave enough to share their struggles with the use of these drugs and I applaud their courage to come forward and contribute their voices and stories to this important fight.

It is important to take a moment and listen to the voices of some of these individuals, voices of Canadians in my riding and right across Canada. One young man, whom I will call Nick so as to protect his identity, is a 21-year-old in treatment for ecstasy and crystal meth addition in B.C. This is what Nick had to say, "One of the worst aspects is long-term depression. I have been depressed for months and need to continue using anti-depressants. While using I had huge mood swings. I felt rage".

Another recovering addict spoke of the effects suffered from long-term use. She said, "I am a 29 year old and have been using these drugs for over 15 years. The damage it has been done to my mind, body and soul is irreparable. The getting and using of drugs such as ecstasy, cocaine and crystal meth is socially acceptable and must stop. During my addiction, I have had three suicide attempts, car accidents, psych ward visits, five rehabs and extreme psychosis. Those were all caused by the use of drugs, not the person I am today. I am trying to clean up my life physically and emotionally".

To that young woman, I offer my encouragement and congratulations.

These are just two of the needlessly large number of former addicts who have experienced first-hand the devastation of these drugs. In addition to affecting some of the most vulnerable in our community, such as street youth, these drugs can bring even the most young and healthy of our country to their knees.

Private Members' Business

The list of side effects of these drugs is sobering. To begin, though ecstasy might seem like a harmless party drug to some, one that is marketed as such through colourful pills and cheerful designs such as happy faces or hearts, police have found that a significant amount of ecstasy that has been seized from the streets is laced with more dangerous drugs, such as crystal meth. It is important to remember that it is possible to overdose from ecstasy, a risk even graver as these drugs are distributed on the streets or in clubs and not regulated.

What this means is that youth in our country are consuming these drugs blindly, unaware of what might be in them and how much of the drug they might be consuming.

Side effects of crystal meth are similarly worrisome. A position paper on methamphetamines produced in Australia noted that methamphetamine psychosis is perhaps the most concerning aspect of the current meth situation. The report stated that methamphetamine use had often been associated with violent crime and the drug had a strong reputation for inducing violent behaviour. These are just a few of the side effects of the drug, but it is crucial to highlight the addictiveness of these drugs. Allow me to quote a report produced by the Ministry of Public Safety and the Solicitor General in my home province of British Columbia:

Why not just quit using? A powerful stimulant, meth alters the brain's production of dopamine. The drug produces an initial positive pleasurable physical reaction by increasing the levels of dopamine, leaving a person depressed as the effects of the drug wear off. The user then requires more of the drug to return to normal. This "binge and crash" pattern leads to loss of control over the drug and addiction.

More must be said about the dangerous aspects of the production as well as the use of this drug. There is no regulation guiding the production of illegal chemical drugs, meaning that there is no way to control the quality of the substances produced. Unlike other drugs, such as cocaine or heroin, the production of crystal meth and ecstasy depends almost exclusively on materials that are available domestically.

Furthermore, crystal meth and ecstasy can be produced in almost any environment with relatively few ingredients and easily obtainable tools. The labs in which they are made are often located in basements and other small spaces, making them difficult to trace. In fact, a report produced by Carleton University in 2004 said the following:

Versatility is the term that best defines methamphetamine production. Clandestine laboratories have been found in sites as diverse as private residences, rental homes, motel rooms, dorm rooms, garages, campgrounds, moving vans, trunks of cars, storage facilities,—

Though large scale industrial production of these drugs is increasing, the vast amount of crystal meth and ecstasy are produced in these small kitchen-like labs as outlined in the report to which I just referred.

It is troubling that these drugs have negatively affected the lives of Canadians all over the country, especially our youth, but the effect goes beyond our borders, tarnishing Canada's reputation on an international level. The United Nations Office on Drugs and Crime said in its 2009 report that Canada is the single largest supplier of ecstasy to the United States, and is a significant supplier of the drug to Japan and Australia.

According to the 2009 United Nations word drug report, there is evidence that Canada-based Asian organized crime groups and outlaw motorcycle gangs have significantly increased the amount of methamphetamine they manufacture and export to the U.S. market and also for Oceania, and east and southeast Asia. "Canada has grown to be the most important producer of MDMA for North America, and since 2006, all ecstasy laboratories reported have been large-capacity facilities operated principally by Asian organized crime groups", said one observer.

We have many resources, skills and commodities to export. It is unfortunate that we must now recognize that crystal meth and ecstasy are among Canada's recognized exports.

●(1110)

We have covered ways in which the production and consumption of these drugs negatively affects individuals, families, communities and Canada's international reputation. Yet, another reason why this fight is an important one relates to environmental concerns. The United Nations notes:

—environmental harm and costs caused by illegal laboratories and their safe removal are considerable.

The production of these drugs is an extremely toxic endeavour about which we should all be concerned. To further illustrate the problem, I return to the report by Carleton University to which I referred earlier. It said:

For each pound of manufactured methamphetamine synthesized through one of the above methods, five to seven pounds of toxic waste is produced, as well as the release of poisonous toxic gas.

I would like to take a moment to thank my colleague, the member for Peace River, for his considerable work on this bill, and his careful and tireless work in the previous session of Parliament. The member for Peace River originally introduced this bill in a slightly different form in 2007. I am honoured to be reintroducing the bill and to have him second it as we fight the battle against ecstasy and crystal meth.

I also wish to acknowledge the input of various members of the House from other parties, members whom I approached while drafting this private member's bill. To the member for Windsor—Tecumseh and the member for Beauséjour, I appreciate our conversations and their insight into how we might work together in this fight against the scourge of these drugs in our country.

Additionally, both the member for Peace River and I have consulted extensively with stakeholders, such as law enforcement officials here in Ottawa and in British Columbia. We greatly appreciate their insight and wisdom into how we might make legislation that will allow them to fight these drugs more effectively. Their commitment to keeping Canadian communities safe serves as an inspiration to us in the House as we do our part to contribute to the tackling of crystal meth and ecstasy head on.

Private Members' Business

At the suggestion of law enforcement officials, the drug ecstasy was added to the bill that the member for Peace River originally introduced. These officials have noted that, in their first-hand experience, the production of crystal meth and ecstasy are often linked. I am also honoured to announce that the British Columbia Association of Chiefs of Police recently passed a motion in support of this bill.

Following the path taken by countries such as New Zealand, Australia and the United Kingdom, which have introduced aggressive strategies to target one or both of these drugs, the changes that would be made by this bill to the Controlled Drugs and Substances Act would outlaw the procurement of the precursors for these drugs and make it more difficult for these addictive substances to be produced. When passed, this bill will greatly hamper the clandestine type of market that has made these drugs so easily accessible to Canadian youth.

It is clear why this issue is of such great concern to constituents in the riding I represent, to members who sit in the House and to all Canadians. Crystal meth and ecstasy affect individuals who use them as well as their families and their communities. The production of crystal meth and ecstasy is feeding the appetite of criminal elements in our country. The production of these drugs also affects Canada's reputation internationally. The environmental harm caused by the production of these drugs is considerable and also factors in the urgency to do something about their production.

By affording law enforcement officials the tools to inquire into the suspicious and voluminous acquisition of recognized precursors, suspected producers of these substances would be more vulnerable for investigation. Therefore, I believe that my colleagues in the House will join me in seeking to bring about the end of the possession, production and trafficking of the precursors of crystal meth and ecstasy. I ask all my colleagues to join me in the support of Bill C-475.

• (1115)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am very supportive of the bill. I did chair a subcommittee of the health committee on controlled drugs and substances, where we initially set up the schedules on precursors, designer drugs and a few other things.

There were a couple of questions and maybe the member can assist. The coordinating amendment in the bill seems to make a reference to subsection 19(8) and the reference in the member's bill is to subsection 1(9) of schedule III, not schedule I. I do not have the bills before me, but I wonder if the member could please explain what the difference would be if his bill is overridden by the government bill that is already in process.

Finally, since he has done all the work now, I wonder if the member has any comments on whether or not the process that we have to go through to amend the schedules to the Controlled Drugs and Substances Act seems to be fairly onerous and may not be able to respond to the velocity of changes in terms of the advancement of drug science.

Mr. John Weston: Mr. Speaker, the member's question illustrates several things.

The first thing is the commitment in principle to bring to task the production of these harmful drugs. I have seen a willingness on both sides of the House to work together on this. I look forward to working specifically with the member who is very well informed about the process. My hope is that, through efforts like his, we can expedite the processing of this bill.

My colleague, the member for Peace River, put a lot of effort into bringing this bill into force. He received unanimous consent of the House and the bill received second reading in the Senate. It was clearly bound to be enacted. We need to ensure all members of the House work together to ensure the bill does get enacted this time.

• (1120)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, according to some United States reports, Canada is the primary source for this type of drug in the United States, which means the Americans are concerned about this.

I looked into the pill compression machine issue, which the Americans find to be important. I am not sure whether the member is aware but the pill making machines in the United States all need to be registered with the government and, even if they break down and need to be repaired, there is a paper trail there. The United States feels that if Canada were to take some action to register and regulate pill compression machines that would help the problem.

I wonder whether the member could give us his ideas on that point.

Mr. John Weston: Mr. Speaker, it is always gratifying when my colleagues in the House do their homework, as that member has clearly done. He appreciates the impact upon Canada's reputation of the effect on organized crime of making the precursors and anything used to produce the drugs that are so accessible to criminal elements that are now engaged in the practice of creating these drugs.

The bill has been crafted with input from a large number of stakeholders. We consulted with law enforcement officers in Ontario, British Columbia, Alberta and other places.

The member will notice that one of the words in the bill that I have introduced is the word "anything". Anything that is clearly and explicitly designed to assist in the production, the possession or the trafficking of crystal meth or ecstasy, and if the intent can be proven that is why the pill making machines were procured, then the offence could be proven by the prosecution.

The member asked a good question and it goes to illustrate that this is not only a bill with great intent but a bill that would have great effect.

Mr. Andrew Kania (Brampton West, Lib.): Mr. Speaker, I would like to begin by simply summarizing what the bill is trying to accomplish.

If we look at subclause (2), it simply states:

Every person who contravenes subsection (1) is guilty of an indictable offence and liable to imprisonment for a term of not more than ten years less a day.

Then it simply states:

No person shall possess, produce, sell or import anything knowing it will be used to produce or traffic in a substance referred to in the [schedules]...

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We have no problem supporting the bill going to committee for study. However, I have some preliminary concerns. We want to ensure that people are aware that they will be violating the law if we look at subclause 7.1, "possess, sell or import anything knowing that it will be used to produce". A lot of detail, presumably, will need to be put in the regulations but that is something that we will need to work out and study in some detail.

Once again, we support the bill going to committee but my main point today is why now and why in this particular context.

These recommendations in the legislation actually emanate from a Justice Canada report from 2007. That is fine. However, if this is so important at this time today, why is this not in a government bill? The government has had no difficulty pursuing a law and order agenda. I would like to go through that and talk about why it has done that.

We have had the worst economic crisis since the Great Depression and the response of the Conservative government has been law and order legislation. We have had the loss of approximately 500,000 full time jobs and the government's response has been law and order legislation. We have had an isotopes crisis so Canadians cannot get the testing they require for cancer treatments. The response from the government has been law and order legislation. We have had the reduction of Canada's place inside the G8 and the best GDP to the worst. The response of the Conservative government has been law and order legislation.

We have had an EI crisis and the government's response has been legislation that divides Canadians between the good workers and the bad workers, between the long term workers and the short term workers and nothing for seasonal workers. The further response of the government has been law and order legislation.

We have an H1N1 pandemic crisis. We have a failure of the government to have a national pandemic plan in place as confirmed by Canada's Auditor General. The response of the government has been law and order legislation.

We have an Afghanistan torture scandal and the response of the government has been law and order legislation.

Why do we keep going to law and order legislation?

I want it to be clear that I support the member's efforts in terms of this legislation, but this is one that should have been far up on the law and order agenda. Why did it take a private member to introduce this? Why was this not already introduced and passed earlier? It should have been because we do have serious problems in Canada.

In terms of these particular drugs, we have high emergency room rates, deaths, the permanent alteration of a human's brain and psychiatric disorders. The statistics from an American study show that 2.3% of all eighth graders, which I find shocking, have tried these drugs, 2.4% of tenth graders and 2.8% of twelfth graders. Therefore, there must be something similar in Canada, although we do not have those studies.

Once again, I support this legislation but if it had been government legislation rather than a private member's bill more could have been done. Where is the money for prevention? Where is the money for education?

So that everyone understands, when it comes to private members' legislation, and I am not criticizing my friend who introduced this, he is not allowed to put provisions in a private member's bill that involves the spending of money, so it is not his fault. However, if the government had introduced this legislation, there could have been spending on these issues: crime prevention, drug education, education in schools for children and treatment programs, all of that for the sufferers who take these drugs and for the prevention to try to avoid this.

My friend's bill would have been far superior, once again, no fault of his own, if this had been government legislation but it is not.

● (1125)

I have the honour of serving on the Standing Committee on Public Safety and National Security, so I am aware of some of the statistics. Eighty per cent of criminals who are incarcerated in our prisons have either substance abuse or mental health issues. That means that a huge majority of people who commit crimes and are eventually incarcerated already have these problems. What is the government doing to prevent that, to try to help and cure them before they actually commit crimes? If this had been government legislation, it could have done something, but it is not.

In terms of treatment in prisons, there are clear admissions from various experts who appeared in committee. People need to understand that most prisoners get released into society. If they go into prison because of mental health or addiction issues, logically we would want to ensure they get the treatment required before they are released.

It would have been quite nice if this were government legislation doing something about that because experts have admitted that people in prison are not getting the treatment they require before being released. That is a public safety issue and, frankly, in order to protect the Canadian population, one would want those people to be released better than when they came in.

The other issue in terms of drugs, since that is the topic we are discussing with respect to prisons, is that there are clear admissions that the prison population is getting illegal drugs into prisons. What is the government doing to prevent these drugs from seeping into our prisons? It should be doing something.

If this were a government bill, it could have been part of a larger package to try to effectuate such changes, both in society and in the prison population. Once again, it is not the fault of my friend as he is only allowed to introduce a private member's bill.

In terms of what the government has done to further its law and order agenda, let us look at some of the examples it has put ahead of this, such as the sex offender registry. I support that legislation but it was introduced weak. It came before Parliament without the benefit of the report of the committee. Some things that should have been included based on all the experts were clearly omitted, such as mandatory licence plate registrations of convicted sex offenders.

The government and the Minister of Public Safety specifically said that they had chosen not to include that in the legislation despite the fact that all the experts recommended it and that it was logical. Even when they pursue the law and order agenda, they are not doing it properly.

In another piece of legislation we have the faint hope clause. None of the experts were clamouring for any changes to that. It was the same thing on conditional sentences: two for one, time served, mandatory minimums. None of this was a societal problem like drugs. In comparison, this is certainly a greater problem. However, the government chose not to do anything with respect to drugs on the streets and left it to a Conservative private member to introduce this legislation. He is not allowed to make any suggestions to put money on the streets, establish reforms or help in any measurable way. That is a mistake.

This legislation should have been, based on the 2007 recommendations from the Justice Canada report, at the front of the line or close to the front of the line for this law and order agenda. It was not and that was a mistake.

I compliment my friend for bringing this private member's bill forward. I support it going to committee but I question why the government has pursued, in response to all the problems Canadians are facing, a law and order agenda and then not even putting the most serious law and order issue, such as drugs on the street in this context, at the front of the line or close to the front of the line in order to help Canadians. The government has ignored that, which is a mistake. I compliment my friend for fixing the problem or at least trying to.

• (1130)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to speak on behalf of the Bloc Québécois about private member's Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

I would like to begin by saying that the Bloc Québécois recognizes that methamphetamine and ecstasy use is a serious issue. The Bloc recognizes that these drugs are very bad for people's health, especially young people, and our party sympathizes with the families of victims of addiction to these drugs.

We agree with Bill C-475 in principle, but we are concerned that it may not complement existing legislation.

I should point out that existing legislation covers the production of all illegal drugs. As I have said before in the House, many of the Conservatives' justice bills are introduced simply for electoral purposes. We have to get to the bottom of things, and that is what the

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Bloc Québécois will do in committee. We will take a close look at how this bill can add to the existing regime.

Bill C-475 amends the Controlled Drugs and Substances Act to prohibit a person from possessing, producing, selling or importing any substance, device or other thing intended for use in producing or trafficking in methamphetamine or ecstasy.

The scope of the bill was expanded to include ecstasy and a minimum sentence of 10 years less a day. This is in line with the Conservatives' preference for replacing judges with laws so that they do not have to replace existing judges with new right-wing ones who share the Conservatives' ideology.

The bill proposes adding the following subsection to the Controlled Drugs and Substances Act.

The Controlled Drugs and Substances Act is amended by adding the following after section 7:

7.1 (1) No person shall possess, produce, sell or import anything knowing that it will be used to produce or traffic in a substance referred to in item 18 of Schedule I or subitem 1(9) of Schedule III.

it would also add a second subsection:

(2) Every person who contravenes subsection (1) is guilty of an indictable offence and liable to imprisonment for a term of not more than ten years less a day.

This bill also contains a coordinating amendment in the case that Bill C-15 receives royal assent.

The House has already unanimously agreed to provisions in Bill C-15. The Bloc Québécois supports measures that give real results on the ground. But in the meantime, we must ensure that there is coordination between the measures of Bill C-475 and Bill C-15, which the government has already introduced.

Bill C-424, a private member's bill introduced by another member in the House, read a bit differently. The word "ecstasy" has been added to the definition, and the Bloc Québécois is in favour of that.

Ecstasy and methamphetamine are drugs that are harmful to a person's health, and they are highly addictive. In Quebec, these drugs are gaining in popularity throughout the community. In schools, they are as accessible to young people as cigarettes, and are often available as early as the elementary grades. That is terrible. Another problem is that nowadays it is impossible to know what these drugs are made up of.

To make more money, manufacturers usually mix the drugs with other lesser quality ingredients. Everyone knows that there is money to be made in drugs. People are making a profit. These drugs are harmful to the health of those who use them.

According to a Health Canada study carried out with the Sûreté du Québec, between June 2007 and July 2008, 54% of tablets did not contain what was claimed. Other products had been added.

• (1135)

For example, 80% of ecstasy tablets are cut with one or more other drugs, including methamphetamine. This is what creates dependence. Because the content of these drugs is unknown, it is difficult to predict how they will affect people. In addition, an overdose of these drugs, pure or not, can lead to death in some cases.

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Often, users take these drugs for fun, thinking there is no danger. But these drugs are cut with other substances so that users will turn into addicts. The dealers' goal is to have these people become addicted to drugs. Often, the drug trade is controlled by organized crime groups such as street gangs, biker gangs and the mafia. That is the problem. These people are not selling drugs to benefit users' health, but for their own financial gain. That is what is so terrible. Often, people become addicted to these substances, and in some cases that addiction leads to death. That is why we must tackle this problem.

The Bloc Québécois has always stood up for this in this House. The Bloc is the first party that really introduced a bill to go after organized crime groups by reversing the burden of proof. Previously, when criminal gangs were charged and appeared in court, it was up to the Crown to prove that the money and property they had accumulated had come from the sale of illicit property, undeclared goods or drugs. Now, the burden of proof is reversed, which has made it possible to seize a large amount of property and goods from organized crime groups.

In recent years, the media have given a lot of attention to all the seizures that have been made not only by the Sûreté du Québec—particularly in the spring of 2001—but also by the RCMP and other police forces in Canada. These seizures were made possible when the House of Commons passed the Bloc Québécois bill.

With regard to the serious impact of these drugs and their use, I would like to draw members' attention to a very timely article published in *Le Soleil* on November 17, 2009 and another article that appeared in the *Journal de Québec* on July 6, 2009, entitled “The shocking increase in ecstasy”. This article stated the following:

In a report released last week, the UN stated that Canada has become the leading producer of the drug ecstasy in North America.

Here is more bad news: generally speaking, drugs like ecstasy are consumed close to where they are produced and in fact, statistics show that ecstasy consumption is on the rise in Canada and Quebec.

Canada has the terrible reputation of being North America's main supplier of ecstasy. This problem needs to be addressed.

The article goes on to say:

Its users describe it as a soft drug, but that is not really the case. Ecstasy is one of the new synthetic drugs, the so-called designer drugs, that have emerged as a result of advances in chemistry. The ecstasy molecule was first isolated in 1912 in the context of research aimed at producing an appetite suppressant...

Like all other drugs, ecstasy affects the nervous system, and like cocaine, heroin, nicotine or alcohol, ecstasy can create dependency in users.

That is the primary, most important goal for criminal groups: to create a dependency. This concerns us because its users believe they can use it for pleasure and that it does not create a dependency. However, the UN study cited in this *Journal de Québec* article from July 6, 2009, is clear. I will refrain from reading the entire article, but it gave a detailed analysis of the drug, its components, how it works in terms of consumption, and the dangers associated with it. The article concluded by calling it the gateway to hell.

Ecstasy-related deaths are not as common as deaths associated with many other drugs...

However, what appeared to be the gateway to paradise could in fact be the gateway to hell...

That is how the article concluded, and that is what those watching us at home must remember.

The Bloc Québécois will work hard to move this bill forward in committee.

• (1140)

[English]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rise today to speak to private member's Bill C-475. This is a reincarnation, if I can use that term, of Bill C-428 that was presented to the House by the member for Peace River and passed by the House in the last Parliament. Like so many other bills, it died on the order paper when the Conservative Party and the Prime Minister decided to hold an election. So it is coming back and I want to acknowledge the work that has been done by the author of the bill, the member for West Vancouver—Sunshine Coast—Sea to Sky Country. It is lovely countryside and I enjoy going out there whenever I get the chance.

The bill deals with what is, by any standard, a scourge, a really horrendous problem for our society, particularly for our young people. It attempts to further control access to methamphetamines and the drug ecstasy, to use its street name. It is a tragedy that we repeatedly run across. All members of the House at some point have had constituents come in to talk to them about this.

The drugs ecstasy and methamphetamines are both highly addictive. Not only are they highly addictive, but they are also addictive at a very rapid pace. Sometimes just an initial taking of it is enough to hook people on it and, certainly, if someone uses it three to five times there is a very high probability that he or she is going to be addicted. Also, if it is used repeatedly in any kind of high volume, strong medical evidence now shows that it causes brain damage.

The availability of this drug has an interesting history here in Canada, but what has been very clear is that it is particularly attractive to young people. As we heard from my colleague from the Bloc, even children in elementary schools get access to it. It is cheap. It is cheap to make and therefore is quite accessible on the street.

It has an interesting history here in Canada in that it started as an epidemic in the smaller communities in the mid-northern parts of the country, particularly in the western provinces. The explanation we have been given by the police authorities who have been dealing with it is that it was cheap to set up the labs and the labs were easily concealable in smaller communities. Fairly clearly, it was street gangs that were doing this as opposed to the larger organized crime syndicates that we have, although there is some indication that they are now involved in it quite substantially as well. But the initial phases were in small rural communities and it became an epidemic within a year.

Interestingly, what then happened, which I suppose is not that unusual, is that it expanded eastward and southward in this country and then southward into the United States. We have become, as we have heard from other speakers today, a major exporter of these particular drugs to the United States.

Private Members' Business

As a bit of an aside, I would like to relate some of the work we have done and information we have received both at the justice committee and public safety committee, where we heard from our police forces and communities. I want to praise these communities, particularly in the rural parts of the country. They moved as communities to effectively shut down the labs in a number of the communities and developed treatment for the youth who had been affected and addicted to these substances. It really is a good news story from that perspective. Community by community, they learned from each other and responded to this problem.

• (1145)

I am not going to suggest this was the be all and the end all to ending it. However, a number of the smaller communities, especially in the western provinces, were quite effective at responding to it once they had identified how bad it was.

I have to say it has been less successful in other parts of the country and is being worked on now, in co-operation with police forces and community groups. As well, there is more and more evidence that the addiction can be treated. Obviously, the person has to get off it completely. It is fairly clear that the work to rebuild a person's psychological strength can be done.

There is one other point I want to raise with regard to this phenomenon vis-à-vis Canada. The precursors, the chemical components to these drugs by and large come in from other countries. Some come from the United States to a significant degree. Some come from Asia, as well. There was a problem, for instance in the state of New York, and the stories we heard were well documented to be accurate and not just anecdotal, that people would clear the shelves of Sudafed. There are components in Sudafed that are used to make these drugs. People would go in to drug stores and literally take all of the Sudafed. The state of New York has moved to ban that. People are allowed to buy only enough Sudafed to deal with a cold, not enough to be used in the production of other drugs.

The state of New York and other states in the United States have moved to regulate those chemicals at source. If a person is manufacturing these precursors and then selling them, the person buying them has to show what they are going to be used for and why the volume being bought is needed. It has been quite effective in restricting the labs in the United States. What had been happening, and is still happening here, is the purchaser would conveniently sell it in smaller batches to any number of people. Clearly the person would have to know that some of it was getting into the hands of gangs to be used for the purposes of making illicit drugs.

Some states have shut that down by regulating it. They did not use criminal law, they used commercial and consumer regulation. What happens now is that a chain is created. The producer has to report to whom it was sold and in what volume. The person purchasing it has to do the same thing. If people then break it into sublots and sell it off, they have to show to whom they have sold it and they have to have an explanation as to what it is going to be used for. It has been quite effective in the United States to use the regulatory framework, not criminal law, to shut it down, to a great extent, leaving Canada, as I and other members have said, as an importer. The same process is going on in Canada, in terms of the sales, but the regulatory infrastructure is not in place in this country.

I do not want in any way to demean the effort of the member with respect to this legislation because we are supporting it; it is one step that is needed. However, in order to really get at this, we also need to regulate this from the producer right through the whole chain so that we are assured that it does not get into the hands of the gangs, or if it does, that we are able to trace it right to them and use this legislation to charge and convict them.

• (1150)

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, it is an honour to stand in this House this morning and speak to this private member's bill.

I want to thank my colleague from West Vancouver—Sunshine Coast—Sea to Sky Country. The hon. member has brought forward this private member's bill which in many ways resembles a bill that I brought forward in the previous Parliament. I want to thank members in this House for their debate this morning, but also those members who were in this House in the last Parliament who supported a bill very similar to this one. They unanimously supported it in this House and got it through committee and then over to the other place, where it died when an election was called.

There is no question that we as parliamentarians have a large responsibility. We have a responsibility to do our work here in this House but we also have a responsibility to work together for the common good of our constituents.

Today we are speaking about an issue that is very close to my heart. It is an issue that impacts, unfortunately, the vulnerable and the young disproportionately to other groups. Therefore, we as members of Parliament have an increased responsibility to address the bill here today, not because people are telling us to, but because we can see the effects on young and vulnerable people across this country as they are affected by the addictive qualities of methamphetamines.

I will give a brief outline as to what these drugs are, what makes them different and why I believe this is an important way to approach this issue and reduce the amount of crystal meth, methamphetamines and ecstasy that are being produced in this country.

Methamphetamines are different. They are synthetic drugs and that makes them different from many other drugs. Other drugs need to be imported in their illegal form or grown in their illegal form. There is a whole chain of events that needs to take place prior to the actual drug being available for people to buy and distribute on the streets.

Crystal meth and methamphetamines are different in that legal ingredients or a combination of legal ingredients and legal tools are used to make an illegal substance. Once that illegal substance is created, it can be out on the streets of any of our communities within minutes. Canadians and organized crime can produce crystal meth and methamphetamines in every single community in this country, leaving none of our communities isolated from the harmful effects of methamphetamines and the illegal distribution of them.

Privilege

Crystal meth and methamphetamines are unique in other characteristics as well. The addictive nature of these drugs is unbelievable. When I spoke to recovering and recovered methamphetamine users, I found out how addictive it is. There are people with whom I have spoken through my work on this issue who have told me that after a single use they became so addicted to this drug that nothing would stop them from trying to get another fix. It was even more devastating when I spoke to young people whose lives had been completely ripped apart by this drug, who experimented with this drug at a party and after a single use they became addicted.

In many cases, there is nothing to indicate that it will be one kid rather than another who is going to use it. Some of the kids I spoke to were good kids. They had grown up in great families. They had every opportunity to succeed and had done well in school, but they had been tempted to use this drug and had decided to use it. As a result of that, their entire lives had been destroyed.

As we have learned more about this drug, we know there are treatments to help young people and people of all ages with this addiction. However, let us never believe that there is no long-term effect on people who have used crystal meth or methamphetamines.

● (1155)

The long-term damage of this drug is irreparable. There is physical and psychological damage, but there is also damage in terms of broken trust with family and the destruction in terms of a person's education and work. Many different things happen as a result of somebody becoming addicted. I spoke with people who had become addicted to this drug, and in every case, they said that their lives would never be the same.

While it is important to ensure there is treatment for young people, it is even more important that we as members of Parliament try to stand between young people and people in general and their access to the drug.

Questions were raised in terms of what the government has done with respect to spending money on anti-drug strategies. It is important that this come into the discussion. There were questions from an hon. member who had not been here in the last Parliament.

We as government members have worked extensively to develop a national anti-drug strategy. In budget 2007 there was over \$60 million allocated to that initiative to ensure that young people would not get addicted at all.

The unfortunate thing is that young people continue to use drugs. It is imperative that we as members of Parliament work together to ensure that young people are educated.

Crystal meth is finding its way into places where young people would not see it as crystal meth or methamphetamines. As a matter of fact, I have spoken extensively with RCMP officers who are incredibly concerned about organized crime's marketing of methamphetamines. Methamphetamines are being blended into many other drugs that are commonly sold on the streets. Because of the addictive nature of methamphetamines, they are being blended into all kinds of drugs. Young people who become addicted to whatever drug they think they are purchasing will also become addicted to methamphetamine because it has been blended into the other drug.

What really concerns me as a father with young kids is that organized crime is mixing methamphetamines with candy. It is being wrapped up to look like candy and it is being sold on the streets. Young people are being given or sold these small candies that are actually laden with methamphetamine. That is just unbelievable for those of us who are parents, the thought that young people are being targeted in this effort by organized crime.

I got involved in the fight to have legislation with regard to methamphetamines for a number of reasons, but it was the stories that had the most impact. I met people in my own community. Communities were referenced where this epidemic of crystal meth started. Those communities were very close to my constituency. We saw the effects of methamphetamines and crystal meth being sold into our communities. I witnessed very strong and independent people being torn apart by the destruction of this drug.

When I found out that the epidemic was continuing to grow and that Canada had moved from an importing nation with respect to methamphetamine to an exporting nation, that made me very afraid. Like other members, I started to look at other countries that had had some success in limiting the production of crystal meth in their communities. I recognized that we were lagging behind as it relates to the precursors and the materials that are used.

Because an illegal substance is being created from legal substances, we have to give the RCMP and other police officers the opportunity to intervene, especially as it relates to organized crime, in the supply and development of this drug. We have to give police the power to go in where they know the products are being used for the production of methamphetamines and close that off. I believe that will be the continuation of this particular fight.

● (1200)

The Acting Speaker (Mr. Barry Devolin): The time for private members' business has expired.

The Chair has received notice that the hon. member for Windsor—Tecumseh wishes to rise on a question of privilege.

* * *

PRIVILEGE

INFORMATION RELATED TO THE STUDY OF BILL C-36

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, the 14th report of the justice committee dated November 25 was presented to the House on November 26. My question of privilege involves the interference, and I put that objectively, by the minister's office with respect to evidence that had been requested by the justice committee from the head of Correctional Service Canada. The report sets out the sequence of events on how this came about, and I will refer to those events.

With regard to the privilege itself, I believe my privilege has been breached not only vis-à-vis the work I need to do as a member of Parliament, but that of other members of the committee and the committee as a whole. You may wish, Mr. Speaker, to go beyond the report itself to the blues to substantiate the specifics.

Privilege

Mr. Don Head, who was before committee on November 4, made very clear commitments as to what information he had available and whether he could get that information back to committee in time for it to consider the information when we were doing clause-by-clause.

The need for this information was heightened in this situation by the fact that members of committee, including myself, had ascertained that was the only source for this information. We had asked the Department of Justice if it had this information. We had solicited the information from the Juristat division of Statistics Canada. Both indicated that they did not have the information. I checked with academics to see if they had it. All three of those traditional sources for this type of information indicated to committee that the only source for this information was Correctional Service Canada. As a result, on November 4, at committee's request, Mr. Don Head, the head of Correctional Service Canada, appeared before committee. The report sets this out.

In response to questions from myself and from the Bloc member for Abitibi—Témiscamingue, Mr. Head indicated that he had the information we had request but he did not have it with him that day. He indicated that he could have it by the time committee considered Bill C-36 at clause-by-clause, which was scheduled to be considered at that stage on November 16. Mr. Head was very clear that he could do that.

On November 16, I sought from the clerk of that committee whether in fact the information had been received. I and was advised at that time, as I believe at least one other member of committee was advised, that it had been received and had been sent to our offices. I did not see it and assumed that there had been a mixup in my office and we had not received it. The committee went ahead on November 16 with clause-by-clause consideration and the bill was sent back to the House.

I then made a second request for that information on November 18. When I checked in my office, I did not have it. I wanted that information so it would be available for my argument in the House at third reading stage of Bill C-36, which was scheduled at that time and took place on November 23.

When I arrived at my office on the morning of November 23, I found out that we still did not have the information. Only at that time, were we advised that the information had not come to committee yet. It had been prepared by Mr. Head and was in the hands of the Minister of Public Safety.

• (1205)

Quite frankly I was quite upset. I intended to debate this on the November 23, and at that time, before I actually had a chance to start my speech, the deputy House leader for the Conservatives approached me and gave me a letter, undated, from Mr. Head. It set out the information for which the member for Abitibi—Témiscamingue and I had asked, although some of it was quite confusing. Some of the specific questions were answered. That letter had been altered to the extent that the date had been taken off it. I had no opportunity to use that information.

On November 24, the bill passed the House by a recorded vote. On November 25, around noon, the same letter with the date on it appeared in our offices. The justice committee was meeting again on

November 25 so we could get the report because the Conservatives had stalled it. When I attempted to get the report out of the committee on November 23, they talked it out, so we had to come back on November 25. Right around noon on November 25 we received the letter and it was dated this time. The date on the letter, signed by Mr. Head, responding in some detail to some of the questions asked by myself and the hon. member for Abitibi—Témiscamingue, was dated the November 13. Had we received that letter, we could have used that information, and it was quite relevant information, both at clause-by-clause and again in the debate in the House, sharing that information with the rest of the committee and with all members of the House in their consideration of Bill C-36. That was denied to us by the minister's office.

I want to cover some of the relevance of this because of the questions that were asked. We asked very specific questions on the rate of recidivism of people who were subject to that section of the code. We wanted to know how often it was used and specific information. In that regard, the last solid evidence we had was 10 years old. The last time a report like this had been prepared was in 1999. We needed an update on that information, and several of the key points were answered in this letter. It was completely relevant to what we needed and we were denied it.

The role of the minister is quite crucial to the role of committees, the relationship of committees and the work we do in setting public policy and reviewing bills in detail in a prudent fashion. In all honesty, I have not been able to find any prior rulings by Speakers in the House as to whether the minister has any right to insist that this type of information is vetted by him or his office before it is given to the committee. I cannot say that it has been ruled either way in the research that I and my staff have done. I would argue quite strongly that it is one of the issues that has to be decided in the determination you will make, Mr. Speaker, as to whether we have made out a *prima facie* case for interference and breach of privilege.

If a minister is capable of doing that, the work of the committees becomes even less relevant than it is at this point. What we need is assurance. If we are to be helping with our votes and in the work we do here in setting public policy, we need to know we have unlimited access to the information within the departments in the government. There is a long history of decisions in other areas where Speakers have said that we are supposed to have that.

Coming back, if the minister can decide whether and when we are to get that information, it makes the committees a farce. The minister simply by withholding information for a period of time, allowing votes to go ahead, allowing consideration of clause-by-clause to go ahead can stymie the work of the committee quite effectively.

• (1210)

At this point, we do not know, because we have heard nothing from the minister in this regard, if this was a question of incompetence on the part of his office in not recognizing the timelines that Mr. Head had very clearly committed to or whether it was intentional to withhold this information until the committee had completed its work and it was no longer of any use to us.

Whichever it is, Mr. Speaker, I would argue that we have made out a *prima facie* case. If you so find, I would be prepared to move the appropriate motion.

Privilege

[Translation]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I would like to speak to the question of privilege raised by my colleague. Since he quoted me a number of times in his speech, I think I should confirm that, indeed, we did not have some of the information that we should have.

That information was not sent to us before November 16, the anticipated date of the vote following clause by clause review. After the vote we learned that the information was available and on the minister's desk on November 13. What is more, that information was sent to the clerk. In any event, the letter I have indicates that the information was sent to Ms. Burke, the Clerk of the Standing Committee on Justice and Human Rights on November 13.

There is no excuse and I think the privilege motion should be accepted because it is a matter of principle. We asked Mr. Head very important questions and the documents we finally received afterward—and I am convinced of this—probably would have swayed the position of a number of Liberal MPs on adopting Bill C-36, and we even seriously think that some Liberal members of the Standing Committee on Justice and Human Rights would have changed their minds.

Accordingly, we hope you will find this is a *prima facie* question of privilege.

● (1215)

[English]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I spoke to the member's amendment that we considered in relation to Bill C-36 and that asked for the matter to go back to committee. I was certainly grateful that the member brought it to the House, and I voted for that amendment to send it back to committee because I felt so strongly that the information requested by the committee was so vital and fundamental to the bill itself. One could not possibly, with 10-year-old information, properly debate the matter in committee, and that is what the member has brought to our attention.

I would like to make reference to *House of Commons Procedure and Practice* by O'Brien and Bosc, page 89, under the section "Rights and Immunities of Individual Members", specifically the paragraph under "Freedom of Speech". It reads as follows:

By far, the most important right accorded to Members of the House is the exercise of freedom of speech in parliamentary proceedings. It has been described as:

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

The reason this is relevant to the privilege issue raised by the member is that there is in fact a decision pending from the Supreme Court of Canada right now on the issue of access to information, and the argument is very directly related to the right of freedom of speech, a charter right, in fact, under section 2.

Just underneath that right in the charter, it also says that we have the right to vote. If we follow that through to its logical progression, as has been argued in the courts, if one has the right to vote, one must have the right of access to information. Because one needs that

right of access to information, the right of access is implicit in the charter. That is the whole argument.

We have a situation here where in fact the right of freedom of speech has been inhibited because the access to information necessary for members of Parliament to discharge their duties has been interfered with by a minister of the Crown. Not only did he withhold this information from the justice committee, but it is also the same minister who withheld the RCMP report from the debate on the gun registry information and may in fact be involved in withholding documents with regard to the Afghanistan detainees.

There is a pattern here and it is a pattern that is disturbing to me. That is why I rose in the debate on the amendment and why I am rising today, because I believe that the rights of members of Parliament to discharge their responsibilities have been interfered with by the obstruction of the minister.

Hon. Jay Hill (Leader of the Government in the House of Commons, CPC): Mr. Speaker, in no way do I want to diminish the seriousness of this question of privilege. Every time a member rises with a question of privilege in the chamber, it is a matter of some seriousness. However, I would state, Mr. Speaker, for your benefit that the issue we are dealing with here, which the member for Windsor—Tecumseh has raised, is in regard to Bill C-36, which I think most people know is the repeal of the faint hope clause. That is one of many bills in our justice reform legislative agenda.

I also note that the member is making some pretty serious allegations about the withholding of information and documents from the justice committee by the Minister of Public Safety. In fairness, the minister is not present. I suspect that at his very earliest convenience, he is going to want to attend the chamber to make a statement in this regard and I would ask the Speaker to set aside this question of privilege until that opportunity is afforded to the Minister of Public Safety.

● (1220)

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I had intended to speak on this issue, as I am a member of the justice committee and I fully support the question of privilege raised by the member from the NDP.

I would however take note that the government House leader has requested that you set aside this issue until the minister responsible has an opportunity to rise in the House and speak to this issue. If that is your ruling, I would wait to make my statements until I hear from the minister.

If on the other hand you rule that you are not going to wait, then I request that I be afforded the opportunity to speak at this time. Otherwise, I will withhold my remarks until the Minister of Public Safety has an opportunity to speak to this issue.

The Acting Speaker (Mr. Barry Devolin): I appreciate the interventions that have been made by various members on this point of privilege.

The Chair will take this serious matter under advisement and will get back to the chamber at an appropriate time. At that time, the Chair will deal with the issue of the minister's response, but the Chair needs to consider this matter at this time.

*Government Orders***GOVERNMENT ORDERS***[English]***RESUMPTION AND CONTINUATION OF RAILWAY OPERATIONS****Hon. Jay Hill (Leader of the Government in the House of Commons, CPC)** moved:

That, notwithstanding any Standing Order or usual practice of the House, a bill in the name of the Minister of Labour, entitled An Act to provide for the resumption and continuation of railway operations, shall be disposed of as follows: (a) commencing when the said bill is read a first time and concluding when the said bill is read a third time, the House shall not adjourn except pursuant to a motion proposed by a Minister of the Crown, and no Private Members' Business shall be taken up; (b) the said bill may be read twice or thrice in one sitting; (c) after being read a second time, the said bill shall be referred to a Committee of the Whole; and (d) during consideration of the said bill, no division shall be deferred.

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, later today the Minister of Labour, as the motion indicated, will introduce a bill to provide for the resumption and continuation of railway operations. This legislation is critical to protecting the national economy at this time when our economy is still in a fragile state from the global economic crisis. The motion before us will allow the House to consider the Minister of Labour's bill in an expedited fashion. The motion states that from first to third readings of the bill, the House shall not adjourn except pursuant to a motion proposed by a minister of the Crown, and that the bill go through all three readings in a single sitting, and that after being read a second time the bill will be referred to the committee of the whole.

I would like to advise members of the House to support the motion. The motion itself will not end the strike or impose a settlement; it will only allow us to proceed to deal with this issue as quickly as possible. The approach we are taking to this strike is obviously unusual. Normally for private disputes between private actors, we accept that it is their responsibility to come to a solution, perhaps with the help of government appointed conciliators and mediators.

I would again encourage the members to pass this procedural motion so we can at least get to the debate and continue to put pressure on both sides to come to a resolution. This motion essentially sets forward a process and procedure for a debate to take place in the House and for all members of the House to become engaged in the disposition of the matter by way of the bill that will be introduced.

The strike began at CN Rail early on Saturday after 14 months of inconclusive negotiations between the company and the Teamsters Canada Rail Conference. During the last six months of negotiations, the two sides were assisted by federal conciliators and mediators. Even after the strike began, we did not give up hope for a negotiated settlement, as that is the preferred course. Not only is it the preferred course, but the parties are always encouraged to come to a form of agreement on their own. Federal mediators worked with the employer and union all weekend in an effort to find a formula that would get the trains running again and establish a fair process for resolving all outstanding differences, but the parties could still not find their way to an understanding.

The Minister of Labour became personally involved in the search for a solution. She contacted each side to encourage a negotiated agreement and offered to appoint an arbiter to resolve the matters in dispute, on which the Canada Labour Code requires both parties to concur. CN agreed but the Teamsters Canada Rail Conference did not. Unless the parties agree, that process cannot be instigated.

No one in the House likes back to work legislation. All of us prefer to see employers and unions freely bargain their collective agreements. That is certainly something that happens in the course of events, and many times there are struggles and difficulties to get there, but eventually a method is found to resolve an impasse, which is exactly how it should work if it can. But sometimes the parties are unable to reach agreement. Sometimes parties reach an impasse and a strike or lockout tends to happen and, in that case, it affects the national economy. When that happens Parliament must act in the public interest.

There are of course a number of factors in play. There is the public interest and there is the issue of the economy. As much as we want each of the parties in the process to negotiate with each other and just as each has appropriate and legitimate interests, and certainly we are respectful and mindful of the processes involved, what they do affects a bigger picture. It affects people other than them. It affects the public, the public interest, individuals and businesses. It affects the economy of Canada.

- (1225)

Therefore, it is important that we give due diligence to what has been placed before us, with the parties reaching the impasse they have, and, as I said, I trust and hope that they will see a way through to reach a negotiated settlement.

I would like to say a few words about the economy. As everyone in this House knows, Canada is starting to see signs of economic recovery. Statistics Canada announced this morning that the real GDP in Canada grew by 0.4% in the third quarter of 2009. While it is encouraging that Canada's economic growth has stabilized, the global economic recovery remains fragile and tentative, and that is a fact that must be taken into consideration.

As our finance minister has said, the Canadian economy is recovering but has not yet fully recovered. Too many families struggle and we may yet see more job losses before we fully turn the corner. Our government remains focused on fighting the recession and on helping Canadians, and that is obvious with the number of actions that we have taken in a variety of areas, whether it is funding for infrastructure, helping those who are unemployed by extending EI by five weeks, providing skills upgrading and training, and investing significant billions of dollars to ensure workers are prepared and equipped to be a part of our economy and ensure our economy does not stagnate but goes forward.

We remain focused on fighting the recession and helping Canadians. To protect our economy, we need to stay the course and, of course, we must continue implementing Canada's economic action plan.

Government Orders

Today's numbers show that Canada's economic action plan is helping fuel the recovery. Household spending has increased, thanks to our tax cuts for Canadian families. Spending on homes has rebounded, fuelled by a recession-fighting home renovation tax credit. Businesses increased their investment and productivity, improving machinery and equipment, thanks to our tax relief and tariff reductions. Infrastructure and other capital spending has increased by nearly 25% this quarter, the largest increase in nearly a decade, but our economy still remains in a fragile and tentative state.

Even though we have worked hard to implement Canada's economic action plan, we have always received enough support from this House in order to proceed. The global economic circumstances still leave Canada in a precarious position. We cannot allow a labour dispute, where the parties reach an impasse, to threaten our economic recovery.

Canadians know how central our rail system is to the economic health of Canada. It is what has connected our commerce from coast to coast since the days of John A. Macdonald. Our government believes that it is the responsibility of this House to intervene in private disputes when they threaten to significantly damage the public interest.

I am sure many members will be getting letters and correspondence from various industries that will be impacted and involved by this particular strike and the impasse that has been reached. The motion we have here would allow Parliament to act quickly. It is a responsibility of the parties in this House to debate, negotiate and go forward with proposed legislation that will keep in mind the public interest and our economy.

As I have said, businesses and farmers from across Canada are expressing their concern about the economic impacts of this strike, and that is understandable. Some of them have been impacted three or four times over the last number of years and have suffered significant economic losses as a result of that.

We have had experiences with the effects of work stoppages in the past. In 2007, when trains were last slowed by a strike, Ford had to shut down production of one of its plants because parts were not getting through.

● (1230)

The Canadian Wheat Board incurred charges of over \$300,000 per day because ships were delayed in Canadian ports.

Shifts were discontinued at lumber facilities.

When the trains stop, the economy suffers and this is no time for that to happen. When we are struggling with the effects of the global downturn, this is no time for us to gamble with the economy.

The motion before us will not force any member of this House to support the actual back to work legislation, although I certainly hope they will debate it in earnest and keep in mind the larger public interest. However, what it will do is simply permit timely consideration of the Minister of Labour's bill. It is critically important, given the timing of what is happening outside this House. It is also important to know that this House is scheduled to rise in the next short while.

Given the seriousness of this situation, I would hope we would all make the public interest our first priority. I would ask all parties to give unanimous consent to this motion. From the agricultural products in the west and the automotive products in Ontario, to the forestry products in Quebec and the petroleum, chemicals and metals in the east, Canada depends on CN Rail's 20,000 kilometres of track.

Canada is a country founded on the railway. Since 1885, rail has driven our nation's economic engine. The railway has evolved with Canada and CN now facilitates a sophisticated commercial network, transporting inventory from domestic producers and international importers to consumers in Canada, the ports and our American neighbour to the south. Canada's transportation, in Canada 2008, in its statement "An Overview", illustrates the importance of Canada's rail network. In 2007, railways in Canada transported 66,766 tonnes in essentially six sectors, valued at more than \$94 million: the automotive sector, \$44 million dollars; the chemical industry, \$16-plus million; grains and fertilizers; metals; petroleum products; and pulp and paper. It has a far-reaching impact and far-reaching consequences to many.

I know the Canadian pulse industry, for example, is a world leader in the production and export of peas, lentils, chickpeas and beans, servicing over 150 markets each year. A strike would certainly affect that industry and what it is doing. It would certainly incur a lot of costs that would result in thousands, in fact, millions of dollars if it were to continue for a longer period of time.

Loss of earnings of that magnitude at a time when the downturn in the global economy has produced significant challenges for Canadian businesses, indeed, all Canadians, and the customers around the world, must be avoided. We must do what we can to bridge the gap to bring the two parties together to ensure there is a resolution so the trains can continue moving.

The reason for quick action, of course, given the time of year, the fragile state of the national economy and the serious economic impacts of a work stoppage, are all factors that must be taken into consideration. Businesses from across the country have expressed their concern about this strike. The 2007 strike at CN cost the economy millions of dollars a day. This is a price we simply cannot afford at a time when recovery from the global recession is still so tentative. CN moves thousands of carloads of material across its 20,000 kilometres of tracks every week. Some clients have no other source of transportation for their goods and rely exclusively on the operation of the railway network.

● (1235)

Most labour disputes are basically private matters between an employer and a union. They may affect the public in modest ways but not enough for Parliament to intervene in the collective bargaining process, even when there is an impasse and even when there are work disruptions. Such is the way things work.

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However, that changes when a strike or lockout has significant impacts on the national economy or the public health and safety. Then the right of employers and unions to sort out their differences through work stoppages must be balanced against the public interest. Many times, members struggle with the appropriate balance and it can be difficult to reach that balance, but a balance must be reached that takes into account these other interests. It is our responsibility to do that.

As I have said before, federal conciliators and mediators are working with the parties and have been in negotiations since June. The level of engagement has been high for many months. There have been a number of interventions. Mediators have literally been working around the clock since Friday in a last ditch effort to help find a formula that would bring an end to the work stoppage and pave the way for a new collective agreement but these efforts have not yet borne fruit.

The Minister of Labour has repeatedly offered, both publicly and in discussions with the employer and union representatives, to appoint an arbiter to resolve all matters still in dispute. This step, by law, requires the consent of both parties and, of course, this matter must be left in the hands of the parties to that extent.

The government has done all that it can do short of introducing legislation. We are always ready to help parties interested in reaching an agreement but sometimes an employer and the union are so far apart that no amount of mediation and support will break the deadlock between them or the impasse that may exist. There is always hope that will happen.

It is true that Parliament should only intervene in work stoppages where the national interest is clearly at stake. Our labour relations system is founded on the principle that employers and unions should be allowed to work out their differences as often as possible and the tool of back to work legislation should be reserved for exceptional circumstances.

Therefore, this motion is an appropriate motion that would allow this matter to be debated in the House in priority to other matters before the House recesses. It is an important issue, a national issue and an issue of national interest that must be disposed of by the House. This motion sets the framework for the House to engage in that debate in a concentrated and concerned way. It ensures that all members who wish to participate in debate on these issues of national importance are able to do so with a view to bringing the matter to a resolution because the parties are unable to do so.

This motion sets the stage for further critical debate that will in fact be launched in the time to come. It is a procedural motion. It is a motion that I would ask all parties in the House and all sides in this debate to support whether they are for or against a particular issue in the debate. It is the responsible thing to do. It is the kind of thing that Canadians would expect the House to do.

All Canadians will be watching with interest the debate that will go forward. All Canadians hope that parliamentarians will get together, notwithstanding party lines, to ensure that the framework is set through this motion to have this matter debated fully and extensively in the House and given the priority that it deserves.

● (1240)

[*Translation*]

Mr. Robert Vincent (Shefford, BQ): Mr. Speaker, I heard the hon. member repeatedly mention the national interest. I believe that this is a matter we should not become involved in.

Every corporation has the right to negotiate as it sees fit. CN is a private corporation. The collective agreement expired on December 31, 2008, almost a year ago. They have not yet been able to come to an agreement or to resolve their differences and sign a collective agreement. I imagine that this may be because of the bad faith of the employer who, once again, is protected by the government. When parties to an agreement are unable to find common ground, the government is told that it is a matter of national interest. As for the anti-scab legislation, successive governments have said that it was not necessary.

CN has every means at its disposal to continue operating. Therefore, I would like my colleague to tell us what good reasons he has to have the House resolve this dispute with a bill or other measure. It is important to say that if private corporations negotiate in good faith with their workers, results will be achieved. I would like to hear what my colleague has to say about that.

[*English*]

Mr. Ed Komarnicki: Mr. Speaker, as I said, certainly in matters of labour relations and in matters of negotiations, it should be left to the parties to bargain and to settle with the processes that are available.

However, we must remember that what the parties do here does not just affect the two parties. It affects people other than the two parties. It affects business, industry, a number of businesses and sectors that are outside of the parties who have a loss or an experience to take into account when the parties are not able to agree. It is regrettable that they are not able to agree.

I think everything should be done to facilitate reaching an agreement. We have done that, everything that is possible. At the end of the day, there must be a bigger picture that the parties are held to account.

When we look at the public interest and how this would affect the public, it would affect the public in a very serious way. When this member says that the parties should be left to their own, what would he say to the automotive industry, the chemical industry, the grain and fertilizer industry, the agriculture industry, the pulp and paper industry, and the forest industry, who are directly being impacted?

At some point we have to take that interest into account. I realize it is a balance, but at some point this House, this member, will have to balance that interest.

● (1245)

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I followed the discussion from the parliamentary secretary very closely. He describes what we are debating today as a procedural motion, and then continues to talk about the substance of a very serious labour dispute and the positions of the two sides in that dispute.

Government Orders

Let me just go back, first of all, to the procedural nature of the motion that is in fact in front of us. What we have here today is a motion being tabled by the government that is essentially assigning a time limit to the amount of time that members of this House can debate a bill that we have not even seen yet.

That is contempt of Parliament. It is contempt of the members of this institution. It is contempt of collective bargaining. It is contempt for the locomotive engineers at CN. Frankly, it is contempt of the safety of Canadian rail passengers.

The issues that are before us here today are serious issues. We are talking about collective bargaining, something that is recognized in UN conventions. It is recognized through the ILO. Canada is a signatory to those conventions. In fact, even the charter of rights, through its Supreme Court interpretation, now recognizes that collective bargaining is a fundamental right associated with freedom of association.

If those are guaranteed rights and the government is not above the law, the government has to respect collective bargaining. It does not do that when it signals that it is going to introduce back-to-work legislation. It takes away the incentive for management to bargain in good faith.

My question to the parliamentary secretary this morning is, and I need him to be very specific here, when did his government signal its intentions, its willingness, to bring back-to-work legislation before this House to the management at CNR?

Mr. Ed Komarnicki: Mr. Speaker, outside of providing mediators and conciliators facilitating the parties, we do not actually enter into the negotiation process with the parties. The member knows that.

The member knows that this motion is a procedural motion. The member knows, if she cares to read the motion, that it simply states from the first to third readings of the bill the House will not adjourn, except pursuant to a motion proposed by a minister of the Crown, the bill may go through all three readings in a single sitting, and then after being read a second time the bill will be referred to a committee of the whole.

The discussions and the debates can continue for a significant period of time. It gives the opportunity for the House to debate this issue and members can speak for and against the particular bill, but the fact of the matter is it is a matter that is important. It is a matter of national interest that requires the attention of the House and when it is put on the floor of the House it must be dealt with in priority to other matters that are happening.

Certainly, given the time of year and before the House recesses, the member would have to do the responsible thing and say before the House breaks this House needs to deal with this issue in one fashion or another, and it will take a vote of the House to deal with it.

That is what should happen and what needs to happen. Given that the parties are having a difficulty and have reached an impasse we need to put the process in place, we need to put the procedure in place, so the House can do what the House is elected to do and that is to deal with the national interest and an interest that significant to Canadians.

Hon. Maria Minna (Beaches—East York, Lib.): Mr. Speaker, I know that we are all concerned with respect to the disruption of the economy and the disruption to services with the strike, but I am also cognizant of the fact that we would rather not have the House act as arbiter and get involved in these situations, and for Parliament to make the decisions, but rather that the parties involved be the ones who work this out.

I wonder if the hon. member could tell the House this. I know there has been back and forth for some time and there have been some agreements on some things and not on some others. Could the member inform the House as to why the two parties are actually not continuing to negotiate? My understanding is that one side is not interested in going to arbitration but would like to continue the collective bargaining at the table.

Does the government feel that it is important at this point to bring closure rather than to give them more time to see whether they can come to some agreement at the table between the two of them rather than this venue. Could the hon. member explain that?

• (1250)

Mr. Ed Komarnicki: Mr. Speaker, there is no question that the preference is always, in our labour relations system, founded on the principle that employers and unions should be allowed to work out their differences as often as possible. We do not want to put the procedure in place that we are now proposing if we do not need to.

Certainly, the government has done all it can do to help the parties along that process short of introducing legislation. Without getting involved into negotiations itself, it is something that is not the position of the government to do. But it is also interested that the parties would reach a settlement if they can. If there is no amount of mediation or support to break a deadlock, and there is a deadlock, and there is a compelling reason to act, then we must act.

This is simply a motion that sets the process in place for the debate to take place in the House, for the fullness of debate, and as the other member mentioned, with respect to the legislation itself.

As the member may know, she may have pointed questions at that point as to the essence and the substance of the bill. That is not what we are discussing today. We are not talking about that. We are talking about establishing a process in the House that will allow for that debate to take place.

Hon. Maria Minna (Beaches—East York, Lib.): Mr. Speaker, this motion is the government's signal of its intention to move closure on a bill that is not yet before the House. This is a drastic measure which one would generally like to avoid because this is not the way that one would like to do business.

It is important to note that we have a motion in front of us, but we have not yet seen the bill. The House cannot give a definitive answer to the motion until it has at least seen the bill. We are debating a motion without knowing what the legislation would entail, and that is a major concern. Drastic measures are being taken and therefore it is important that we weigh them very carefully.

Government Orders

There is no doubt that all of us in the House are concerned about the disruption in the economy, the disruption of work, and the impact this will have on clients and all parties, including the locomotive engineers and the company itself. This will also impact on the relationship the company has with its employees and the relationship that the employees have with the company.

If both sides could come to an agreement at the table by themselves, it would augur much better for them to be able to have a relationship that would be much more stable in the future as opposed to some solution being imposed on both sides.

All parties need to keep their responsibilities in mind. The minister must ensure that everything possible is being done to ensure that the negotiations continue to take place between the two parties. In her role as minister, she must ensure that we find a workable solution. We must ensure that we all work together to avoid imposing undue hardship on the economy and on the people of Canada.

This is a particularly difficult time in our economy. There has been a lot of talk about the recovery of our economy. There are a lot of people in this country who are struggling and we do not want to cause them more undue stress.

All parties have an obligation. As I said, the minister has an obligation to ensure that the parties are talking, that there is an open line between them. At this point, it is important for all parties to go back to the table and continue the negotiations.

As I said before, it is important that we continue to keep in mind what the ultimate repercussions could be, but at the same time we must keep in mind the importance of maintaining an amicable relationship between employees and employer.

I understand that there are two broad issues still on the table, but there is a great divide on one of them. One of the issues is the money issue and the other is the hours of work or the mileage cap.

There is a huge divide on the mileage cap issue. My understanding is that the company is saying that it would go from 37 hours to 41 hours, and that is not a big shift. The union is saying that it would go from the current 72 hours, which is a much larger number, to 82 hours. This is a huge divide. This is a much bigger gap in the perception of the two.

● (1255)

We do not have the ability in the House to assess what the situation with the hours means and the impact they will actually have.

From everything I have seen and all of the discussions I have had thus far that the money issue may be easier to resolve, although I am not saying it would be easy or that it is unimportant. Certainly the union has indicated that it is prepared to go to arbitration on that issue. The disparity in the hours of work is a much bigger issue and that seems to be the issue at which we are looking.

Given this reality, the House cannot take one side or another on the specific issues that are at stake. I do not think it should be up to the Parliament of Canada or the members of Parliament in the House to try to weed out what the issues are in that area and the impact they

may have. However, the House should have presented to it an assessment of the impact they are going to have with respect to the agreements and the issues we are discussing today.

The minister at least needs to ask the deputy minister to do a thorough assessment on the impact of this. There are two very differing sides. As I said, the disparity is quite huge and I do not think the House is in a position to see that, but it is important for the House to know the impacts, to what extent they are real or not, where the truth is and where the reality lies.

It is important for the minister to look at these two dramatically different views and have her deputy or department do a proper assessment on the impact. That assessment should be reported to the House. In fact, if the minister intends to table a bill, which I understand this motion is about, she should put that information in the bill as well.

Before the House gets into debating the bill and finishing the debate on this motion, it should know what these dramatically different views are and the impact of them. A thorough assessment of them needs to be carried out, especially given the fact that it seems to be one of the major contentious issues in this discussion. I know that discussions continued until late last night. Hopefully, today there are still some discussions going on, although I do not know for sure, but we need to deal with these areas.

We are very concerned that this kind of issue does not take over the situation not only in the country but in the House. As I said, the concern is, yes, the fact that thousands and thousands of people in the country rely on transportation. Railways are the backbone, so to speak. I always call them the spine that connects the country and has connected it for many years. It is very critical and important to our economy and to the customers that use them.

We need to remember and keep in mind that there are collective agreement rights in the country and labour negotiations. Employees have rights as well. It is important that the two parties be allowed the time to negotiate and continue their discussions.

I again encourage the minister to bring to the House a thorough assessment of everything I have seen and all of the discussions I have had thus far with the minister and others. This area seems to be dramatically different.

It is important to note that the hours are a result of the increase in mileage. For my colleagues who may not know what that means, it is raising the mileage cap to 4,300 miles per month, which will increase the time away from home and average out to 82 hours per week, according to the union. The company's averaging is different. I think it is at 41. This is really important and it is a huge area that needs to be looked at.

● (1300)

It is important to note that strikes are never the way to go and they are never easy on our economy and on our country, especially in the sectors where a great many people are dependent on the goods and services that are delivered and provided. They are not the best way to go. They create a tremendous amount of negativity and bitterness sometimes and a toxic environment.

Government Orders

The last strike at CN by the conductors lasted about two months. They went back to work when back to work legislation was enacted. In this case I would like to see that not be the case. I would like to see the two parties involved get back to the table to really sort out their differences.

I understand we are debating a motion today, a closure motion, that would essentially put closure on the debate and on the process of the legislation that we anticipate we will see. Not having seen that legislation, I will not make a comment. This is somewhat premature, because we need to see what the legislation says before we can move forward.

I would ask the minister if she would, prior to all of this, ask her officials to do a proper impact assessment on the hours and to explain to the House what the differences are between the information we have received from the two sides and exactly what that means in terms of the impact on the employees and the employer and on the service as a whole. We do not know what this actually means, so it is important we get that information. I would hope to get that soon, because I think it would help us a great deal in our discussion.

I would like to finish by saying a couple of things. First, I would rather not have to take drastic measures such as this one. As I said, we have not yet seen the bill and I do not like this kind of drastic measure. Second, I understand that we all have to take responsibility, the minister as well as the company and the union, to ensure that people and the economy are not unduly affected. We need to ensure this happens and everyone has to take that kind of responsibility.

As I said, it should not be up to the House to make that decision. We should not be trying to figure out what side is where and who is doing what. It is not something on which Parliament should make a decision. It is better that it be decided between the two parties. That creates a much better relationship for the future, a much better environment and better labour relations than would be the case if the House got involved.

Finally, it is important that the minister table, if it is possible, the assessment I referred to earlier. It seems to me that those are the two major issues left on the table, one being wages. However, from what I have seen, the issue of hours and the mileage cap is the more serious issue. I would like to see the minister table that in the House as soon as possible so we can see what has caused the major concerns in this area.

● (1305)

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I listened very carefully to the member's intervention on the motion before us today. In some ways I am reminded of the comments made by the member for Toronto Centre on the issue of the HST, "I'm not sitting on the fence; I'm skating". In many ways, that is exactly the impression I get yet again on this issue from the Liberal member who just spoke.

She talked about how regrettable it was when negotiations broke down. Yet she in no way indicated whether she and her party would be voting in favour of the procedural motion now before the House, and perhaps it is premature, or the legislation that we are about to see this afternoon.

I remind the member and other members of the House that while, yes, technically we are debating a procedural motion today, in reality all the speakers so far have talked about the substantive issues at stake in the labour dispute between CNR and the Teamsters Canadian Rail Conference. Clearly, no matter what kind of substance the back to work legislation has, the issue is, in a principled way, are we for or are we against back to work legislation. It seems to me that is the issue we will be dealing with here over the next few hours, days, or perhaps weeks.

Has the member taken a position, now that we have a new Liberal leader in the House? Is this an issue where the Liberals will break the regrettable record that has marked their legislative career in the House over decades, where they always in the end supported back to work legislation? Could we now look forward to a time where, for the first time, the Liberal Party in the House will oppose back to work legislation and the motion that is before us today?

Hon. Maria Minna: Mr. Speaker, it is evident from the member herself. She has said that the legislation is not yet before us, that it is premature, but also more important, there are issues with which we have deal.

What I have said is negotiations are going on and I do not want to derail them by jumping all over the place. It is critical that the two parties, which have talked up until now, continue that conversation and resolve the issue among themselves. I do not really want to see Parliament have to make those decisions.

I do not think Parliament should have to get between this issue and, quite frankly, there is still time. I do not see why we have to rush anything. My understanding is there is still some talking going back and forth and I do not see why that cannot happen. I do not see why the House is going through this process when hopefully by the end of the day, the two parties will have resolved their issues and Parliament does not need to get in the way.

The other issue, which I mentioned earlier, is very important. It is relevant that the minister present to us an assessment of what the major concerns are. I would like to know the impact. What are the facts with respect to the differences they have on the hour and the mileage cap? That is very critical. Regardless of what happens, the House should know what that is. It is important and the disparity is far too wide for us not to know and not to ask what that is. We need an assessment from the experts because we do not have the ability to do that ourselves.

[*Translation*]

Mr. Luc Desnoyers (Rivière-des-Mille-Îles, BQ): Mr. Speaker, the Liberal member spoke of open lines, the right to negotiate and the fact that this is all premature. She appears to be opposed to the motion and therefore I would like her to elaborate a little more on her arguments.

● (1310)

[*English*]

Hon. Maria Minna: Mr. Speaker, what I have said is that we have collective agreements and there is a right to strike, and this is happening with the strike going on right now.

Government Orders

However, the collective agreement process is not entirely over. There were ongoing discussions up until late last night. My understanding is there is still some communication going on today. We are having a discussion here today on a motion, which we probably will continue to discuss in the next day, but also there is a bill coming forward which none of us have seen. I want to see the bill before voting on a motion.

We are talking about debating a motion regarding a bill that we have not seen. How can we be definitive on an answer regarding a motion when we have not seen the bill? It is a bit difficult to do that.

Some things are incumbent upon the government and the minister to do to ensure they parties at the table and to ensure some solution comes forward. However, the minister could help the House and help the two parties if there were a proper, independent assessment on the major points of contention. I do not have that information and neither do any of my colleagues, as far as I know, or a proper analysis and assessment of what that means. I would like to see that.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I know the member has been involved in the past. We have been here some 16 years and we have seen it before.

In fact, the position the government always has taken, regardless of where we have been, has been to support the collective bargaining process first as long as the parties are meeting in good faith and there is a prospect for progress to be made, provided however, and this is the area of the question, that the consequences of not reactivating a sector, whether it be the rail sector or any other, is not creating irreparable damage and consequences, it may be in the public interest to in fact take action.

Would the member comment on what we are doing right now? I think a lot of people may not understand that what we have before us is effectively a debate on closure of a bill that we have not received yet. It is very clever because it means at 2 o'clock this debate will cease and it will not be called back until after the legislation is brought in. Then the clock on the closure motion will already be ticking and we will be able to finish that off and put closure on a bill we have not even seen yet.

It would appear, in my estimation, that asking how we will vote on a bill that we have not seen yet is a premature question. In fact, this whole approach we are taking right now really is probably straining the rules of proceeding on back to work legislation discussions, simply by turning the process inside out and backwards.

Hon. Maria Minna: Mr. Speaker, the hon. member is absolutely right. We do need to keep in mind the impact a strike has on the country and on the economy, but we also need to keep in mind the importance of negotiations, of maintaining the right to strike and of maintaining the negotiations that are going on right now.

It is important to keep in mind that Parliament is being asked to act before it even sees a bill. I do not think we can give a definitive answer until we see the bill. It is like putting the cart before the horse, to some degree. I would like to see the bill. However, before I even see the bill, I think there are issues that the government can address and that I would like to see the minister address. That is what I am trying to get at.

It is my understanding, from what has been happening in the last week, that there are some outstanding issues, two major ones, and one is wages. However, the wages can be dealt with more amicably or under arbitration that the other issue of increasing the mileage, which is a much more contentious issue and the big deal breaker.

I do not quite understand why it is not possible to have information on that. I do not have an impact analysis for that and I do not think anyone in the House has one. We are getting two completely different reports from the union and the company as to what that means. Is it the long hours that the union is talking about, which is a huge thing, or is it the short hours?

The minister should be able to give us, through her office, a thorough assessment of what that means, what the impact is and what the reality is of those two negotiations. I look forward to seeing that information because I think that would help.

• (1315)

[*Translation*]

Mr. Luc Desnoyers (Rivière-des-Mille-Îles, BQ): Mr. Speaker, of course, the Bloc Québécois is currently against any motion that would restrict debate on a bill to implement back to work legislation for Canadian National strikers, since the Bloc Québécois believes that at this stage, such a bill is premature.

We would rather that the parties continue talks. As a number of my colleagues have mentioned, the parties are currently in talks, and the issues continues to evolve. It is important to keep up this pace of negotiations and continue to recognize a union's right to strike. The right to negotiate a collective agreement has been recognized for many years, was even recognized by the Supreme Court of Canada, and is also protected by the Charter of Rights and Freedoms.

For a number of years in Canada and Quebec, more and more collective agreements have been negotiated without strikes or lockouts. That is a sign of a radical shift in the past few years, and it is a sign that employers know they are better off sitting down at a negotiating table than sitting down and trying to have the government implement back to work legislation.

Long-term collective agreements have been negotiated for some years now. In many cases, agreements are negotiated every 5, 10 or 15 years. Now, imagine if we were to intervene in a case like this. Workers would not be able to protect their legitimate rights in the collective agreement, in order to significantly improve their working conditions or to change existing conditions, if changes are deemed necessary by one of the parties.

Employers now know that they must negotiate long-term agreements because everything changes quickly: technology changes quickly, and labour relations change quickly. Employers need to be more flexible and need to be in partnership with workers. It is more profitable for companies to work this way.

Government Orders

Thus, employers are changing their way of doing things, while the government is still in the same place, with back to work legislation that never fundamentally resolves the problems or the main issues in a collective agreement, because a third party is asked to resolve the problems. When a third party resolves the situation, labour relations between the parties are not based on mutual trust, and that does not help improve or strengthen labour relations.

I would like to quote Ron Lawless, who was the president of CN in the 1990s. What he said then still holds true today. Mr. Lawless said that government intervention in collective bargaining interferes with good business practices. In addition, back to work legislation and arbitration do not help the parties properly address the main issues. This sort of legislation prevents the parties from taking collective bargaining seriously.

The president of CN said that some years ago, and it could still apply today. This is a regressive law from a regressive government that persists in using this sort of legislation even though, a few years ago—I am thinking of 2004, for example—labour disputes at the federal level were settled without back to work legislation. There were strikes, but they were settled and the parties eventually reached an agreement. Today in those groups, management and labour get along well.

Regarding CN, in 2007, the Conservatives, who had come to power the year before, had already started introducing back to work legislation that benefited employers, but not necessarily workers.

● (1320)

But essentially, the problems are never resolved with this approach. Frustration and bitterness remain, and the parties are never able to build good labour relations.

Looking at the current situation at CN, we can say that labour relations have been unhealthy for some time now. It started in 2007, when the Conservative government passed the first law to force the conductors back to work. The union at the time was the same. The same labour relations problems exist today: grievances, disciplinary action, suspensions, layoffs. All the rules for implementing the collective agreement are being challenged in all their forms. How can healthy labour relations be established under such conditions?

Once again, this employer is expecting the government to pass back to work legislation and abolish the workers' right to negotiate a collective agreement. But the right to strike is recognized as a fundamental right. What is happening is that employers like CN are sitting back and waiting for the Conservative government to legislate employees back to work.

Let us take a look at other CN groups. Labour relations were starting to get established. The 2004 strike was settled after 30 days and activities were resumed. I am referring to the carmen and other tradespeople. I am not saying that everything is resolved, but the two parties began working together to establish good relations.

CN's collective agreements have a long history and they allow problems to be resolved. Significant precedents have been built up.

In the matter before us, CN has taken every measure possible to exert pressure on the engineers. It now wants to force them to increase their hours of work, even double them, which is more than

the Canadian average. It wants these workers to do more for less, which would put lives in danger.

For decades, the current system has never been challenged. Today, that is what CN is doing. It wants to use the Conservative government for its own purposes, namely to increase the hours of work of the engineers who drive the locomotives.

Earlier the parliamentary secretary spoke of the economic crisis, saying that this will cause significant losses. I do not know where he is getting his information from because we were told that CN has been training its management and a large group of non-unionized employees for months in order to maintain over 60% of its service.

Canadian Pacific, which has two parallel lines all across Canada—one is CN's the other is CP's—could cover the other 40% of the service CN claims not to be able to provide.

Let me take this even further. There are truck drivers who can step in, not to mention the short lines in the regions that can be used to serve the Canadian public. For the Montreal region, for example, AMT signed an agreement and passenger service is still running, such that we now have roughly 120% service.

Given all these possibilities, I wonder why the Conservatives think there is a crisis and a need for additional service. We have to allow the negotiations to continue in good faith between the parties and force them to agree on a collective agreement.

● (1325)

As I mentioned earlier, that is not what we are doing. We are telling them that every time they go to negotiation they will get legislation. This type of legislation has reappeared significantly since the Conservatives came to power in 2006.

Earlier, I was talking about various strikes. I will digress for a moment. Services do not require back to work legislation. According to CN, and based on existing options, service will be maintained. In 2004, a strike was settled after 30 days. Since that time, working relations have been different but some things have been resolved. In 2007, after the arrival of the Conservatives, there was the dispute with the conductors and a law was imposed after two weeks. The bitterness remains. When the same people involved in a disastrous conflict are seated around the negotiating table for months and months, mutual trust will disappear and it will be difficult to rebuild it. It rarely happens. That type of situation requires mediation and conciliation. I have always said that, if necessary, it takes an army of mediators and conciliators.

Government Orders

It has been proven in the past that it is possible to resolve disputes, to move things forward. Also, progress has been made. On Friday, they were saying that there would be no arbitration. Today, they are talking about arbitration for some aspects of the collective agreement. There has been progress.

Why would we want to stop these negotiations after three days? That is the Conservative practice, which they applied in 2007. They stopped negotiations. That did not improve employer-employee relations, which remain strained to this day. If we look at the Conservative approach to employee support, for example, in the auto sector, we see they wanted to impose wage cuts. I am not quite sure that it was in the workers' interests. Fortunately, the union found other solutions.

With regard to collective agreements in the federal public service, where there have been significant cutbacks and the erosion of pay equity, I am not sure that it is a pro-worker approach. The Bloc Québécois' Bill C-395, to exclude the employment insurance waiting period in the event of a work conflict, was also rejected.

Given all of these stances, which are not pro-worker, it should come as no surprise that we are considering back to work legislation today, but unfortunately, not for the right reasons.

That is why the Bloc Québécois will not vote in favour of the motion and will not support such a bill. We have to make it possible for these CN workers—like the other CN workers who were able to participate in good-faith negotiations between the parties—to resolve the existing issues between the parties. This is not just about resolving economic and salary issues. This is also about using these collective agreements to resolve grievances and the issues arising from these grievances and coming up with a labour relations framework to resolve these issues.

Imposing legislation like what has been proposed ignores all of these issues. Of course, the Conservatives have been accustomed to doing that for some time. They ignore the issues, and when it comes to labour, they have been doing that for a long time, and been standing in the way of resolving problems through collective agreements.

● (1330)

Nothing was resolved in the federal workers' collective agreement. There are ongoing talks with employees under federal jurisdiction, federal government employees in particular, and the issues are not being resolved. The same thing will happen with the rail sector and CN.

These are the reasons why we intend to vote against this motion, which is premature.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I thank the member for his strong statement on behalf of labour. At this point in time, the arguments resonate very strongly everywhere in this place except on the government side. It would appear that we are in the process of debating closure on a bill that we have not seen yet, which does not seem to show good faith by the government. Therefore, I suspect that it is not really showing good faith with regard to the prospects of negotiations being successful.

Wages are an outstanding matter on which they are not that far off. However, there is a very significant disparity between them on the hours and the mileage cap. This is concerning. It should be concerning to parliamentarians as well. The previous speaker from Beaches—East York laid out a reasoned argument that parliamentarians should get a comprehensive assessment from the Minister of Labour as to the facts and details.

It sounds eminently wise for us to determine what the prospects will be for progress in the negotiations.

I want to thank the member for his input, but I hope he can give us some words of wisdom with regard to how we can proceed to make sure there is a good faith resolution to this problem we have.

[*Translation*]

Mr. Luc Desnoyers: Mr. Speaker, I thank my hon. colleague for his question.

There is no doubt that negotiations are all about the balance of power between the parties. Every time they sit down at the bargaining table, the parties know what is at stake and are well aware that sooner or later the issues will be resolved, which will advance their respective interests and improve labour relations.

We have seen what has been happening at CN since 2004 and just before that. Strangely, there was no back to work legislation with the airlines and the air traffic controllers, yet everyone managed to resolve their issues. People trusted that the collective bargaining would be in good faith.

Then in 2007, we saw the first back to work legislation. Thus it began. Trends began shifting in major sectors. Here again today, we are faced with a bill that shows a distrust of both parties, that suggests that they do not need to make any effort or take negotiations seriously, that legislation will be passed and everyone will be happy.

I am not convinced that people will be happy when they realize that this back to work legislation tends to weaken labour relations. The main issues, which are normally resolved at the bargaining table, will not be settled.

● (1335)

[*English*]

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I particularly welcome hearing my colleague say that right now there is absolutely no service disruption with respect to CN Rail. In fact, as members of the House may know, one of the ironies is that CN has some of the commuter lines in and around Toronto, and it was the union that had to take management to court to actually keep those lines open. It was the union that ensured that passenger rail service and commuter rail service were there for people in and around Montreal this morning. I want to congratulate the Teamsters on having taken that step.

Government Orders

Management is trying in every way possible to create a scenario of urgency for us in the House. That urgency, frankly, does not exist right now. The only urgency I have heard the government speak about, apart from hypothetical scenarios that might evolve some time down the road, is the parliamentary secretary twice referring to the fact that the House is scheduled to adjourn in two weeks. I have to say, as happy as I am that Santa is coming soon, I do not think we should be deliberating on things as important as serious labour negotiations in this country based on some arbitrary deadline set by the House, even a deadline that may be just 10 days away. I know that I and my colleagues in the NDP are very happy to stay for as long as we must to get the business done for the people of Canada.

I wonder if the member from the Bloc would comment, because I am sure he shares our commitment to being here on behalf of working people in Canada.

[*Translation*]

Mr. Luc Desnoyers: Mr. Speaker, as I said earlier, negotiations should not be interrupted once they have begun.

The various parties are still talking and progress is being made. If there is any chance they can resolve it themselves, we must let them do so. Of course they must be given all the necessary tools, such as a team of mediators or conciliators. They must be given even more tools, in order to solve this problem and ensure healthy labour relations in the years to come. I think it is premature to move this motion in the House of Commons, considering the progress that has been made.

I agree with my hon. colleague. We will take the time needed to debate it and allow people to negotiate, in order to get an overall picture.

[*English*]

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, I would ask my friend across the way a question as it relates to rail service, specifically the rail service for those communities that are very dependent on lumber revenues. I am hearing this morning from a number of the mills in my riding that they are fearful they will not have service that is essential to their companies and mills continuing to work. As a matter of fact, we are hearing anecdotes and are getting evidence even this morning that service has dropped and, in some cases, is being discontinued.

I was just contacted by a company that is hanging on by its fingertips because of market conditions and that is stating that if it is not able to ship its product this week, next week and the following week, it will have to shut down, which may be the end of the company. As a matter of fact, things are so tenuous and perilous at this point within the lumber industry that if its existing problems are compounded by transportation issues, these companies will go out of business.

I know the hon. member has an understanding of the forestry sector. I wonder if he can send out words of encouragement to the sector, but also indicate where he stands if in fact this starts to impact the forestry sector in Quebec as well.

• (1340)

[*Translation*]

Mr. Luc Desnoyers: Mr. Speaker, I thank my colleague for his question.

We have spoken with the Conservative minister and other stakeholders. Right now, CN says it is prepared to continue to provide 60% to 70% of services. As I said to my colleague opposite, since he comes from a region served by the railway, Canadian Pacific also has parallel railways, which makes it possible to serve these communities. There are also short lines—regional lines—and truck drivers.

CN is able to provide close to 70% of services to the communities, unless what I have heard is so much nonsense. If CP provides 20%, the short lines provide 10%, and the truck drivers provide 10%, we will reach 100%.

If we can use these other services fully, we will be able to offer 110% of services to the communities.

[*English*]

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I rise today to speak to a motion that seeks to limit, in a very draconian way, the length of time the House of Commons can deal with a bill that we have not even seen yet. This is not only absurd but it shows contempt for the institution of Parliament, for members of Parliament, for labour laws in this country and for the safety of both locomotive engineers and Canadian rail passengers.

All we know is that some bill will be introduced sometime this afternoon that will be back to work legislation. Therefore, I must focus my comments on the issue in general, rather than the specifics, because we have not yet seen the legislation.

I want to be clear from the outset. New Democrats will not be supporting this draconian measure to end the labour dispute at the Canadian National Railway.

I will begin by laying out the principles behind our position, and it is the principled position. We once again find ourselves in the position where the federal government is violating Canada's international labour obligations by calling on Parliament to end a legal labour dispute. We have a duty, as a country, to honour the conventions and treaties that our governments have signed over the years with both the United Nations and the International Labour Organization.

The current Conservative government is behaving in the same old discredited way that governments in the past have behaved by violating our international obligations to respect the rights of workers.

In the last 25 years, the federal government alone passed 15 pieces of back to work legislation. Oftentimes, this legislation not only forced workers back to work after taking strike action, but also arbitrarily imposed settlements on the striking workers. This makes an absolute mockery of Canada's signature on international labour and human rights conventions and treaties.

Government Orders

It is not like collective bargaining is a flawed process. Eighty-five per cent of the time it works without a work stoppage. It works for both parties.

I want to take a step backward because I suspect some of the viewers who are watching the proceedings in the House right now may not fully understand the background to the current debate, so I will take moment to fill them in.

At issue is the government's intention to end a legal labour dispute at CNR through back to work legislation. I do understand those who are concerned about the economic impact of the strike and the need to get our freight moving. However, we need to understand from the very outset that the collective bargaining process is about two parties. This is a negotiation process whereby two parties try to arrive at an agreement that they will have to live with day in and day out for the term of the agreement.

For the people who work in rail and the people affected by this collective agreement, workplace issues come up from time to time over the course of days, weeks, months and even years and there is only one opportunity for those concerns to be addressed in a democratic fashion, and that is through their elected representatives in the bargaining process. The representatives take the concerns to the bargaining table and, in a meeting of equals, representatives of both labour and management try to resolve their differences. This is a process that is defined by law. It has been defined over a period of decades and, indeed, generations. The rights that are enshrined in the collective bargaining process are rights that people have fought for. They were not just given by a government or by the employer. These were rights that people had to organize and fight for, and sometimes they were terrible fights, in order to achieve that basic opportunity to sit down with the employer, to raise the issues of the day and to resolve those concerns in a democratic fashion.

Usually when there is some kind of dispute in bargaining, the focus of the media, and therefore the public, is automatically on wages and they become the central issue. Yes, wages are often a part of the concern but they are rarely the entire concern. Issues that are negotiated include wages, benefits, working conditions, relationships in the workplace, particularly in terms of how disputes will be addressed, and how concerns will be dealt with. As part of the working conditions, the most important are those of the health and the safety of the people who work in a given environment.

However, when a government comes with ham-fisted back to work legislation, it pushes the democratic process off the table and, instead, it imposes a solution. Yet, when agreements are imposed, whatever the method of the imposition, they often end up being less satisfactory than if they had been negotiated and agreed to by both parties. That leaves unresolved issues to fester, regardless of whether they are issues on the side of the employer or on the side of the workers.

● (1345)

Collective bargaining is a *pas de deux*. It, is or at least ought to be, a negotiation between two parties that both wield power in the process.

The employer, of course, has a great deal of power in the workplace. Employers decide who to hire, who to fire and who to

promote. In addition, employers decide what their product or service will be, how they will manage that product or service and what equipment they will invest in. They decide the advertising and how they will market their products and services.

For people who work for the employer, the only opportunities they have to give their input and to exercise their rights in the workplace is through the collective, through collective bargaining. The power that workers bring to the table is the ability to withhold their labour. That is the counterweight to the immense powers held by the employers. It is the tool that provides the impetus for negotiations at the bargaining table.

When the government steps into that process by bringing in back to work legislation, it undermines the democratic legal rights of the people in the workplace. It is a heavy-handed or, as I said earlier ham-fisted way of forcing a resolution to a legal dispute that ought to be resolved between the two parties at the table.

What is worse, when the government prospectively signals its willingness to proceed with back to work legislation, it removes any incentive for the employer to participate in the bargaining process. That is exactly the situation that has evolved in the current dispute between the Teamsters Canada Rail Conference and the Canadian National Railway.

Having learned from past experience that the Conservative government is not likely to allow a rail strike to continue, CNR has been able to inappropriately use Parliament to abrogate its responsibilities, *vis-à-vis* the teamsters union, and the right to collective bargaining. It is an absolute disgrace.

I am not sure whether I am more disgusted by CN or by the government for allowing itself to become CN's patsy. There was absolutely no need for this to happen. My goodness, the government gave notice of its intention to table back to work legislation when the strike was less than 12 hours old. How bizarre is that when, in another labour dispute at the Canadian Museum of Civilization and the Canadian War Museum, workers have been on strike for 72 days and the government has idly stood by washing its hands of any responsibility.

Nothing illustrates more clearly the significance of placement in the economy. There certainly is no consistency in the government's action on labour relations.

All through bargaining, CN has been able to use back to work legislation as a bargaining chip in order to move the union off its issues but, thankfully, the teamsters did not care because at stake is nothing less than worker safety and railway safety. I am glad to say that the teamsters did not cave.

A few years ago, Transport Canada released a study highlighting serious concerns in rail safety. Top of mind was the slew of derailments that had occurred. I remember one period in 2007 when there were seven derailments in just over two months.

On January 8, 2007, 24 cars of a 122-car freight train derailed at Montmagny, Quebec, 60 kilometres east of Quebec City. On January 14 of the same year there was a derailment near Minisinakwa in northern Ontario dumping more than 30 cars, one containing paint supplies, into the water.

Government Orders

On February 28, 2007, hydrochloric acid spilled from cars on the CP Rail line that went off the tracks in the Kicking Horse Pass canyon.

On March 1, 2007, a CN freight train derailment in Pickering disrupted VIA service on the Toronto-Montreal-Ottawa corridor and commuter service into Toronto.

On March 4, 2007, grain was spilled near Blue River, British Columbia, two hours north of Kamloops, when 27 cars on the westbound train fell off the track.

On March 10, 2007, rail traffic along CN's main freight line through central New Brunswick was disrupted until the next day by a 17 car derailment in the Plaster Rock area.

On March 12, 2007, 3,000 VIA passengers had to board buses on the first day of the March break after train service in the Toronto-Montreal-Ottawa corridor was disrupted after a CN freight train derailed near the station in Kingston. That was quite a sorry and quite a high profile record for such a short period of time.

Suffice to say that when workers argue that there needs to be improvements to rail safety, they certainly have empirical evidence to support their concerns.

• (1350)

Among the solutions to improve rail safety and security are things like improved maintenance, better track conditions and better rolling stock conditions. Another part of the solution is related to staff. On most trains, which can be anywhere from a few to 100-plus cars, there are two workers. There is an engineer and a conductor. We have two people running a train who are responsible for cars that are 130 tonnes each, in terms of loaded freight cars, and engines that are capable of producing anywhere from 3,000 to 5,000 horsepower.

The safe operation of these trains rests in the hands of two people, the conductors and the locomotive engineers. The engineers are represented by the Teamsters Canada Rail Conference and they are the ones who are on strike against CN. The reason they went on strike was to fight for improved railway safety. CN wanted to raise the monthly mileage cap by 500 miles to 4,300 miles. That would require some locomotive engineers to work seven days a week with no time off. Talk about undermining the safe operations of our railways. The teamsters are determined to resolve these safety concerns at the bargaining table.

Are we here in this House going to deny them the right to resolve issues that put their very lives at risk? What right do we have to do that?

Let us make no mistake about it, the implications of the health and safety issues at stake here are enormous, and not just for the railway workers themselves. They are enormous because health and safety issues in the context of rail travel have the potential to translate into serious threats to the travelling public. Even more broadly, they pose considerable threats with dire consequences in the event that failed health and safety practices result in train derailments and in spills of toxic chemicals. They literally can affect not just families who are living immediately adjacent to rail lines but whole communities that have railways passing through them or running nearby.

These are serious issues. I obviously do not know them as well as the engineers themselves but that is why the process of collective bargaining works so well. The two parties, which know the workplace best and know the issues and concerns best, may come at them from a different perspective in the bargaining process but they have to sit down and hammer those issues out and come to a mutually agreeable solution. That is how we best protect the safety of both workers and Canadians at large.

We all have a vested interest in the outcome of these negotiations and because of that we all have a vested interest in the process for arriving at solutions. The government has tried to minimize the safety impact by focusing almost exclusively on the economic impact of this labour dispute. Yes, the continued transportation of goods is important but it needs to be the safe transportation of goods to have an economic benefit. The economic consequence of a derailment, for example, is profoundly negative and its cost may be measured not just in dollars but in lives.

We have an obligation to mitigate against those circumstances. We cannot sacrifice safety to the bottom line. It is only through collective bargaining that we will arrive at the proper balance. If, through that process, we can address some of the safety and infrastructure concerns of the railway system, then it will be good for the economy too.

In the brief time that I have remaining, I will speak to the issue from one last perspective. CN as a whole used to be a key part of our national identity. It was part of our history, our tradition, our heritage, linking this country together from sea to sea and it was a symbol of our greatness. Sadly, that symbolism and the pride we felt in what truly was a national institution has deteriorated badly since it was privatized and sold off.

I remember when Mr. Gordon Rhodes, who was a long time locomotive engineer and the only survivor of one of the most egregious accidents where two CN employees were killed due to CN's more safety management practices, was at the transport committee in 2007. I remember him saying this in his testimony:

I'm not American, I'm Canadian, and I used to be proud to call my company Canadian National Railroad back in the 1980s. Now I'm not even allowed to do so. I'm supposed to say CNR. What's this?

I would encourage all members of this House to go back and remind themselves of Mr. Rhodes' testimony before they vote on the bill that is before us today. He spoke to what should be important to every member of Parliament here, and that is the safety and the continuation of our rail system and not allowing CN management to decide what the rail system is going to look like. He said:

Statements by Members

●(1355)

—CN has gone in the opposite direction. They're very adversarial. I call it the poisoned work environment, because that's what it is. Nobody wants to go to work there. Everybody's counting the days, the months, and the years until they're gone, until they're out of there. That's not the way it was...The way I look at it is this: CN is a big multinational corporation with railways going from Mexico to Canada; they have bought and absorbed many railways into their system, and they're experts at doing that. The problem here is that they absorbed one railway they had no expertise in. They thought they did, but they don't. Their arrogance is what happened, in the sense that they came in and took our GOI, general operating instructions, of probably some 50 years of railroad knowledge on how to run trains on that track, but they were going to do it their way because they wanted it all homogenized. They wanted it all one way, and that was it. They didn't listen to anybody, but just plowed ahead with their system.

Referring to American management, he said, "They're telling us how they're going to run things", and then he made an impassioned plea to the government and to members of Parliament. He said, "I think it's time you guys tell them how it's going to be run".

That was part of the message from Mr. Rhodes, the only survivor of one of the many accidents that CN has had. On behalf of the locomotive engineers, he was saying that we have to help them. Communities are being devastated, environments are being destroyed, lives are being lost, and we as parliamentarians have to help.

However, instead of responding to that call to action, the government is saying that it does not care about the employees. It is not going to address the safety issues. It does not care about the communities that are being devastated. It certainly does not care about the shipping problems that happen as a result of the devastation of these derailments, collisions, fires and explosions. It is not going to address any of those issues.

It is going to toss the entire weight of the government behind a plan to simply hand a blank cheque to CN management. That is not good enough. It is not good enough for rail safety in Canada, it is not good enough for protecting labour rights in Canada, and it is not good enough for the NDP in Canada.

I would urge all members in the House to join us in opposing this draconian piece of government legislation, stand in solidarity with the members of the Teamsters Canada Rail Conference, and stand up for the values and principles on which our country was built. It is a vision of Canada that is worth fighting for.

Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC): Mr. Speaker, I want to quickly address a question to my NDP colleague.

Not in this instance but in the future, for industries like rail and grain handling, would she be in favour of final offer binding arbitration which would allow the two sides to go to an independent third party to arrive at a conclusion, so that people like those who own lumber mills and need supplies for Christmas would not be fundamentally put out of business as a result of a strike like this? Would she be in favour of exploring the possibility of final binding offer arbitration?

Ms. Chris Charlton: Mr. Speaker, I am not really sure why the member is asking me a hypothetical question when labour rights are of course enshrined in UN conventions. There are ILO treaties. We have signed on to those laws. Canada is a signatory. This is a government that constantly says it is all about law and order. I would

encourage all members of the government to actually stand up for labour laws. Those are laws as well and they cannot just be conveniently ignored by the government.

●(1400)

The Acting Speaker (Mr. Barry Devolin): I must interrupt the debate. The hon. member will have eight minutes remaining in the questions and comments period when we return to this matter.

STATEMENTS BY MEMBERS

[English]

VETERANS

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, this year Maple Leaf School, located in my riding of Kildonan—St. Paul in Winnipeg, Manitoba, took time to honour Canadian veterans in a very special manner.

I was so proud to be present on November 10 as the principal of Maple Leaf School, Mr. Victor Kuzyk, teacher Brent Willows, and the students unveiled the Lest We Forget Wall of Remembrance.

This historical wall includes pictures, posters and wartime artifacts that will make a lasting impact for generations to come.

The students at Maple Leaf School were motivated by a desire to support a greater understanding of Canada's role in wars present and past, encourage greater appreciation of the sacrifices made by Canada's soldiers, and raise awareness of the impact of war on children and their families.

I want to thank principal Victor Kuzyk, the teachers, and students of Maple Leaf School for their remarkable efforts toward such a noble cause. I encourage all schools across our great nation to follow the example set by Maple Leaf School.

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[Translation]

FIREFIGHTERS

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, last Friday, I had the honour of awarding federal Governor General's medals to three firefighters in my riding during a dinner to mark the occasion. Robert Grondin, Laurent St-Cyr and Jean-Luc Michaud were recognized for 20 years of service with the Edmundston fire department.

In addition, Mario L'Italien and Claude Campagna received the provincial fire marshal's medal for 25 years of service.

Firefighters are essential to our communities. Their hard work and desire to help make people feel safer. They have huge responsibilities, but their undaunted courage gives our communities the sense of safety and trust they need.

Once again, I would like to congratulate and, more importantly, thank these five firefighters whose years of service were recognized on Friday.

I have tremendous respect for the work you do. You make everyone in the riding of Madawaska-Restigouche proud.

Statements by Members

Thank you for everything you do in our riding.

* * *

MONTREAL ALOUETTES

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, in their fifth Grey Cup appearance in six years, the Montreal Alouettes once again won the coveted trophy, crowning them the best team in the CFL after beating the Saskatchewan Roughriders 28 to 27 at the last possible second.

Indeed, with only five seconds left on the clock, the Montreal team, which was losing 25-27, was given another shot at a field goal after its opponent was penalized for having too many players on the field. However unexpected and completely spectacular, that is how the Montreal team came out victorious.

There is no denying that the Alouettes had quite a season, with a record of 15 wins and 3 losses. In addition, nine Montreal players were chosen to play on the CFL 2009 all star team.

On behalf of my Bloc Québécois colleagues, I would like to congratulate all the players and the entire coaching staff, led by Marc Trestman. They have proven, as never before, that it is not over until it is over.

* * *

[English]

POVERTY

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, more than a quarter of a million seniors in Canada are living in poverty today. However, the good news is that something can be done about it. For about \$700 million a year we could put an end to seniors poverty, ensuring that no senior lives below the poverty line.

This could be done by an immediate increase to the guaranteed income supplement paid to seniors. We need a guaranteed income supplement that would actually guarantee an acceptable standard of living.

New Democrats believe that seniors deserve to live with dignity rather than in poverty. In my own province of Newfoundland and Labrador nearly two-thirds of seniors rely on old age pension and guaranteed income supplement benefits as their sole source of income. Think of the great step forward it would be for them and for seniors across the country, and for Canada as a whole to put an end to seniors poverty.

We call on the government to improve the guaranteed income supplement and bring an end to seniors poverty now.

* * *

• (1405)

[Translation]

MONTREAL ALOUETTES

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Mr. Speaker, yesterday evening, the air was electric as the 97th edition of the Grey Cup took place. For many people, it was an opportunity to spend some quality father-son time or get together with family and friends.

Like their fans, the Montreal Alouettes headed to Calgary hoping for nothing less than to win a seventh cup, which they did, thrilling supporters by bringing the Grey Cup back to Montreal.

The game was dramatic and exciting. In the fourth quarter, it looked as though the Alouettes would go down to defeat, but a stunning turnaround gave the team the chance to battle back and win.

I also want to congratulate the members of the Saskatchewan Roughriders on their competitive spirit. The final score, which was a close as it could possibly be, proves that you must never lose hope, because perseverance paid off for our Alouettes.

See you at the Grey Cup parade this week.

* * *

[English]

FERTILE FUTURE

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, it gives me great pride to rise in the House today and speak about Fertile Future, a cause embraced by a great friend of the House and friend of mine, Heidi Bonnell, who is a survivor herself, and has again had a few challenging weeks this fall. Our thoughts and prayers have been with her.

Every year, at least 10,000 Canadians between the ages of 20 and 44 are diagnosed with cancer. An estimated 80% of them will survive. Fertile Future, a Canadian charity, works to provide these patients and oncology professionals with vital information about fertility preservation so that young cancer patients can have the fullest life possible after the disease. For many patients, this life includes being able to have biological children.

I invite all members of the House to join me in congratulating the first ever Hope Live event committee for its hard work in support of Fertile Future, an event to be held tonight at the GCTC here in Ottawa. Hope Live is honoured to have members of the Parliament Hill community gather with Newfoundland stars and national private and public sector leaders to support this great cause to provide hope.

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BROADCAST HALL OF FAME

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, this evening the Canadian Association of Broadcasters will induct eight new members into the broadcast hall of fame, honouring the women and men whose contributions have demonstrated an extraordinary commitment to excellence in private broadcasting.

I urge the House to join me in congratulating: Rob Braide from Montreal; Michel Chamberland from Bromont, Quebec; Terry Coles from Calgary; the late Charles Dalfen, former CRTC chair; Lyndon Friesen from Steinbach, Manitoba; Sidney Margles from Montreal; Tony Parsons from Vancouver; and Sandy Sanderson from Toronto.

Statements by Members

Tonight's reception will provide an opportunity for industry and government to celebrate the exceptional accomplishments of these outstanding individuals. We congratulate them all.

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[Translation]

WORLD AIDS DAY 2009

Mr. Luc Malo (Verchères—Les Patriotes, BQ): Mr. Speaker, more than ever on the eve of World AIDS Day 2009 it is important to continue raising awareness about this disease and to fight the prejudice and complacency surrounding HIV-AIDS.

In Canada, it is estimated that between 2,300 and 4,500 new cases of HIV are reported every year. In 2005, the total of infected persons stood at between 48,000 and 68,000. Roughly 27% of people do not know they have contracted the virus.

Among those infected, we should note that the number of heterosexuals and women, particularly those aged 15-19, is on the rise.

It is important to fight prejudice, which not only deters people at risk from getting tested, but which also contributes to the stigmatization and isolation of those infected. We have to continue to raise awareness because although treatments are extending the life expectancy of people who are sick, the fact remains that this is an incurable disease.

Today the Bloc Québécois wants to commend the efforts of all the agencies that work so tirelessly on this issue.

* * *

[English]

NELSON LEESON

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, last Thursday we learned of the passing of Nelson Leeson, president of the Nisga'a Lisims government.

Mr. Leeson was a strong leader and visionary who distinguished himself serving his people. He worked tirelessly to close the social and economic gaps between aboriginal people and other Canadians. He was at the forefront of treaty making in British Columbia and he was instrumental in negotiating the Nisga'a final agreement, the first modern treaty in B.C.

Earlier this month, the Nisga'a membership ratified a national precedent-setting private land initiative on Nisga'a settlement lands, which Mr. Leeson promoted. His contributions to the implementation of modern treaties in Canada will be missed.

On behalf of the Government of Canada, I extend my deepest sympathies at this difficult time to the family, friends and colleagues of Mr. Leeson. Our thoughts are with Mr. Leeson's family and the people of the Nisga'a Nation.

●(1410)

[Translation]

GILLES CARLE

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, last Friday we lost one of the pioneers of Quebec cinema.

Gilles Carle devoted his entire life to his passion and left behind a body of work that resonated with entire generations. He began making movies in the early 1960s and his work includes dozens of feature films which celebrated and paid tribute to some of his favourite themes, including rural life and the lives of everyday people.

He received many awards and distinctions, including the Prix Albert-Tessier for his contribution to film and the Governor General's Award.

His talent and reputation know no boundaries. He was a giant among giants.

Gilles Carle suffered from Parkinson's disease for a number of years. His partner, Chloé Sainte-Marie, was by his side throughout his long battle. She showed extraordinary courage and devotion. We offer our most sincere condolences to Ms. Sainte-Marie and their family. Farewell Gilles Carle, you will be missed.

* * *

GILLES CARLE

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): Mr. Speaker, we were saddened to learn of the death on Saturday of Gilles Carle, who passed away in Granby at the age of 81 after a long battle with Parkinson's disease.

A member of the Order of Canada since 1999, Mr. Carle is seen as a pioneer in Quebec cinema. This true cultural ambassador made more than 60 films, including *La mort d'un bûcheron* and *Les Plouffe*.

Mr. Carle represented Quebec a number of times in Cannes, a sure sign of the calibre of his work.

We will never forget Mr. Carle, whose films represent a rich legacy for Quebec.

We offer our condolences to his devoted partner, Chloé Sainte-Marie, to his family and to the friends who stood by him faithfully during his illness.

I would like to thank Gilles Carle for his incredible contribution to Quebec cinema, and for the lasting impression he made on Quebec culture.

Statements by Members

[English]

AIR PASSENGERS' BILL OF RIGHTS

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, last week the United States transportation department imposed the first penalties in North America for tarmac delays, collecting \$175,000 from three airlines, including Continental Airlines, for leaving 47 passengers stranded on a plane for six long hours in Rochester, Minnesota. This sends a clear signal to the rest of the airline industry that companies must respect the rights of air travellers in the United States.

A week ago, the European Court of Justice in Luxembourg ruled that passengers are entitled to compensation for flight delays, the same as for cancellation and overbooked flights under the air passenger rules that have been in place in the European Union for the last five years.

Will Air Canada and Air Transat stop flying into the United States and Europe because of fear of these new penalties?

When will the government get out of the pockets of the airline industry and support Bill C-310, the air passengers' bill of rights?

* * *

[Translation]

CANADIAN MILITARY

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, following the Liberals' ugly attacks on the men and women who protect our country, our Prime Minister defended our soldiers, but the opposition leader quickly denounced the expression of support for them.

Our Prime Minister said that Canadians from coast to coast are proud of our soldiers and support them. Apparently, his words angered the opposition leader, who seems to think that the Prime Minister's Office has no place defending soldiers. But is it the Liberal Party's place to attack our soldiers?

The Liberals even used allegations against our soldiers to raise funds for their party. That is shameful, and the Liberals should apologize.

Liberal members need to understand that Quebeckers and Canadians are proud of our courageous men and women in uniform.

* * *

GILLES CARLE

Mr. Daniel Pailé (Hochelaga, BQ): Mr. Speaker, Gilles Carle has died. I knew him. He left Quebeckers a huge body of work that is truly their own.

I would like to pay tribute to this unique Quebec filmmaker, painter and poet who had an indomitable imagination and a wealth of talent.

A body that became a prison slowed him down and his heart eventually failed him, but his creativity remains.

It used to be impossible to talk about her without him, and now it is impossible to talk about him without her.

I would like to pay tribute to my friend Chloé.

She fought tirelessly to make others understand that as long as a heart is living, it wants to beat near loved ones, surrounded by love.

The Maison Gilles Carle, a model of social solidarity, will survive.

I will conclude with the words of Gilles Carle, as sung by Chloé:

The candle of life is burning.

Our time is running out.

Farewell, my friend, farewell life.

* * *

● (1415)

FOOTBALL

Mr. Justin Trudeau (Papineau, Lib.): Mr. Speaker, it was all football all the time this weekend. First, I want to congratulate the Queen's University Golden Gaels, from Kingston, and the University of Calgary Dinos for making it to Quebec City for the finals. My biggest congratulations go to Queen's for winning the Vanier Cup for the first time in 17 years.

In fact, Canadian football fans were treated to two extraordinary finals. I want to congratulate the Roughriders and the Alouettes who put on quite a show last night.

[English]

With a fourth quarter full of suspense that saw both teams fighting with courage and determination, bar stools and chesterfields from coast to coast were vacated time and time again as fans leapt to their feet.

[Translation]

Our Montreal Alouettes showed us that perseverance can push us to perform miracles and that if a week in politics can be a lifetime, four seconds can make or break a football season.

The Alouettes are the Grey Cup champions this year. For the sixth time, our Alouettes were cheering last night, saying, "I love Montreal".

[English]

Let me tell you, Mr. Speaker, that Montreal loves them right back.

* * *

CANADIAN FORCES

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): Mr. Speaker, let us talk about leadership.

Our government, led by our Prime Minister, supports the men and women of Canada's armed forces. Yesterday the Prime Minister said:

Let me just say this: living as we do, in a time when some in the political arena do not hesitate before throwing the most serious of allegations at our men and women in uniform, based on the most flimsy of evidence, remember that Canadians from coast to coast are proud of you and stand behind you, and I am proud of you, and I stand beside you.

What was the Liberal leader's response? According to the Liberal leader, standing behind our armed forces is beneath the office of the Prime Minister. It is breathtaking.

Oral Questions

The Prime Minister must stand beside our men and women in uniform. Anyone who thinks that is below the office does not understand what that office is all about.

ORAL QUESTIONS

[*Translation*]

AFGHANISTAN

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, evidence of torture has now been given to a journalist and to former army officers. This is a disinformation campaign. The government reveals its secrets to those it chooses but hides the truth from Canadians.

When will the government stop hiding the truth? When will it give the evidence to the parliamentary committee and to Canadians?

[*English*]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, if there is any disinformation campaign going on here, it is the disinformation, innuendo, second-hand information being spread by the Liberal Party. Those members are only too happy to spread half-truths and this type of innuendo about our troops. Last week we heard from well-respected public servant David Mulroney, who said there was no evidence of abuse.

When will the Liberal Party stop attacking the actions of our men and women in uniform?

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker, at no time has this party attacked our troops or our men in the field. It is the government we are attacking. It is the government's conduct.

For 18 months the Conservatives knew about allegations of torture and did nothing. Then they sought to smear a distinguished public servant. Even now they are not telling the truth and they are hiding behind our soldiers. When will they start telling Canadians the truth?

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, Lieutenant-General Michel Gauthier has worn the uniform of our great country for 36 years. He is a Canadian hero. When did the Liberal Party attack our troops? Yesterday at 11:29 a.m., when the official spokesman of the Liberal Party characterized the general's appearance before the committee as morally weak and legally flimsy.

When will they stop attacking these men and women who are heroes? Most important, when will the Leader of the Opposition stand up and apologize for trying to raise money for the Liberal Party?

• (1420)

Mr. Michael Ignatieff (Leader of the Opposition, Lib.): Mr. Speaker—

Some hon. members: Oh, oh!

The Speaker: Order, order.

The hon. Leader of the Opposition.

Mr. Michael Ignatieff: Mr. Speaker, when will the government apologize for using a Canadian destroyer as a backdrop for party political propaganda?

At no time have we ever attacked the integrity of the Canadian armed forces. The issue is the conduct of the government. The issue is whether the Conservatives are telling Canadians the truth. The issue is whether they have covered up allegations of torture for 18 months. It is time to hear the truth from that side of the House instead of these baseless attacks.

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the leader of the official opposition stands in this place and says that, and the Liberal defence critic, the official spokesman for his party, characterizes a gentleman who wore the uniform for 36 years as being morally weak and legally flimsy. No wonder the most well-respected soldier of his generation, General Rick Hillier, called the Liberals' time in office a decade of darkness. He should be ashamed of himself.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, in trying to understand the process under way with respect to dealing with allegations of harsh treatment, Kerry Buck who is a senior spokesperson for the Department of Foreign Affairs, said under cross-examination in 2008, "It is not our role to determine credibility of the allegations, to determine the veracity of the allegations. We don't investigate those allegations. We record them".

I wonder if the Minister of Foreign Affairs could tell us, is that his understanding of the way in which these allegations are supposed to be dealt with?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, what I can say is the members opposite cannot have it both ways. They cannot accept the testimony and the evidence of senior public servants, of long-serving members of the Canadian Forces in charge of the Canadian mission in Afghanistan and then accuse the government of not accepting that same evidence to make its decisions.

That is the hypocrisy coming from the member opposite and members of the opposition, They are now trying to hug the Canadian Forces outside the chamber, while coming in here and casting aspersions on the job they are doing in this mission.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I am doing my best but I did not hear the answer to my question. It is very simple; the question is very simple. Ms. Buck, a Foreign Affairs official, said that it is not the role of Canada's federal government to investigate the allegations. Its role is to forward the allegations to the government of Afghanistan and to wait for a reply. I will once again put the very simple question to the minister.

Is that his government's attitude towards the serious allegations that we have heard?

*Oral Questions**[English]*

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, two and a half years ago, when we improved the failed transfer arrangement, we started to invest in its justice system and in its prison system. We improved the mentoring that was taking place, with respect to transfer detainees. We improved the investments around the conditions within the Afghan prison system. That is concrete action.

What the member opposite now is trying to do is confuse Canadians by suggesting, in this chamber, that they do support the diplomats and the military, while outside the chamber they are saying something totally different to try to cast aspersions on the advice that the government took from those same officials. We have been consistent—

• (1425)

The Speaker: The hon. member for Laurier—Sainte-Marie.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister of National Defence finally admitted that he had been aware of allegations of torture since 2006, when the Conservative Party took power. That means that one and a half years went by between the time the government was informed of these allegations and the time the new detainee transfer agreement was signed. Canadian authorities handed detainees over to Afghan authorities knowing full well what could happen.

Will the government admit that it failed to live up to its responsibilities to Afghan detainees?

[English]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, whenever the government has received serious credible and specific allegations with respect to this matter, the government has acted.

What we heard before the parliamentary committee this past week was passionate testimony from some of our country's greatest heroes, three high-ranking generals and one senior official on this file. What they said, at the end of the day, was there was no specific evidence.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, there certainly is a problem. The Minister of National Defence says that he knew in 2006. But the new agreement was signed in 2007, a year and a half later. However, the Geneva convention prohibits handing over detainees if they risk being tortured. The minister himself admitted that the government knew this and acted a year and a half later.

Why did the government continue to transfer Afghan detainees until 2007, despite a flawed agreement, for one and a half years, thus violating the Geneva convention? We are not making anything up. This is what the government itself has said.

[English]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, again, whenever specific substantiated evidence has been brought forward, this government has accepted its responsibilities. We have had the opportunity over this past week, down the hall, to hear testimony from some of

Canada's leading generals and public policy leaders. They all have said the same thing, that no substantiated allegations have ever been proven on any detainee transferred by a Canadian soldier.

[Translation]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, true to form, the Prime Minister and the Minister of Transport, Infrastructure and Communities are attacking all forms of opposition. Today, they said that those who call their government irresponsible because it failed to prevent torture are actually criticizing our soldiers' work. Nothing could be further from the truth. Guess who that reminds me of. It reminds me of George W. Bush, who, when speaking of the axis of evil, said that he was going to separate the good from the bad. That is who they remind me of. It is ridiculous.

Instead of attacking the opposition, will the Prime Minister reveal the extent of his government's negligence on the torture issue?

[English]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, let us be clear, again. The senior leadership of the military and our senior civil servants in charge of the mission in Afghanistan have rejected allegations of torture. That was what they said in their testimony before the committee. We acted, of course, on the advice of those same people.

The hypocrisy and the cynicism of the members opposite to say that they accept the advice of the military and the senior civil servants but reject the actions of the government points to the real failings of what they are doing.

[Translation]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, in addition to its refusal to give us the documentation in its possession, the government is trying to shut Richard Colvin and the opposition up by portraying us as Taliban allies. How nice. There is just one goal behind this crude strategy: covering up the government's failure to take action and its decision to turn a blind eye to the torture of Afghan detainees.

When will there be a public inquiry to reveal the extent of this government's violations of the Geneva convention?

[English]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, as usual with the member, nothing could be further from the truth.

We have and we will continue to disclose documents in keeping with the vetting process that has always been applied with respect to national security, the Canada Evidence Act. This is the job of the Department of Justice. We act upon that advice, as we act upon the advice of the senior military, the senior public service. We accept that professional non-partisan advice.

The members opposite, again, are demonstrating hypocrisy and cynicism saying that they accept that advice but not the government's actions.

Here is what the *Globe and Mail* had to say: "No one with a lick of sense would expect that Afghan prisoners would live in comfort or ease". This is what the *Globe and Mail*—

The Speaker: The hon. member for Toronto—Danforth.

* * *

THE ENVIRONMENT

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, by dismissing the call from the United Nations Secretary-General for more ambitious emission reduction targets, the Prime Minister is demonstrating a sad lack of leadership on this critical issue.

To deal with climate change, we have to be bold and we have to be serious. What does the government come up with? It says that it will tweak some of the details, details of a plan that nobody has even yet seen.

Instead of trying to set things back, why will the Prime Minister and the government not listen to the Queen, the UN, world leaders and set bold, tough action targets on—

• (1430)

The Speaker: The hon. Minister of Transport.

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, what this country needs and what the world needs is a plan that is bold, that is strong, that is effective, but also one that is realistic.

That is why the government has come forward with an ambitious plan to regulate big industry, the big polluters. We are working hard to play a constructive role for an effective outcome at Copenhagen. We are pleased that the Prime Minister will attend Copenhagen. We are pleased with the great leadership that the Minister of the Environment has given this file over the past year.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, far from ambitious, the targets that have been set are far below Canada's previous international commitments. It is laughable. No wonder other governments are criticizing us. In fact, the government still wants to rely on these intensity targets, which virtually everybody else has rejected, including the United States.

If the Prime Minister is intending to go to Copenhagen to simply put the brakes on change and try to convince other leaders that they should not act boldly, perhaps he should not go. All he will get at this rate are a bunch of fossil awards.

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, it was under the previous government where Canada ran up a record number of fossil awards at international conventions.

What people on the international stage want to see is real action. When Canada signed on to Kyoto in 1997, it marked a 10-year race to reduce global emissions. When that starting pistol went off, Canada began to run in the opposite direction.

We are committed to playing a constructive role to set bold, effective and far-reaching targets, but those targets have to be

Oral Questions

realistic and they have to be achievable. That is the kind of leadership the Prime Minister is providing.

[Translation]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the reality is that the Prime Minister is reluctant to go to Copenhagen. If the American and Chinese presidents had not announced their attendance, he would not be going.

Why? Because the government refuses to show a modicum of leadership when it comes to the environment.

Why? Because the Prime Minister has chosen the almighty dollar and the oil sands over environmental action.

On the international scene, why must Canadians count on Ontario, Quebec, Manitoba and Nova Scotia to take action, but they cannot count on their own federal government?

[English]

Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the Minister of the Environment and the Prime Minister have signalled that they are prepared to work constructively, as we have over this past year with the Obama administration. We are pleased with the proposals the Obama administration put forward. They almost go as far as the commitments that Canada has made.

We believe in real reduction. Intensity does not cut it. That has been the policy of our government for a number of years.

* * *

AFGHANISTAN

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, according to the *Wall Street Journal*, chief prosecutor Ocampo of the International Criminal Court is examining allegations surrounding the issue of torture in Afghanistan.

There is a consensus that Canada continued to transfer detainees to Afghan jails at risk of torture, damaging Canada's reputation. The government's continued refusal to hold a public inquiry just makes it worse.

I would urge the ministers and the Prime Minister to face the truth and call a public inquiry so Canada's reputation can be made whole again.

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, let me quote somebody a little closer to the source, and that would be the commander, General Gauthier, who was on the ground in Afghanistan during the time in question. He said, "I can very safely say there is nothing in any of these 2006 reports that caused any of the subject matter experts on my staff, nor, by extension, me, to be alerted to either the fact of torture or a very high risk of torture, nothing".

Mr. David Mulrone, who testified as well, said, "I can say that we have no evidence that any Canadian-transferred detainee was mistreated".

I will take their word over the individual opposite.

Oral Questions

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, there is a suggestion that no monitoring, no tracking policy on detainees in 2006 and 2007 was deliberate, emanating from the highest levels of government in the country. It simply destroys any shred of credibility that the government has left on this issue.

How is the Prime Minister going to face the Chinese government on its human rights record when he will not face the truth at home with the detainee issue hanging over his head? Why will the Prime Minister not do the right thing and announce a public inquiry before he leaves for China?

• (1435)

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, more evidence that the member opposite and his party continue to try to politicize this issue.

That is the same individual, the member for Vancouver South, who said on national television just yesterday that the general's testimony was morally weak and legally flimsy. That is the same individual who, in committee, made a veiled reference to the actions of the Canadian Forces as being tantamount to war crimes. That is morally reprehensible.

The member should stand in his place and apologize to the Canadian Forces for those allegations.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, the Information Commissioner has expressed great concern about the flow of information to the public about the war in Afghanistan.

Reports show that the foreign affairs and the defence departments consistently fail to live up to the rules on ATIP responses. The commissioner said, "Canadians want to know what's going on in Afghanistan. There has to be a flow of information to Canadians".

When will the government stop picking and choosing who gets what information and when?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, if the member opposite was paying attention, she would know that this government has quarterly reports on Afghanistan. We testify before parliamentary committees regularly with respect to requests from the Auditor General. We obviously answer questions daily in the House with respect to the Afghanistan mission.

This government has been more transparent, more forthcoming with information about Afghanistan than her party was during its time in office.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, Canadians have a right to know what is going on in Afghanistan. The government has closed the doors and blocked any real access to information to the public. The Information Commissioner is just the latest to call for more information from the government on the mission.

Will the Prime Minister take the Information Commissioner's advice, or will he attack her as a Taliban sympathizer, as he has so many others who have questioned the government's actions?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, as I have stated a number of times, we continue to co-operate with investigations that are arm's-length. We continue to support the efforts that are undertaken at the parliamentary committee with information. We have quarterly reports. We have press availabilities. We answer questions in the House. We respond to the Auditor General.

I will tell the House what we will not do to inform Canadians about the mission. We will not do ten percenters, trying to raise money on the backs of the Canadian Forces. We will not do that.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, while scientists have observed a worrisome shrinking of the arctic ice pack, the Secretary-General of the United Nations is calling on the Prime Minister to do more for the environment. While the international community is calling for drastic measures, the Prime Minister is proposing only minor adjustments in his strategy.

Does the Prime Minister realize that, by doing as little as possible in the fight against climate change, Canada is becoming a global laughing stock?

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, we announced another target two years ago. President Obama also announced his target last week. The two targets are almost the same. They are quite similar. We have been working closely with the United States, as well as with other countries.

We will pursue our efforts to harmonize our policies and emissions exchange regulations with the United States. The Bloc Québécois should support our efforts.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, if the minister wanted to harmonize with the United States, he would adopt absolute greenhouse gas reduction targets instead of intensity targets, as he is doing.

Last week the House of Commons passed a Bloc Québécois motion that shows the government the way when it comes to reducing greenhouse gas emissions.

What is the government waiting for to respect this House's decision and show some responsibility by doing its part in the global fight against climate change?

[*English*]

Hon. Jim Prentice (Minister of the Environment, CPC): Mr. Speaker, anything that has been put forward by the Bloc in this House and supported by the other opposition parties would lead ultimately to isolationism by this country and economic damage. Let us be clear about that.

President Obama announced his targets last week. They are virtually identical to the targets that were announced by the Conservative government in this country almost two years ago.

We will continue to work together internationally. We will continue to work together with the United States. We both want to see a binding agreement that applies to all major emitters. We want to see continental progress and a cap and trade system and harmonized regulations. That is what we will continue to do. That is more than we have ever seen in this House from any other government.

* * *

•(1440)

[Translation]

TAX HARMONIZATION

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, the government is getting ready to introduce a bill that would establish the framework for provinces that harmonize their sales tax with the GST. This framework will eventually enable Ontario and British Columbia to pocket nearly \$6 billion.

Since Quebec agreed to harmonize its sales tax 18 years ago, what is the government waiting for to compensate Quebec to the tune of \$2.6 billion?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I have had useful discussions with the minister of finance of Quebec in recent weeks, most recently on Friday. Those discussions continue.

As members know, two of the provinces that have not yet harmonized have indicated that they want to do so and have entered into agreements to accomplish that. That matter will come before the House, out of respect for provincial autonomy and their request that we assist them with the technical legislation necessary for them to proceed in their own area of autonomous provincial tax jurisdiction.

* * *

[Translation]

POST-SECONDARY EDUCATION

Mr. Nicolas Dufour (Repentigny, BQ): Mr. Speaker, like Jean Chrétien with his millennium scholarships, the Conservative government is insisting on imposing its scholarship program on students in Quebec. Unable to make the federal government listen to reason, the Government of Quebec will itself pay a portion of the money that should be coming from Ottawa.

To avoid penalizing Quebec students who were hoping for better scholarships, why not allow Quebec to opt out unconditionally, with full compensation?

[English]

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, each year the Government of Canada negotiates with the Government of Quebec on alternative payments for student financial assistance. These negotiations are currently taking place and are ongoing. The students will receive those funds they need for financial assistance, which will be the project of joint negotiations.

Oral Questions

HOUSING

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, the Conservatives have spent less than one per cent of the \$1.9 billion they announced for affordable housing 14 months ago. They have spent almost nothing of the \$1.5 billion they announced for social housing in the last budget. I think we would all agree that these programs were intended to help the most vulnerable in our society at a particularly difficult time.

Before the Conservatives blame the provinces and territories, let me ask them why have they not done everything humanly possible to expedite these important programs for those who need them the most?

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, we have made historic investments of billions of dollars in housing and social housing, something that the Liberal Party failed to do over 13 years.

We have entered into agreements with the provinces and territories. Those agreements are now in place and as the provinces go forward with selecting the projects and give us the invoices, they will be receiving the money.

[Translation]

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, people who live on the street and in rundown social housing cling desperately to government announcements.

Yet this government has spent less than 1% of the \$1.9 billion announced 14 months ago for affordable housing and almost none of the \$1.5 billion announced for social housing in the last budget.

We know that this government likes to make announcements, but this time, can it guarantee us that it will keep its promises and spend all this money on affordable housing and social housing?

[English]

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, we are doing something that the previous Liberal government failed to do, and that is to allocate billions of dollars for social housing programs. We have entered into agreements. As soon as the invoices come in, the money will continue to flow.

We have \$2 billion to repair and renew social housing, \$1 billion for repair and upgrades and another \$1 billion for renovation; \$400 million for seniors; \$75 million for those who are disabled, significant investments that the previous government failed to do.

Oral Questions

●(1445)

OLYMPIC WINTER GAMES

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, to create Canada's Olympic pavilion for Canada's games, many firms said a two-week bid period was too short for such a large contract. The minister said it was fine. Industry said a period of 74 days was too short to properly design, build, finish, furnish and staff Canada's flagship pavilion. The minister said it was fine.

When it comes to interpreting Canada's unique cultures, heritage and values to the world, does the minister really believe that an American company is the best choice for the job?

Hon. Gary Lunn (Minister of State (Sport), CPC): Mr. Speaker, that is complete nonsense. First, we had a public tendering process that was fair and transparent. We received a number of bids and we awarded a contract to Exhibitgroup/Giltspur, with operations in cities on both sides of the border, including a number of cities in Canada. The pavilion will be built by Canadians who are proud of it.

The Liberals complain all the time about the Olympics. The last time they were complaining about the Olympic torch relay, which Canadians are excited about. Before that it was the Olympic clothing, and now they are complaining about the Canada pavilion. Why do they not try cheering on our athletes who are going for gold and making us all so proud?

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, let us talk about complaints. The government has bungled the Canada pavilion project and has now bungled another one.

A \$100 million contract for security at the 2010 games was also awarded to an American company. Is the minister aware that this company faces serious complaints of racism, employee mistreatment and inadequate training?

Will the minister stop defending his buy American policy and instead guarantee the safety and security of the 2010 Olympic Winter Games?

Hon. Gary Lunn (Minister of State (Sport), CPC): Mr. Speaker, our government is proud to be supporting the Olympics and to be cheering on our athletes. I can say who is going to be providing the security for the games. It is going to be our RCMP. It is going to be the Department of National Defence. It is going to be people who serve our country so proudly every single day.

Contracts are awarded through a public tendering process. Yes, there are companies that operate on both sides of the border, but we are cheering on our athletes. It is time the Liberal Party got on board and quit its complaining.

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FOREIGN CREDENTIALS

Mr. Bob Dechert (Mississauga—Erindale, CPC): Mr. Speaker, Canada is recognized as one of the best countries in the world in which to live. That is why it is the country of choice for people from all over the world. Internationally trained workers are an integral part of our country and our economy, but for years they have not been able to work in their fields of expertise because they have had trouble having their foreign credentials recognized.

Can the Minister of Citizenship, Immigration and Multiculturalism please inform this House what our Conservative government is doing to rectify the problem?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, when our government took office, we were the first federal government to take meaningful action on the issue of credentials recognition, creating the Foreign Credentials Referral Office, giving people a head start on the process before they get to Canada.

The Prime Minister exercised real leadership this January, leading the premiers and territorial leaders in an agreement that has led to today's exciting announcement of a pan-Canadian framework for foreign credentials recognition that will accelerate the process of recognizing the professions and training of immigrants to Canada, to help them contribute to Canada and realize their dreams, contributing to our prosperity.

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AFGHANISTAN

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, not even the defence minister can keep up with his own story on when he knew or heard about Afghan detainee abuse. First he said he had not heard of Richard Colvin. Then he said he may have received Mr. Colvin's briefings but did not read them. Then he said the reports did not make it to his desk, only to take that remark back a month later. On Friday he accused diplomats and generals of filtering out such reports.

The only way to the truth here is through a public inquiry. When will the government call one?

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): The only way to the truth, Mr. Speaker, is to get some consistency from the members opposite. They cannot come in here and say that they accept the evidence given at the parliamentary committee by senior members of the military and senior members of the public service and then somehow suggest that the government should not take that same advice and act appropriately. This is the inconsistency, the cynicism and the hypocrisy on this matter coming from the members opposite.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, what is it the minister is afraid such an inquiry would reveal? Surely if he is so confident in the information that he is refusing to release to the public, he would call an inquiry to settle the matter.

His personal insults, his accusations that Mr. Colvin was a Taliban dupe, and his blustering in the House are raising real questions in the minds of Canadians about what he is trying to conceal.

Why does he not give himself a break? He should stop the grasping attempts to shift the blame and stand up for his responsibilities by calling an inquiry.

• (1450)

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Again, Mr. Speaker, as I have said many, many times, when we received credible allegations, we acted. When we received evidence that we could trust, we acted.

What we see consistently coming from the members opposite is an attempt to have it both ways: to cast aspersions on members of the armed forces, suggesting there was torture and war crimes; and then to hold press conferences trying to embrace their position. To suggest that the government should not have taken the advice from these same individuals is irreconcilable.

The members opposite, particularly the Leader of the Opposition, should be very wary about taking foreign policy advice from two former NDP premiers.

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[Translation]

EMPLOYMENT INSURANCE

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the government bill granting special employment insurance benefits to self-employed workers does not meet the needs of Quebec workers who already benefit, thanks to the Government of Quebec, from a parental insurance plan. What is more, the contribution rate outweighs the services to which those workers are entitled.

Will the government modify its bill as the Bloc Québécois proposes, in order to make the contribution rate fair to self-employed workers in Quebec?

Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC): Mr. Speaker, this government stands behind self-employed workers and is implementing measures to allow those who become sick or those who need to take care of a sick child or loved one to be able to do so and continue to receive an income during these trying times in life. I can understand why the Bloc Québécois appealed to intellectuals yesterday. Can intellectuals follow a party that attacks the unemployed and also attacks self-employed workers?

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, the former employment insurance chief actuary proved the Bloc Québécois right by estimating that the contribution rate for Quebec's self-employed workers should be 41¢ for every \$100 and not \$1.36, as the government is proposing.

Will the minister acknowledge that the contribution rate for Quebec's self-employed workers is three times too high and that he should modify his bill to ensure that Quebec workers pay only for the services offered to them?

Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC): Mr. Speaker, I want to inform that political party that we have taken the differences into account since Quebec already has its own maternity and parental leave plans, which did not exist in the rest of the country for self-employed workers. We have taken that difference into account.

Oral Questions

Instead of charging \$1.73 for every \$100 of income earned, we are asking for just \$1.36 for self-employed workers in Quebec who want to benefit from health insurance and compassionate care insurance. This is on a voluntary basis and the cost is quite affordable.

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PUBLIC WORKS AND GOVERNMENT SERVICES

Ms. Martha Hall Findlay (Willowdale, Lib.): Mr. Speaker, finally, despite all the attempts to keep us in the dark, we have learned that there is an investigation underway at Public Works and Government Services. However, the minister will only confirm what is not being investigated.

We are not asking what is not being investigated, we are asking what is being investigated. Why all the secrecy?

Hon. Christian Paradis (Minister of Public Works and Government Services, CPC): Mr. Speaker, my colleague is well aware that we cannot comment on internal departmental staffing matters but we can say that federal departments have the tools they need to address them. We brought in the Public Servants Disclosure Protection Act for the very purpose of protecting whistleblowers. That act was passed by this House.

Under our government, and in our new act, the lines of accountability are clear. The act has a clear reporting clause governing all departments. In addition, information is provided regularly and proactively.

[English]

Ms. Martha Hall Findlay (Willowdale, Lib.): Mr. Speaker, we appreciate the concern about whistleblower legislation, but given the government's track record of preventing members from receiving evidence or any other information allowing us as parliamentarians to do our job, I am quite sure that Canadians will understand our skepticism about the refusal of the minister to in fact tell us what investigation is going on at the Department of Public Works.

I ask again, we would appreciate information from the minister on the investigation that is currently going on at the Department of Public Works.

• (1455)

Hon. Christian Paradis (Minister of Public Works and Government Services, CPC): Once again, Mr. Speaker, there is a legal framework that we have to follow. We do not comment on internal departmental staffing matters but we do ensure that federal departments have the tools they need to address them.

We brought in the Public Servants Disclosure Protection Act with the express purpose of protecting whistleblowers, an act that was passed by members of the House.

Oral Questions

Under our government and our new laws, the lines of accountability are clear. The act has a clear reporting clause that all federal departments must strictly follow and the information is readily provided through a proactive disclosure. That is the law.

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HOUSING

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, government inaction is jeopardizing our economy and the health of our nation. It was reported today that less than 1% of the stimulus money for social housing has been spent. Over 100,000 Canadians are homeless and thousands more lack stable affordable housing.

While vulnerable Canadians are waiting for the promised help, the government has wasted a year of opportunities. It opposes our national housing strategy. Its plan is a straw house with empty promises.

How does the government justify its inaction?

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, when we had in our economic action plan a provision for \$400 million for seniors, the NDP members voted against it without even reading the budget. We had \$75 million for the disabled and they voted against that. We had \$1 billion for retrofits and energy upgrades, and they voted against that. Now they are complaining about what is happening.

We have entered into agreements with all the provinces and territories. They know the money is there and is available. As soon as the projects go forward and they bill us, the moneys will be there to pay the bills.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, the answer earlier was that the stimulus plan was inefficient and we should not be upset that 99% of the funding still has not been spent. That is exactly why we pushed for spending to go through the gas tax transfer.

Stable housing saves lives, improves the health and safety of our communities and stimulates our economy. Stimulus spending is more than photo ops and ad campaigns. Real Canadians are in real need.

After a year of inaction, do the Conservatives honestly expect us to believe that they really wanted to help?

Mr. Ed Komarnicki (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, funding is proceeding and going to over 300 projects.

What is important is that we have made billions of dollars of investments that are there ready, able and willing to deliver as soon as the provinces select the projects. It is their responsibility to select the projects, ensure the projects get built and then they invoice us. The money is there to pay it, moneys that would not have been there if the NDP members had their way.

[Translation]

EMPLOYMENT INSURANCE

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Mr. Speaker, our Conservative government has improved the employment insurance system for all workers and their families. We introduced Bill C-56, which would offer compassionate care and sickness benefits to self-employed workers in Quebec at an affordable and reasonable rate. That is a first.

As it stands, Quebecers have access only to a private insurance program that can be very expensive. I invite the Minister of National Revenue to give the House an update on Bill C-56

Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC): Mr. Speaker, I can understand that our newly elected colleague may be a little baffled that there is a political party in this House, the Bloc Québécois, that systematically attacks the unemployed and self-employed workers. I will tell my colleague that he is in the right party, and we are helping the unemployed. We have implemented four different measures. We have also established another measure to help self-employed workers by offering them sickness and compassionate care benefits, in the event that one of their loved ones becomes sick. We support the unemployed. They are against them.

* * *

[English]

PENSIONS

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, we strongly condemn the decision of Nortel executives to reward themselves with millions in bonuses when employees are denied their severance, their pensions and their disability payments.

The federal government is now currently undertaking a review of the Nortel sale to Avaya.

Will the government commit to Nortel workers that they will ensure the pensions, the severance and disability benefits of Nortel employees are fully protected in the review of the Nortel sale?

Hon. Tony Clement (Minister of Industry, CPC): Mr. Speaker, as the hon. member knows, the terms and conditions of the sale are pursuant to the sections of the Investment Canada Act.

However, I can tell the hon. member and this House that my colleague, the Minister of Finance and his parliamentary secretary, have been working hard with the provinces and the territories to ensure we have a comprehensive look at our pension legislation.

As I am sure the hon. member is aware, the Nortel pension is registered with the Province of Ontario, not with the federal government. We set up a provincial-federal research working group on retirement income and we look forward to its presentations to this chamber.

• (1500)

[Translation]

NATIONAL DEFENCE

Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ): Mr. Speaker, about a hundred families in Sainte-Foy are worried about losing their homes. The Minister of National Defence has decided to tear down their houses and relocate the families to the Valcartier base 30 kilometres away. The Association des conjointes de militaires canadiens, a group of soldiers' wives, hopes that the government will reconsider this decision, which will have a negative impact on military families' independence.

Will the minister responsible for the region of Quebec advocate on their behalf to the Minister of National Defence?

[English]

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, the relocation with respect to quarters for some of the soldiers who were previously stationed at the Manège militaire in Quebec City is currently at the planning stage. The proposal is to build a new facility on the area that is currently owned by the Department of National Defence.

This project does not aim to replace the Manège militaire Voltigeurs. I can assure the House and the member opposite that we are currently working on developing a plan for the future with respect to the Manège militaire.

* * *

LABOUR

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, instead of using her power to have both sides in the CN Rail strike resolve their differences at the bargaining table, the Minister of Labour has instead put Parliament in an untenable position. The minister is asking us to rush through a bill that we have not even seen yet.

Instead of introducing legislation in a manner that is disrespectful to the House and, more important, disrespectful to the parties involved in this dispute, why will the minister not do everything in her power to get the two sides back to the bargaining table?

Hon. Rona Ambrose (Minister of Labour, CPC): Mr. Speaker, as a government and as parliamentarians, it is incredibly important that we protect our economy. The union Teamsters decided to go on strike on Saturday and we cannot allow a major disruption in our transportation system. Therefore, we will introduce back to work legislation to end this strike.

We do continue to hope, though, that CN and the Teamsters can reach an agreement in the interim.

* * *

[Translation]

AGRICULTURE

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, we all know that Quebec agricultural producers can count on the Conservative government when it is time to take action for agriculture.

Points of Order

Unlike the Bloc members, Ottawa's very own armchair quarterbacks and sideline observers, can the Minister of State for Agriculture explain the government's policy on supply management? How is our government going to defend supply management internationally?

Hon. Jean-Pierre Blackburn (Minister of National Revenue and Minister of State (Agriculture), CPC): Mr. Speaker, everyone knows that if any government has been on the farmers' side, ours has. We defend supply management nationally and internationally, including at WTO negotiations.

We believe that it is important to maintain supply management. It is important to help everyone working in the dairy, poultry and egg sector. These sectors are protected by supply management, and we will stay the course.

* * *

[English]

POINTS OF ORDER

ORAL QUESTIONS

Hon. Ujjal Dosanjh (Vancouver South, Lib.): Mr. Speaker, I rise on a point of order to set the record straight, not to take anything away from what I said or may have said but to add a context.

I was quoting Jim Travers, the columnist for the Toronto *Star*, and I want to read a very short quote by him with respect to the generals. He said:

For all its sound and fury, the counter-attack that politicians, bureaucrats and generals mounted this week was morally weak and legally flimsy. In struggling to sway public opinion, finely parsed denials skidded around the looming conclusion that Canada transferred prisoners into probable torture after being warned by the pre-eminent and most credible victims-of-violence organization, the International Committee of the Red Cross.

• (1505)

The Speaker: I do not think I heard anything about a point of order there.

The hon. Parliamentary Secretary to the Minister of National Defence is rising on a point of order?

Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, during question period there is a lot of noise and, as we all know, people get carried away with their emotions, but I want to point out that the hon. member for Toronto Centre referred to the Minister of National Defence in very uncomplimentary terms and in language that is clearly not parliamentary. I would simply ask that he rise and apologize.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, in the course of a conversation with my seatmate, I may have made a comment about the minister. I am sure he has said some nasty things about me as well.

Of course, if anyone overheard my comments, I would withdraw them without hesitation.

Hon. Peter MacKay (Minister of National Defence and Minister for the Atlantic Gateway, CPC): Mr. Speaker, I did not overhear the comment. However, the only disparaging thing I have ever said about the member opposite is that he was a former NDP premier.

Routine Proceedings

The Speaker: I think we have probably had enough points of order for this afternoon.

ROUTINE PROCEEDINGS

[English]

RAILWAY CONTINUATION ACT, 2009

Hon. Rona Ambrose (Minister of Labour, CPC) moved for leave to introduce Bill C-61, An Act to provide for the resumption and continuation of railway operations.

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

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INTERPARLIAMENTARY DELEGATIONS

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Mr. Speaker, pursuant to Standing Order 34, I have the honour to present to the House a report from the Canadian branch of the Commonwealth Parliamentary Association concerning the 55th Commonwealth parliamentary conference held in Tanzania from September 28 to October 6.

* * *

DAY OF REMEMBRANCE FOR THE VICTIMS OF NAZI AND SOVIET COMMUNIST REGIMES

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, there have been discussions among the parties and I think you will find unanimous consent for the following motion:

1) WHEREAS the Government of Canada has actively advocated for and continues to support the principles enshrined by The United Nations Universal Declaration on Human Rights and The United Nations General Assembly Resolution 260 (III) A of 9 December 1948;

2) WHEREAS the extreme forms of totalitarian rule practised by the Nazi and Communist dictatorships led to premeditated and vast crimes committed against millions of human beings and their basic inalienable rights on a scale unseen before in history;

3) WHEREAS hundreds of thousands of human beings, fleeing the Nazi and Soviet Communist crimes, sought and found refuge in Canada;

4) WHEREAS the millions of Canadians of Eastern and Central European descent whose families have been directly affected by Nazi and/or Communist crimes have made unique and significant, cultural, economic, social and other contributions to help build the Canada we know today;

5) WHEREAS 20 years after the fall of the totalitarian Communist regimes in Europe, knowledge among Canadians about the totalitarian regimes which terrorized their fellow citizens in Central and Eastern Europe for more than 40 years in the form of systematic and ruthless military, economic and political repression of the people by means of arbitrary executions, mass arrests, deportations, the suppression of free expression, private property and civil society and the destruction of cultural and moral identity and which deprived the vast majority of the peoples of Central and Eastern Europe of their basic human rights and dignity, separating them from the democratic world by means of the Iron Curtain and the Berlin Wall, is still alarmingly superficial and inadequate;

6) WHEREAS Canadians were instrumental during the 1980s in raising global awareness of crimes committed by European totalitarian Nazi and Communist regimes by founding an annual "Black Ribbon Day" on August 23, to commemorate the legal partnership of these two regimes through the infamous Molotov-Ribbentrop Pact and its secret protocols;

BE IT RESOLVED THAT every victim of any totalitarian regime has the same human dignity and deserves justice, remembrance and recognition by the Parliament and the Government of Canada, in efforts to ensure that such crimes and events are never again repeated;

BE IT FURTHER RESOLVED THAT the Parliament and the Government of Canada unequivocally condemn the crimes against humanity committed by totalitarian Nazi and Communist regimes and offer the victims of these crimes and their family members sympathy, understanding and recognition for their suffering;

BE IT FURTHER RESOLVED THAT the Government of Canada establish an annual Canadian Day of Remembrance for the victims of Nazi and Soviet Communist regimes on August 23, called "Black Ribbon Day", to coincide with the anniversary of the signing of the infamous pact between the Nazi and Soviet Communist regimes.

● (1510)

The Speaker: Does the hon. member for Toronto Centre 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)

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[Translation]

PETITIONS

CANADA POST

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I have the honour to present a petition here today concerning the Saint-Alexandre post office. This petition has been signed by approximately 500 or 600 people who oppose the possible closure of their post office in Saint-Alexandre. I would also like to point out that many people in the riding of Saint-Jean are worried.

I am pleased to present this petition, which has been accepted by the clerk. I am signing it at this very moment.

[English]

CHALK RIVER NUCLEAR FACILITIES

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, I present a petition in which the petitioners support the proposal by the Canadian Institute for Neutron Scattering to replace the National Research Universal with a similar model including the safety features at Chalk River labs.

AVIATION SAFETY

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I am pleased to table a petition today that is part of a national campaign calling for a commission of inquiry into aviation safety.

The petitioners are concerned that Transport Canada and the Transportation Safety Board are failing in their duty to protect the safety of Canadians who travel by air and those who work in the industry. The petitioners believe that this is a disaster waiting to happen. Transport Canada and the TSB have developed a culture of secrecy where whistleblowers are persecuted and fatal accidents are seen as just a cost of doing business.

Routine Proceedings

The petitioners believe that Canadians are being stonewalled by both agencies when trying to get answers about aviation accidents, that they are persecuted when they point out safety issues, and that the federal government is planning to remove itself from its duties to inspect and to enforce safety regulations simply in order to save money and reduce Crown liability.

The petitioners are aware of the government's attempt to push forward self-serve safety and are deeply troubled by that. They are worried about the government's desire to privatize or outsource transportation safety standards and they want that process to stop. As a result, the petitioners are calling on the Government of Canada to initiate a commission of inquiry to conduct a judicial review and examine the state of national aviation safety.

I am pleased to table this petition on their behalf.
[*Translation*]

CANADA POST

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Mr. Speaker, I am pleased to rise here today to present several petitions regarding the issue of post office closures. I would first like to indicate why these petitions are necessary. The people who have signed them are from various municipalities in my riding.

They are calling on the Government of Canada to maintain the moratorium on rural post office closures. They are also calling on the government to allow Canada Post Corporation to maintain, enhance and improve postal services. These petitions have been signed by several hundred people in my riding who are rather dissatisfied and very concerned about the situation.

• (1515)
[*English*]

FRASER RIVER SOCKEYE

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, I present a petition in which the petitioners are calling on the government to establish an independent judicial inquiry under the federal Inquiries Act that would fully explore all the facts, and consult with scientists and stakeholders to determine what went wrong with this year's sockeye run, and present a public report with binding solutions within six months.

EMPLOYMENT INSURANCE

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, I have two petitions.

The first one is regarding medical benefits. It says that there are a number of severe, potentially life-threatening conditions which do not qualify for disability programs because they are not necessarily permanent or because of wait times for surgeries.

The petitioners are calling upon the House of Commons to adopt legislation to provide additional medical EI benefits at least equal to maternity EI benefits for people who find themselves in the above situation.

FIREARMS REGISTRY

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, the other petition is from constituents in the Lower Mainland and is on the long gun registry.

It says that the long gun registry was originally budgeted to cost Canadians \$2 million but the price tag spiralled out of control to an estimated \$2 billion a decade later. The petition says that the registry has not saved one single life since it was introduced.

The petitioners are calling upon the House of Commons to support any legislation that will cancel the long gun registry and streamline the Firearms Act.

FRASER RIVER SOCKEYE

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

The first petition is from people in the Lower Mainland who are very concerned about the loss of the salmon fishery and are calling upon the government to establish an independent judicial inquiry. They want to ensure that there is a fast response from the government. There are many petitioners calling for that.

MIDDLE EAST

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the second petition is from residents in Toronto who are urging the Government of Canada to immediately undertake a change in its position regarding the Middle East and to initiate concrete action to hold Israel accountable for its ongoing violations of international humanitarian law.

HOUSING

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the third petition is from people in the Lower Mainland who are working very hard and want to draw our attention the need for a national housing strategy. They call for the swift passage of Bill C-304, An Act to ensure secure, adequate, accessible and affordable housing for Canadians.

FRASER RIVER SOCKEYE

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to table a petition signed by many people from British Columbia, particularly coastal British Columbia. These folks call upon the government to establish an independent judicial inquiry into the collapse of the sockeye salmon run on the Fraser River. They call for a report and binding recommendations within six months, recognizing the seriousness of this issue. I am sure that while they are relieved the government has announced an inquiry, they remain concerned about the lengthy timeline for that inquiry to report and for action on the recommendations.

S. O. 52

ANIMAL WELFARE

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I am pleased to present a petition today, particularly in light of the situation in Toronto at the humane society. It is a petition to the government to support a universal declaration on animal welfare. It is signed by many people in my community. They are very concerned. They are petitioning the government to support the universal declaration.

FRASER RIVER SOCKEYE

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I present a petition which states that the Conservative Party in 2006 promised to establish an independent judicial inquiry to determine the cause of the collapse of the sockeye salmon fishery.

There are literally hundreds of people who have signed this petition. As we have heard today, many petitions on this subject are being presented by our party.

AIR PASSENGERS' BILL OF RIGHTS

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I present a petition which calls upon Parliament to adopt Canada's first air passengers' bill of rights.

The petitioners support Bill C-310 which includes compensation for overbooked flights, cancelled flights and unreasonable tarmac delays. The legislation is inspired by a European Union law which has been in effect for five years. Air Canada is already operating under the European laws for its flights to Europe. Why should Air Canada customers receive better treatment in Europe than in Canada?

The bill would ensure that passengers are kept informed of flight changes, whether there are delays or cancellations. The new rules would be posted in the airports. The airlines would be required to inform passengers of their rights and the process to file for compensation. The bill deals with late and misplaced baggage. The bill requires all-inclusive pricing by airline companies to be in their advertisements.

Bill C-310 is not meant to punish the airlines. If the airlines follow the rules, they will not have to pay one dime in compensation to passengers.

The petitioners call on the Government of Canada to support Bill C-310 which would introduce Canada's first air passenger bill of rights.

● (1520)

ACCESS TO MEDICINES REGIME

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I am pleased to table another petition. The signatures were gathered by grandmothers speaking out for grandmothers in Africa across this nation.

They are very concerned about the status of legislation before the House, which will come to a vote on Wednesday. They urge all members to support private member's Bill C-393. They urge all of us to make the necessary changes to Canada's access to medicines regime, and ensure that the commitments we made to the poorest nations of the world are kept.

PENSIONS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, pursuant to Standing Order 36 and as certified by the clerk of petitions, I am pleased to present a petition from constituents in my riding of Mississauga South and particularly from Nortel pensioners, retirees and particularly those Nortel long-term disability recipients whose benefits are at risk.

The petitioners are calling upon Parliament to amend the Companies' Creditors Arrangement Act and the Bankruptcy and Insolvency Act to protect the rights of all Canadian employees, and to ensure that employees laid off by a company who are receiving a pension or long-term disability benefits during bankruptcy proceedings obtain preferred creditor status over other unsecured creditors.

They are also asking that the Bankruptcy and Insolvency Act be amended to ensure that employee-related claims are paid from the proceeds of Canadian asset sales before funds are permitted to leave the country.

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QUESTIONS ON THE ORDER PAPER

Mr. Mark Warawa (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

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REQUEST FOR EMERGENCY DEBATE

MUSEUM STRIKE

The Speaker: The Chair has notice of a request for an emergency debate from the hon. member for Hamilton Mountain. I will hear the hon. member's submissions on this point now.

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I am asking that you consider allowing us to hold an emergency debate in this House to discuss the strike at the Canadian Museum of Civilization and the Canadian War Museum. That strike is now in its 10th week. We believe that it is very important for the government to be fully aware of this rather urgent situation.

The role of the government is twofold. The federal government has jurisdiction in this matter as the museum falls under the Department of Canadian Heritage. It is important for people to know what the intentions of the government are, if any, in responding to this issue.

The second important reason is that the Canadian Museum of Civilization and the Canadian War Museum are important to thousands of Canadians from right across this country. I would like to point out that people were very respectful of the picket lines this past Remembrance Day, but Canadians value and miss access to their museums.

I believe that the House of Commons must address this important issue. By controlling the museum's purse strings, the government is already a silent party at the negotiating table and we must have the opportunity to explore the response of the Government of Canada to this legal strike.

I believe the situation is analogous to the recent strike by OC Transpo for which a debate was granted under Standing Order 52 on January 28 of this year.

Mr. Speaker, I thank you for giving this request your urgent attention and careful consideration.

The Speaker: I thank the hon. member for her submissions on this point. Certainly, the strike has been ongoing for some time, but in the circumstances I am not sure that the request meets the demands of the Standing Order at this time. Accordingly, I am going to deny the request at this moment.

The Chair also has notice of a question of privilege from the hon. member for Ottawa Centre. I am prepared to hear him on that question of privilege now.

* * *

PRIVILEGE

COMMITTEE WITNESS TESTIMONY AND SUPPORTING DOCUMENTS

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, a question of privilege arises when a member, a committee, or the House of Commons as an institution has been prevented from carrying out its duties. These privileges include freedom of speech; freedom from obstruction, interference and intimidation; and the right to institute inquiries, call witnesses and demand papers. So important are these privileges of the House that they are rooted in the Constitution.

The special committee on Afghanistan has for some weeks been attempting to exercise its parliamentary functions in relation to hearings on the allegations of detainee abuse in Afghanistan. Evidence was submitted to the Military Police Complaints Commission on the same issue and was suppressed by the government under the guide of sections 37 and 38 of the Canada Evidence Act. The special committee wanted to obtain this evidence using its power to call persons and papers, and so it called forward Mr. Richard Colvin, a senior diplomat, to testify.

The committee also passed a motion on Wednesday, November 25 requesting a number of documents relevant to its inquiries and necessary for the committee's work.

In order to assist its work, the committee first called Rob Walsh, law clerk of the House of Commons, to testify. Mr. Walsh confirmed the privileges of Parliament in relation to hearing evidence, requesting testimony and receiving documents. He confirmed that the Canada Evidence Act did not prevent Mr. Colvin or any other witness from testifying and providing documents to support that testimony. Parliamentary privilege overrules sections 37 and 38 of the Canada Evidence Act.

On the morning of Mr. Colvin's testimony to the special Afghanistan committee, Mr. Colvin received an email from a senior official of the Department of Foreign Affairs and International Trade. In this email DFAIT advised Mr. Colvin in writing that the

Privilege

Government of Canada did not accept the law clerk's legal opinion on parliamentary privilege. I quote from that email:

GoC does not share the Clerk's view of the effect of the laws adopted by Parliament on Parliamentary proceedings and as a Public Servant we trust that you will conduct yourself according to the interpretation of the GoC. Should there be any concerns expressed by members of the Committee, those concerns should be referred to government counsel.

This email makes it clear that the Government of Canada does not accept Parliament's privileges and will not abide by the law clerk's confirmation of these privileges. The Government of Canada in this email essentially attempted to intimidate a witness prior to his testimony in front of the committee. The government also instructed the witness on how he was to answer questions from members of Parliament. As his employer, the Government of Canada is in a position of power over Mr. Colvin, and this is a clear attempt to intimidate.

I should add to this that two days before his appearance at committee, officials from the embassy in Washington, D.C. approached Mr. Colvin on behalf of the Department of Justice to ask for the documents Mr. Colvin was prepared to give to the Afghanistan committee in support of his testimony.

While the Government of Canada has a right to documents that are a product of Mr. Colvin's work, it has been happy for him to keep these documents for a number of years. It was only two days before the committee hearings where Mr. Colvin would, of course, want to produce these documents in support of his testimony, that the government decided to take those documents away from him. This is a clear attempt to frustrate and obstruct the committee's work.

● (1525)

In 2005 the Federal Court of Appeal ruled that parliamentary privileges such as freedom of speech and freedom from intimidation and obstruction extend to witnesses testifying at committees. On page 114 of O'Brien and Bosc's *House of Commons Procedure and Practice*, second edition, 2009, it says:

In a ruling given on February 20, 1984, the Speaker stated:

A threat emanating from any government department or public corporation to withhold information or cooperation from a Member of Parliament would undoubtedly hinder that Member in the fulfilment of his or her parliamentary duties and therefore constitute a breach of privilege.

Both the emails received prior to Mr. Colvin's testimony and the seizure of documents do not only obstruct the committee's work and deny its privileges but they are attempts to intimidate the witness. In addition, DFAIT instructs members of Parliament to address their concerns about the issue of privilege to the Department of Justice rather than to their own counsel.

I am extremely perturbed that the Department of Foreign Affairs believes that all concerns by members of Parliament on the admissibility of documents to Parliament should be referred to the Department of Justice lawyers. These are lawyers who have already stated that they do not believe parliamentarians have the rights and privileges the Constitution accords them, as I mentioned earlier.

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Members cannot receive unbiased advice from the Department of Justice, nor are they obliged to report to the Department of Justice. This is a violation of members' privileges, as it attempts to restrict their right to free speech and counsel. In silencing witnesses, interfering and obstructing a person who is carrying out the lawful order of the committee and denying parliamentarians their rights, the Department of Foreign Affairs and the Government of Canada are in contempt of Parliament.

In addition, the government's attempt to wilfully ignore a constitutionally enshrined right of Parliament to oversee it and hold accountable is deeply worrying. In turning a blind eye to this contempt of Parliament, a precedent is set that allows the government to withhold any evidence from Parliament that it sees as embarrassing under the guise of national security. It also sets a precedent of ignoring rights of parliamentarians and their constituents. This goes right to the heart of the government's accountability to Parliament and, through that, to Canadians.

My colleague, the member for St. John's East, raised this point in the House last week. Quite rightly, Mr. Speaker, you ruled that the matter must first be raised in committee. The special committee on Afghanistan tabled in the House on Friday, November 27, a report which sets out our belief that a breach of our privilege has occurred. I use this report in my argument that this is a *prima facie* breach of privilege.

Mr. Speaker, I therefore ask you to find a *prima facie* breach of privilege in this case. If you are prepared to rule that this is a *prima facie* breach, I am prepared to move the relevant motion to refer the case to the Standing Committee on Procedure and House Affairs.

• (1530)

Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I rise today on this important issue. As has often been stated, real matters of privilege and contempt are rarities and ought not to be treated lightly. The complaint raised by the hon. member for Ottawa Centre and the content of the third report of the Special Committee on the Canadian Mission in Afghanistan are matters the government treats with profound gravity.

The committee report makes a serious allegation. Let me quote in brief the full report:

On Thursday, November 26, 2009, the Special Committee agreed to report the following motion:

That the Committee believes a serious breach of privilege has occurred and members' rights have been violated, that the Government of Canada, particularly the Department of Justice and the Department of Foreign Affairs and International Trade, have intimidated a witness of this Committee, and obstructed and interfered with the Committee's work and with the papers requested by this Committee.

Therefore this Committee reports the breach to the House so that it can consider the matter.

A copy of the relevant Minutes of Proceedings Meeting No. 17 is tabled.

Respectfully submitted,

There follows the name of the chair, the hon. member for Lethbridge.

Mr. Speaker, the question before you is whether or not this is a *prima facie* case that would merit giving precedence over all other business. That decision must be based on evidence before the House. My respectful submission is that the committee has not sent

sufficient evidence to the House. All we have is the one sentence accusation that:

—the Department of Justice and the Department of Foreign Affairs and International Trade, have intimidated a witness—

There are no specifics set out, no names of persons, no record of events, and no details that could be tested. How on earth can an inanimate agency, a department, intimidate any person? People can; a department cannot.

The committee did append to the report the minutes of meeting 17. I searched diligently and I expected to find in meeting 17 a record of attempts to secure specific documents or exchanges with named officials of the Government of Canada, or written requests from committee officials for specific records that would spell out a chronology of invitations and responses or requests to named individuals for specific records. Let me quote the entirety of the committee record on this matter.

“[The member for Ottawa Centre]: Mr. Chair, just before we start, apologies to our guest, I just want to raise a point of order before we start. I actually want to go back to the motion that was passed yesterday with regards to documents and the requests that this committee put forward to the government and the requests for the documents. I want to, first of all, establish whether or not the documents arrived? If any documents arrived, did you put the request forward and did any documents arrive as to that request?”

“The Chair: Yes, that's correct, [the member for Ottawa Centre] that your motion indicated, the motion that passed, that the requests for these documents be put before Mr. Mulroney appear. That request went into the department last night at 8 o'clock as information provided to me by the clerk and I understand from officials today that the documents requested are at translation today”.

“[The member for Ottawa Centre]: Mr. Chair, in light of the fact that we haven't received documents and in light of the fact that this committee did request documents prior to Mr. Mulroney's attending committee, I just want to put forward this motion. It's a very quick one. It's regarding the documents and we can get on to the business of the day”.

“Mr. Chair, I think it's important to establish as I mentioned yesterday at committee the importance of committees of Parliament be able to do its work and to do that we need to have same documents that are available to witnesses. We saw this yesterday. We had two retired members of the forces accessing documents that we couldn't access. So the following motion I want to put forward, Chair, and will distribute 'that the committee report to the House that it believes a serious breach of privilege has occurred and members' rights have been violated. That the Government of Canada particularly the Department of Justice and the Department of Foreign Affairs and International Trade have intimidated a witness of this committee and obstructed and interfered with committee's work by withholding the papers requested by this committee. Therefore this committee reports the breach to the House so that it consider the matter'. Mr. Chair, we have important business ahead of us as I mentioned”.

“This isn't an attempt to filibuster. This is a straight forward motion. I would like to have this committee consider it, to vote on it and to move on. If I could just explain the words in the motion. We have asked for documents. We have asked that these... not just once. I asked when Mr. Colvin was here for his documents. He wasn't able to provide those documents. He was told that if he did provide those documents, there would be consequences for that. I think that this... to put it mildly, unfortunate, that a committee of Parliament isn't able to have information to conduct its business. I believe that's a breach of privilege and that's a straight forward motion and I'll stop at that”.

“[The member for Edmonton Centre]: Well, Mr. Chair, several points. First of all, beginning with the latter one, Mr. Colvin does not have authority to provide those documents to the committee even if he chose to. I believe, Mr. Chair, that the motion passed yesterday, that certain motion which was mine as it was the last motion passed takes precedence over other motions. If you want to split hairs, [the member for Ottawa Centre's] motion was that documents be requested... I know this is really going to split a hair, be requested before Mr. Mulroney appeared not that they be delivered. That may be splitting a pretty fine hair but it is literally true. The other point, Mr. Chair, is that motions without unanimous consent require 48 hours notice”.

● (1535)

“The Chair: That is the case if it's a motion to do with something that the committee is not engaged in. Just to clarify the 48 hour rule, I'll read it here:

The 48 hour notice to be required for any substantive motion to be considered by the committee unless the substantive motion relates directly to business then under consideration and that the notice of motion be filed with the clerks of the committee and distributed to members in both official languages.

This refers directly to the subject that we have under discussion. So I believe it's in order.

Any further discussion?”

“[The member for Edmonton Centre]: I would request a ruling, Mr. Speaker, on my other point that the third motion passed yesterday took precedence over ^member for Ottawa Centre's motion”.

“The Chair: I don't think this motion that [the member for Ottawa Centre] has presented circumvents Mr. Mulroney from presenting today at all. He will in my present today.

Any further discussion?

All those in favour of this motion?”

“(Motion agreed to)”

That is the entire case transmitted by the committee to the House of Commons.

There is an assertion that a witness has been intimidated. Who is the witness? What is the evidence? What are the specifics? It is not good enough to make an unsupported statement to pretend that this is a prima facie evidence. Nor is it sufficient for individual members of a committee to bring material to the House that does not stand in

Privilege

the name of the committee. Material not contained in the committee report cannot be given the authority of a report from the committee. This is the entire report.

What should the House expect in the instance of a genuine allegation of obstruction or denial of information?

First, we are entitled to know what has been requested, from whom and when it was requested, what response was made, by whom and when, and where is the written correspondence from the committee officials.

Let me quote from your ruling, Mr. Speaker, of last Thursday, November 26 when dealing with a complaint by the member for St. John's East. You stated:

If a report comes to the House, it is up to the Speaker to decide whether that report then allows a member to raise a question of privilege arising from the report, which will then get priority treatment in this House as befits a question of privilege.

I refer hon. members to pages 151-2 of O'Brien and Bosc, and this is in committee, where it states:

If, in the opinion of the Chair, the issue raised relates to privilege...the committee can proceed to the consideration of a report on the matter to the House. The Chair will entertain a motion which will form the text of the report. It should clearly describe the situation, summarize the events, name any individuals involved, indicate that privilege may be involved or that a contempt may have occurred, and request the House to take some action.

That did not happen in this report. The requirement that specific information must be included in the report itself is also reinforced at page 145 of the 22nd edition of Erskine May's *Parliamentary Practice*:

A matter alleged to have arisen in committee but not reported by it may not generally be brought to the attention of the House on a complaint of breach of privilege.

Why did the committee not come to the House to request an order of the House to produce specific papers? Options are available. The House may agree or not agree with the request of the committee. That option has not been pursued.

Instead the committee is asking the House of Commons to stop all other business to soothe the hurt feelings, condemn two departments of the Government of Canada, as well as all the persons who work in those departments, and the committee is asking the entire House of Commons to do the work that the committee has not done.

It is not enough to throw a one-sentence report together to hijack the work of the House of Commons. This is what O'Brien and Bosc state at page 979 under the discussion of committee powers to send for papers and records:

In practice, standing committees may encounter situations where the authors of or officials responsible for papers refuse to provide them or are willing to provide them only after certain parts have been removed. Public servants and Ministers may sometimes invoke their obligations under certain legislation to justify their position. Companies may be reluctant to release papers which could jeopardize their industrial security or infringe upon their legal obligations, particularly with regard to the protection of personal information. Others have cited solicitor-client privilege in refusing to allow access to legal papers or notices.

These types of situations have absolutely no bearing on the power of committees to order the production of papers and records. No statute or practice diminishes the fullness of that power rooted in House privileges unless there is an explicit legal provision to that effect or unless the House adopts a specific resolution limiting the power. The House has never set a limit on this power to order the production of papers and records. However, it may not be appropriate to insist on the production of papers and records in all cases.

Privilege

In cases where the author of or the authority responsible for a record refuses to comply with an order issued by a committee to produce documents, the committee essentially has three options. The first is to accept the reasons and conditions put forward to justify the refusal; the committee members then concede that they will not have access to the record or accept the record with passages deleted. The second is to seek an acceptable compromise with the author or the authority responsible for access to the record. Normally this entails putting measures in place to ensure that the record is kept confidential while it is being consulted: *in camera* review, limited and numbered copies, arrangements for disposing of or destroying the copies after the committee meeting, *et cetera*. The third option is to reject the reasons given for denying access to the record and uphold the order to produce the entire record.

● (1540)

Since committees do not have the disciplinary power to sanction failure to comply with their order to produce records, they can choose to report the situation to the House and request that appropriate measures be taken. Among the options available to the House is to endorse, with or without amendment, the committee's order to produce records, thus, making it a House order. In the past, the House has sometimes found persons failing to comply with an order to produce records guilty of contempt of Parliament. On occasion, it has even exercised its disciplinary powers.

This latter observation is important. There is a strong emphasis on the committee coming to the House and requesting the House to assist its work by ordering the production of a specific documents order for the production of papers and letting the House pass judgment on each document. Instead, this committee fails to ask the House to enforce its request. It is only interested in labelling unknown conduct of unknown persons and government departments as obstructionist, intimidating and contemptuous.

The House expects a higher standard of proof at the *prima facie* stage. Is there sufficient information presented by the committee to demonstrate that there has been interference, intimidation or contempt? The committee report contains not a single specific allegation.

As to the specific issue now before you, Mr. Speaker, and as is stated at page 145 of the *House of Commons Procedure and Practice*:

—the issue put before the Speaker is not a finding of fact, it is simply whether on first impression the issue that is before the House warrants priority consideration over all other matters, all other orders of the day that are before the House.

There is no information that would justify a finding by the Speaker that all other business should be set aside to consider an undefined and unknown issue. To find otherwise is to give an instruction to every committee that they can control the business of the House through whimsey and mischief. That is not what we are about. It is not what the special committee on Afghanistan should be about.

The basic point is that something happened in a committee that can only come before the House if the committee reports it and it is the content of the report that is flawed and lacking specific information. The member for Ottawa South speaks only for himself, not the committee. The committee report speaks for the committee.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I want to thank you for occupying the chair, because it is important to us to have a Speaker with a great deal of experience who follows the deliberations of the House and has a ready knowledge of procedure because he started quite young.

Today, you have a major issue before you that has to do not only with committees, but with parliamentary democracy in the House of Commons.

This is a serious issue. The Special Committee on the Canadian Mission in Afghanistan decided to conduct a study because it believed that there were serious allegations of torture and that the torture of detainees could quite definitely tarnish the image of everyone in Canada, including Quebec.

When we saw that the Military Police Complaints Commission kept quiet because the government put obstacles in its way, prevented people from testifying and refused access to documents, the committee felt that the situation was serious enough to warrant further discussion.

I intend to prove briefly that members' rights have been violated and that a serious breach of privilege and intimidation have occurred.

It all started when the judge advocate general from the Department of National Defence said during his testimony and in response to our questions that his relationship with his client prevented him from answering those questions. The judge advocate general's client is the government. Consequently, Canada's chief military judge was telling us that he would not go into detail in his responses because he could not.

Yet the motion I introduced in the Special Committee on the Canadian Mission in Afghanistan referred to a serious inquiry, but also to sections 37 and 38 of the Canada Evidence Act. The committee examined the study by the senior law clerk, Mr. Walsh, which gave us many opportunities to get to the bottom of this matter. He said that the government could not use national security to protect certain ministers from the repercussions of decisions that they perhaps should not have made.

We therefore decided to proceed. I even asked the chief military judge to give us his interpretation, to share my interpretation with his client, the Government of Canada, and to come back and see us again afterward. We are waiting for this interpretation, because we believe it is our duty to get to the bottom of this issue.

The committee was also muzzled when it was refused documents. This is a breach of our privilege. All the witnesses whom we have heard to date openly told us that they were given access to all these documents. They have not been made available to us. We are members of parliament. We are the representatives of Canadians, who have placed their trust in us. Elections were held in 308 ridings including 75 Quebec ridings and the Bloc Québécois today holds 48 seats in the House. These 48 members are accountable to those who voted for them. This responsibility is exercised in the House of Commons as well as in committee.

If I tell the constituents in my riding of Saint-Jean that we have been refused documents, they will wonder how we can carry out our investigation and get to the bottom of things. Refusing to provide these documents is a major obstacle and is tantamount to muzzling the committee.

The House has been told that the documents are being translated. The government mentioned legal documents. That means that the Department of Justice is reviewing these documents and that we will probably once again—I do not want to get too far ahead of myself—be provided with edited documents where even the dates have been blacked out and where only minor words such as “thanks” at the end of a letter remain. I have already seen this.

We await these documents with much apprehension. The Parliamentary Secretary to the Minister of National Defence says that the House of Commons and its precious time will be hijacked. I think we are entitled to do that. This is not some trivial issue. The probable torture of detainees is a very serious issue. As elected members we have the right to get to the bottom of this matter.

It is obvious that witnesses have been muzzled. Documents have been withdrawn from Mr. Colvin. He arrived without any documents.

• (1545)

The ones who came after in defence of the government all told us that there had been no problems and that there had been no torture. Getting information in committee is like pulling teeth; it is an ongoing battle. That is not how it should work. If this were an American parliamentary committee in the Senate or Congress, the members would have all the documents and would get to the bottom of the issue. That is what democracy is all about. It is not just about parliamentary democracy in this House, but about democracy, period.

The other point I wanted to bring up was the issue of parliamentary immunity. Mr. Speaker, you should know. The day we allow a government to intimidate witnesses and to prohibit them from testifying before committees will be a sad day. Committees can certainly summon witnesses with a subpoena, but when they are summoned by subpoena, what position are they in then? Their government is telling them that they will violate sections 37 and 38 of the Evidence Act and charges could be filed against them. However, if they do not testify they could also face charges for contempt. The witnesses are in an absolutely untenable situation.

Parliamentary immunity has always been important here in the House. There is a reason that the government keeps telling people to say what they have to say outside of the chamber. Here, we are immune to prosecution. But we should not get carried away. That is not what I am saying. I believe that immunity is important and that what is being said here should be said on the other side too.

If we are not allowed to hear from witnesses, if they are prevented from appearing or reappearing before us, and if we are not granted access to documents, there is clearly a problem. If legal issues are more important to the government than parliamentary issues, it will be up to you, Mr. Speaker, to decide. You have a very interesting case on your hands, and I have faith in the forthcoming ruling. As a committee member who has observed this whole matter take its course so far, I felt it was important to say that witnesses are being intimidated, our rights violated and our privilege breached. If we let this slide, the government will take charge of all decisions and committees will no longer have a say.

Privilege

I would like to remind the parliamentary secretary and all governing party members on the committee that the matter before you was passed by a majority in committee. The committee passed it, and these issues were discussed. Now that we have reached an impasse, it will be up to you, Mr. Speaker, to decide. You have the wisdom of Solomon, and I am quite sure that the ruling will be favourable.

• (1550)

[*English*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I know we all engage in a great deal of partisan banter and that it is impossible to keep politics out of the House of Commons but I want to make a couple of comments about why I think this matter is of significance and why it is a matter of privilege for members of the House and the committee.

Under any norm of natural justice, in any proceeding, when a witness refers to a document, the people who are questioning the witness need to be able to see the document in order to know whether the witness is quoting from the whole document, whether the witness is quoting from the document fairly or whether the witness is omitting some things that should be referred to as well. This is an absolute precondition of anything that would amount to a fair process as it relates to getting to the heart of an issue.

The Afghanistan committee was established by the House. The question of the treatment of detainees was one of the issues that was contained in the parliamentary resolution which was referred to and passed by the House. We have had the prospect in the last week of witnesses appearing in front of the committee who not only had full access to information to which we did not have access but had access to documents in a completely non-redacted form, to all of the information in terms of memoranda and whatever briefing notes were provided to them or by them to others. Frankly, we do not know exactly what documents they thought they had and we were not able to have access to those.

The second thing that happened, which my colleague from Ottawa Centre has referred to, is that there was a first witness, Mr. Colvin, whose name is well-known to members of the House, who offered to share information with members of the committee and was then told that he could not share it.

We now have the situation where the legal advisor to the committee has advised the committee that we can hear evidence that the government might consider to be confidential or affecting national security and that sections 37 and 38 of the Evidence Act are not a barrier to members of the committee hearing this information. The Department of Justice has said that it does not accept that interpretation and refuses to allow it to go forward to the committee.

The hard part is that the government says that it wants to get to the truth and that it does not want to put barriers in the way of members doing their job, but that is exactly what it is doing. In preventing members from having access to exactly the same information as the people who are giving testimony have access to, it is impossible for us to do our job in an adequate way.

Privilege

If somebody says that this is just about politics and not really about anything of substance or that it is just one side saying something and the other side saying something else, just a matter of political argument, I do not think that is true.

Mr. Speaker, if you find that the way in which the government has allowed witnesses to appear in terms of receiving briefings from departmental officials before their appearance, being given access to documents which others did not have and then denying to members of Parliament access to those same documents in the same form in which they are being considered by witnesses, I really believe that is a direct obstacle to our ability to do our job.

● (1555)

Mr. Speaker, if you are looking for a precedent with respect to how else this could have been done, I am reliably informed that in 2004 the public accounts committee requested and received all cabinet documents directly related to the sponsorship program, including cabinet committee minutes of meetings and briefing notes of PCO and PMO to the prime minister. These documents were provided in an unredacted form to the public accounts committee in a timely fashion; that is, before the ministers, former minister and senior public servants were called to appear.

Mr. Speaker, In the unfortunate event that you decide there is no case of privilege here or that you cannot see one, I would put it to you that we on this side of the House are left in literally an impossible position. We have absolutely no choice in that circumstance other than to insist on a public inquiry because a public inquiry under the Inquiries Act and a judge, or anyone sitting as a hearing officer under the Inquiries Act, would absolutely be required to follow these principles.

Therefore, the real question for the House and for you, Mr. Speaker, is whether the committees of the House, in carrying out their work and investigation, are obliged to follow the simple rules of natural justice, yes or no. If you find that the answer is no, that they do not, then we are left with a very harsh conclusion, and that is that we in the House cannot or have not created a system of committees that actually allows them to function in a proper and appropriate way.

I think that is something of some significance when it comes to getting to the bottom of this question.

● (1600)

[*Translation*]

My question is quite simple: are the committees of the House obliged to follow the rules of natural justice?

I think the answer is clearly yes. We do not have a choice. We cannot leave members of Parliament in a position where they do not have access to the same information as the witnesses at the committee. That puts them in an impossible position and we cannot accept that.

[*English*]

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I would like to add a few comments to this debate. I listened very carefully to the Parliamentary Secretary to the Minister of National Defence, but I would say, with respect, that the contribution of the parliamentary

secretary was to emphasize form over substance here. The form of the motion was to bring this matter before you as Speaker and before the House and, effectively, to allow you and the House to consider what happened in the committee, to reach in as it were. The parliamentary secretary was very helpful in reading the minutes as well, which provided additional information, as well as the letter sent by the member for Ottawa Centre to you and the contributions of members here.

This is all a part of the issue as to whether or not there has been a *prima facie* case of interference with the rights of parliamentarians in the committee. The committee so found and offered this to you; and the various members' contributions have contributed to that. I think it is very clear that what we are dealing with is a situation where the privileges of members of Parliament were breached by the fact that the committee could not do its work effectively when a witness came forward at the request of the committee and made a statement that we found out afterwards was tainted by the fact he was told by his superiors that he was not to accept the ruling of the parliamentary legal advisor to the committee, that the government did not accept the latter's interpretation of sections 38 and 37 of the Canada Evidence Act, and told the witness to abide by their interpretation. Furthermore, they visited him and took away documents he was prepared to make available to the committee.

It was raised in the House today, so I do not think it is wrong to add that there are newspapers with copies of documents that the committee is being denied. As the member for Toronto Centre pointed out, we have the committee trying to do its work with witnesses appearing before it who are saying they have read all of these documents and there is nothing to them. How then can members of Parliament effectively do their job and listen to witnesses without being able to ask them questions about the material they are giving evidence about?

The committee of course would have to make reports to the House, so all parliamentarians' privileges are affected by what has happened in the committee. The substance of the failure of the government to respect the privileges of Parliament is overwhelming, and the committee has brought this question forward.

The motion itself has allowed you, sir, to reach into the committee's work and has brought it before the House. You are effectively able to rule on it based on the information presented to you this afternoon. I would urge you to do that, and I too would be disappointed if we cannot by this method see that breaches of parliamentarians' privileges have taken place. If you do not see the information brought to you thus far as constituting a *prima facie* case, please advise the House as to what needs to be done to bring this matter before you in such a way that you can hear it. But I would submit that we really should be dealing with substance here, not the form. I recognize that last week when I raised this as a question of privilege, I was not doing so as a member of the committee and that it did not come from the committee. This motion has come from the committee and is a finding of the committee that it believes that the privileges of its members have been breached, and this is offered to you for your consideration. I hope you will so find.

•(1605)

[Translation]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, my colleagues who spoke before me made presentations based on the facts surrounding what happened at the committee. I believe, however, that you should certainly take into account jurisprudence and parliamentary law when you are making your ruling.

Again, as I did last week for the question of privilege of our colleague, the hon. member for Mount Royal, I refer to the *House of Commons Procedure and Practice* 2nd Edition, O'Brien-Bosc. I see that the authors are at the table and I am sure they will agree with my interpretation of their work. In any case, even if the authors agree, it is you who must agree. It is you we must convince, Mr. Speaker.

I refer you to chapter 3, entitled, "Privileges and Immunities", page 111 in particular. In the middle of that page there are references to other examples of obstruction, interference and intimidation. We talked about prima facie cases of privilege in the case of members of Parliament. In the case of the hon. member for Mount Royal, we mentioned the damaging of a member's reputation. In the case before us, we are talking about "the intimidation of Members and their staff and of witnesses before committees".

In matters of parliamentary law, it is generally agreed that witnesses who appear before parliamentary committees enjoy the same immunity as members. They cannot be the subject of civil action or criminal prosecution for anything they say during their testimony. In order to ensure that the witnesses tell the truth, they must have some kind of protection.

I clearly remember being a member of the Standing Committee on Public Accounts when it was examining the sponsorship scandal. When Charles Guité—I cannot call him Chuck Guité, because I do not know him well enough and I do not respect him enough to call him Chuck—testified before us, he asked the senior law clerk of the House of Commons if he had full protection, because he knew that the outcome could be somewhat compromising for him.

I would like to call the attention of the House to another quotation, still from the same source, but this time I am quoting from page 114. Just below the two quotations, the paragraph states:

Just as prima facie cases of privilege have been found for the intimidation of Members and their staff, the intimidation of a committee witness has also been found to be a prima facie breach of privilege.

That refers to a crown corporation employee who was a victim of intimidation in 1992. The matter was found to be prima facie contempt by Speaker Fraser and referred by the House to the Standing Committee on House Management, as it was known at the time, for consideration. The committee is now known as the Standing Committee on Procedure and House Affairs. I am the vice-chair, and you were once the chair of this committee before becoming Speaker of the House.

I will close with a quotation from the report of the Standing Committee on House Management. This is from page 115:

•(1610)

The protection of witnesses is a fundamental aspect of the privilege that extends to parliamentary proceedings and those persons who participate in them. It is well-

Privilege

established in the Parliament of Canada, as in the British Parliament, that witnesses before committees share the same privileges of freedom of speech as do Members. Witnesses before parliamentary committees are therefore automatically extended the same immunities from civil or criminal proceedings as Members for anything that they say before a committee. The protection of witnesses extends to threats made against them or intimidation with respect to their presentations before any parliamentary committee.

Mr. Speaker, I would refer you to footnote number 241, concerning a ruling by Speaker Fraser on February 18, 1993.

As my colleague from Saint-Jean said, I am certain that you will study the matter carefully, as you always do, taking into account the principles of parliamentary law that I have touched on.

These excerpts from O'Brien-Bosc support a favourable decision in the question of privilege raised by our NDP colleague.

[English]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the third report of the committee, I think, was misrepresented by the parliamentary secretary. He referred to it as being one line, but I think for certain that the member should be aware of exactly what it says. It is a little bit longer than one line.

It states:

On Thursday, November 26, 2009, the Special Committee agreed to report the following motion:

That the Committee believes a serious breach of privilege has occurred and members' rights have been violated, that the Government of Canada, particularly the Department of Justice and the Department of Foreign Affairs and International Trade, have intimidated a witness of this Committee, and obstructed and interfered with the Committee's work and with the papers requested by this Committee.

Therefore this Committee reports the breach to the House so that it can consider the matter.

A copy of the relevant Minutes of Proceedings Meeting No. 17 is tabled.

Mr. Speaker, it is not one sentence. I think the parliamentary secretary may have misspoken by suggesting that somehow the motion made by the hon. member for Ottawa South has to make all arguments and stand on its own. In fact, Mr. Speaker, any member of that committee could come to this place now, I believe, under a matter of personal privilege because his or her own rights have been violated pursuant to O'Brien and Bosc. If the member would like to check page 89 of the latter under the rights and privileges of members, this argument has been made many times in this place with regard to a member's right to freedom of expression, which has to be informed. To be informed, the member must have access to information.

That is the thrust of the matter before us, that the information was withheld.

It has not been mentioned yet, but there are other parties in addition to the witnesses who had the information or documents. These included Amnesty International, which had a press conference and was showing a CD that the documents were on.

There was Christie Blatchford, who reportedly, and it is even in today's *Hansard*, has had the documents and is making judgments on the commentary of other parliamentarians with regard to the matter before us today.

If we are talking about delays due to translation, why is it out in the public domain?

Privilege

The rights of members have been breached. There is no question about it in my mind, but that is why it has been brought here.

With regard to one last point about the committee's activity, I have been a chair of the Standing Committee on Access to Information, Privacy and Ethics and conducted the hearings with Messrs. Mulroney and Schreiber. Early in the proceedings there were a couple of cases where Mr. Karlheinz Schreiber in fact had documents and was reading from and referring to those documents. As chair, I asked for and in fact demanded on behalf of the committee that those documents be made available. They were released to us. We did have the consent of the Bloc to circulate them in the language in which they appeared, subject to the documents being translated as quickly as possible. This committee could have done that. Nonetheless, those documents were released to us.

Therefore, there are examples of committees being able to access the necessary information to do the jobs of committee properly.

Notwithstanding that the government members of the committee do not support what this report says, I believe that even an individual member coming before this place and making these arguments and claims has a substantive basis or prima facie case of privilege. I look forward to the Speaker's decision, particularly as it relates to the requirement of what must come from committees in order to address a matter before committees. It has been a point that has come here so often, where the Speaker has had to rule that it is committee business and to take it back to committee.

However, I hope that is not case with this. I hope that the committee's report and its motion and the minutes attached to the report substantively bring this matter to the House for full disposition.

• (1615)

The Speaker: The hon. member for Windsor—Tecumseh. I trust this will be brief. I think I have heard enough on this point.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I will be brief as well. I have just two points.

First, I was concerned by the comments from the member for Edmonton Centre. He seemed to be trying to lead you to believe there needed to be a list of all the documents required in the letter that was sent into you to put you on notice that the motion on privilege was going to be raised. That is clearly not the case.

In that regard, I would simply draw your attention to chapter 3, page 142, of O'Brien and Bosc and its third point regarding what needs to be contained in the information. It only has to be the substance of the matter. That is clear both from the third report from the committee and the letter you received from the member for Ottawa Centre.

Mr. Speaker, the second point to which I would draw your attention is really about the substance of what has gone on here, as I see it. I want to support the comments that we heard from the whip from the Bloc earlier this afternoon. This is about the attempt to intimidate this witness by legal counsel. I would again draw your attention to chapter 3 of O'Brien and Bosc, page 114. For time's sake, I will start reading at the second sentence, the third line, which states:

In 1992, a witness who had testified before a subcommittee was advised by a Crown corporation employee that the issue of her testimony was being referred to the corporation's legal department.

They were just referring the testimony to that department. The Speaker found there to be a prima facie case in that situation, even before the witness had received any direction or an attempt to be directed by the legal department; just the very fact the witness was being warned that she was going to be put on notice at the legal department was sufficient to find a prima facie case. I think that is very relevant to the circumstances we have here.

The Speaker: I thank hon. members for their submissions on this point, but I think I have heard enough for the time being to deal with it.

[Translation]

I thank the hon. members from all parties who made submissions on this point. We have before us today the third report of the Special Committee on the Canadian Mission in Afghanistan. The report is very brief. I can read it again. It states:

That the Committee believes a serious breach of privilege has occurred and members' rights have been violated, that the Government of Canada, particularly the Department of Justice and the Department of Foreign Affairs and International Trade, have intimidated a witness of this Committee, and obstructed and interfered with the Committee's work and with the papers requested by this Committee.

[English]

My ruling last week on the point raised by the hon. member for St. John's East was cited by the Parliamentary Secretary to the Minister of National Defence in his response to the request for a question of privilege to be dealt with. I will again cite the quotation that I used from the *House of Commons Procedure and Practice*, second edition, page 151, which is also from Chapter 3 that everyone has been referring to today. It states:

If, in the opinion of the Chair—

—and this is the chair of the committee—

—the issue raised relates to privilege (or if an appeal should overturn a Chair's decision that it does not touch on privilege), the committee can proceed to the consideration of a report on the matter to the House. The Chair will entertain a motion which will form the text of the report. It should clearly describe the situation, summarize the events, name any individuals involved, indicate that privilege may be involved or that a contempt may have occurred, and request the House to take some action. The motion is debatable and amendable—

—and so on.

The point is that this report, in my view, is inadequate. It does not provide the details on which the House can make a decision on privilege. One may be forthcoming from the committee. The committee is free to do this at another meeting and come in with a detailed report that meets the requirements of our practice, but in my view it has failed to do so in the report that we have received today.

There are no names of any individuals involved. I understand the committee is receiving more material as we are discussing this. I do not know when the committee is meeting, but undertakings have been given that more material will be filed. The committee is calling other witnesses.

Government Orders

It seems to me that we should have a report from the committee that outlines in detail the alleged breach, what has or has not been tabled, which witnesses have been intimidated and which have not, and those sorts of things. These are not here in this report and, in my view, they ought to be. Until they are, I do not think I can make a finding that there has been a breach of privilege.

I need the details provided to the House in a report. The Speaker then makes a finding on that report. That is the practice outlined in the *House of Commons Procedure and Practice*. Then a motion can be moved.

Otherwise, as the parliamentary secretary pointed out, any committee can pass a motion like this, send something back here saying that it looks as though there has been a breach of privilege and ask the Speaker to make a finding and therefore in effect order an emergency debate that takes priority over other business of the House. It is important that if the Speaker is going to make a finding of a breach of privilege of members of the House, there be a detailed report from the committee indicating what the alleged breach is. We do not have that at the moment.

By saying no today, I am not saying there will not be a finding later if material is brought to the House, but in my view the committee report as it stands is inadequate for this purpose. It needs to have considerable further detail in it. I would hope that the committee, in its deliberations, will come up with a list of things that it needs or that it feels are inappropriate and that it will get those in testimony from the witnesses whom it calls.

Therefore, when the information is available, I trust that the hon. member for Ottawa Centre or other hon. members who are members of the committee will be back in the House with a report asking the Chair to make a ruling in respect of privilege with regard to that report. I believe the Chair requires further information in accordance with our practice to make such a finding and cannot make it just because the committee majority thinks there has been a breach without then providing some information on which the Speaker can base a finding of a breach of privilege of hon. members.

I will leave the matter at that for the time being.

GOVERNMENT ORDERS

• (1620)

[*English*]

ELECTRONIC COMMERCE PROTECTION ACT

The House resumed from November 3 consideration of the motion that Bill C-27, An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act, be read the third time and passed.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I am pleased to rise on Bill C-27. I will read the precursor to the bill so that the public knows what we are talking about.

This is known as the anti-spam bill, but in particular it is An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act.

This is about limiting electronic messaging that is unsolicited and unwanted which is coming across the Internet to many people in their homes and businesses. It is affecting the economy and the productivity of Canada and, in my opinion, is also a breach of consumer rights in many respects.

This is the reference in terms of the informal notation of spam. We all have received it in our mailboxes, whether it is an account at work or at home where we have received unsolicited electronic messaging.

I was pleased to support the government when it brought forward Bill C-27. It had interesting dynamics on the political front because during this process, it appeared the government would cave to a number of different initiatives from the Bloc and the Liberals to weaken the bill, but that was prevented at committee. We do have, I believe, all party support right now to bring a piece of legislation in line, which we can all be proud of and that will benefit consumers and the Canadian economy.

I would like to note that I am a bit worried about where the government is going with this legislation in terms of prioritization. We made an effort in the committee to work through this really quickly and I gave my personal word to move through this really quickly. We did get that done at committee and we did ensure that we preserved the fundamentals of the bill. There was some weakening of it, which I did not agree with, but at least it still meets the test at the end of the day.

It then took literally weeks before it appeared back here in the House of Commons and is finally coming back here again. It needs to be voted on again here in the House of Commons before it can move to the other place, the Senate. Unfortunately, some other bills have been stalling in the Senate. I do not know the politics between the Liberal and the Conservative Parties with regard to some of the legislation, but one of them I would note is Bill C-6, which is critical because it relates once again to consumer product safety for recall.

I would point out more recent examples. There was the one with the baby cribs, but there was also the one with regard to Toyota products where four million Americans received a recall notice related to brake and acceleration issues caused by the floor mats. Meanwhile, the 200,000 Canadians who had the same problem over here only got a public announcement on a website posting at their expense really.

Government Orders

I do not know why. I have written Toyota and asked why it has not done this for Canadians. It is ridiculous. Our public safety and a number of things are at risk.

However, that is an example of a bill that is stalled and we do not know where it is going to go.

The bill enjoys strong public support and it has the support of the New Democratic Party. This is part of our electoral platform in moving a number of consumer issues forward that we really want to see implemented as law. The other place will have to do some work on this bill and there will be some lobby efforts on this bill. That happened at our committee. I could be wrong but if I am not mistaken, some members of the other parties were accepting questions literally from the lobbyists in the meetings.

I think there will be a push to weaken the bill. However, some elements in the bill make it really strong and make it a good bill for Canadians and Canadian businesses because it affects our economy.

When we look at the issue of spam and electronic messaging, we need to recognize that Canada is in the top 10 and one of the few countries in the G8 that do not have this type of legislation. We are behind. We can catch up with this bill quite significantly and have one of the better models to deal with the issue.

Approximately 5% of the spam in the world comes from Canada. We are actually known as a harbour of some of the actual big spammers out there. I think we stand fourth in the world in terms of spamming, behind Russia and just ahead of Brazil.

• (1625)

We heard this before and it was important that we change it in terms of some of our workings with the United States. In the past, movies playing in Canadian theatres could be taped and that technically was not illegal. We were able to solve that problem over a year ago, giving credit to the way the Canadian market worked in terms of being fair to consumers and the industry. I see the same with this bill.

The model that is being proposed in this bill is a bit different than the United States. The United States passed a law in 2003 called controlling the assault of non-solicited pornography and marketing act. The U.S. calls this bill the can the spam bill because there is an opt out clause. An individual must opt out from receiving information.

Canada would have a much more proficient system with this bill. If an individual does not have an existing business relationship or does not have permission, then he or she should not be sending unsolicited emails. This would be a better system because it would clean things up more profoundly.

Some good things have taken place with regard to the United States system. There have been some charges related to it and there has been a reduction in spam. However, nothing will solve this problem outright. There is no doubt that no matter what law we put in place, there will be some challenges. There will be those who will always break the law. It does not matter what law we actually set in this chamber because there are always those who will take advantage of other people despite their economic and personal issues.

Electronic commerce activity is increasingly important in a competitive world. It is also important for us to meet our needs on the telecommunications run as we learn about the world and the use the Internet. Harboured down with approximately 87% of activity being electronic messaging undermines the Internet.

It is important to note that some good electronic commerce does take place. Businesses can effectively use it for advertising their services. Consumers want to use electronic commerce and that will continue, but there will be some regulation under this bill. This bill would take away some of the most offensive and egregious issues. Individuals would be penalized. Private action could take place as well, which is another strong point of the bill. I will get into this later in my speech.

As I mentioned, spam represents about 87% of email activity around the world. Last year it was estimated that 62 trillion spam emails were sent out and it is done in a variety of ways. This bill would identify some of those ways and eliminate them. I will get into a few of those as well.

An Ipsos Reid poll found that approximately 130 spam messages are received by Canadians each week, and that is troubling because that is up 51% from the year before. It is not just the irritation of removing unwanted messages and solicitations but it is also time-consuming. Employers are worried about the time this takes and the cost.

I do want to make a point that we in the NDP have been really strong on in terms of consumer rights. It is not a right to send these messages, it is actually a privilege. Let us think about that. When people purchase a computer or other electronic equipment that receives messages, they pay for that out of their own pocket. They also pay to maintain that equipment as well as paying for continual upgrades to software and so forth to ensure it is working efficiently. They also pay for the Internet service, the actual conductor of the information. Those who are sending spam need to understand that.

• (1630)

It should not just be an absolute right that we get inundated by activity, especially when we have some in the marketplace who are using malware and other types of spy software to try to gain more information about us by surfing the Internet to find out what our habits might be as consumers on the Internet. That also undermines the our ability to have confidence in it as a vehicle for doing commerce and legitimate business. It is important that those people who behave in that activity would be punished for offences under this new act.

This bill would create laws based on the federal trade and commerce power. That is important, because it will provide an opt-in approach. So there will be existing business relationships that we have and there is a timeframe for the sign-up.

Government Orders

One of the things that the bill would provide is windows of opportunity for businesses with current existing relationships to make that connection with their customers. One of them is for 18 months in terms of a previous existing business relationship. The Bloc moved a motion to extend it to 24 months, which I opposed. I believe that 18 months is plenty of time for someone to get information from us. It is a long time period, being over a year and a half, but now it is two years and I think that is unfortunate.

However, once we have this law in place, there will be a process for those to be punished who are actually doing it. The way it will need to be done is through three regulatory agencies. The first is the CRTC, which will be involved in terms of investigating complaints.

We then have the Competition Bureau which will be responsible for the administrative monetary penalties, if there is an actual breach that has been confirmed by the CRTC. The fines can be up to \$1 million for individuals and \$10 million in all other cases. So there will be a recourse to show to those spamming powers out there that are doing this that there will be punishments, that it will be more than just a fine, that it will be significant for them to deal with and, hopefully, it will curb that behaviour.

The Privacy Commissioner will also be involved because sometimes our privacy rights are affected by spam. There have been a number of cases where spammers have used headlines that look like many banks' headlines and then, for example, people click thinking it is their own bank, but it turns out that it is a spammer collecting data and information from them. Sometimes that can be quite perilous. There have been cases where people have lost money thinking it was their own financial institution or a legitimate financial institution and they have provided access to some of their monetary resources. Unfortunately, that is why the Privacy Commissioner needs to be involved because it also will protect our personal privacy. A lot of people are concerned about that.

I think one of the reasons the bill will be strong is it would have those three regulatory agencies actively involved in maintaining the accountability of the actual bill.

Interestingly enough, there was a bit of a debate about whether this bill should deal with the telephone solicitation issue. It does not but at the same time it would give the minister a bit more ability to work on the do-not-call list. I hope the minister takes this up to fix some of the do-not-call list problems. One of the ones that is in there that this bill would prohibit is the issue of surveys. The government almost capitulated on this. I would like to thank those in the industry, Michael Geist and a number of other different individuals, who pointed out this giant loophole that we could drive a truck through, whereas if someone proposed or sent a survey to somebody it did not count as solicitation or spam and, hence, it would have actually avoided the whole regime. The government, at one point, looked like it had actually tabled an amendment on this but it ended up not tabling it. It backed down from that amendment.

Ironically, the Liberal Party picked it up and actually tried to move it but it was defeated when the chair overruled that. We were lucky that we did not have that. The one thing I hope will be cleaned up with the do-not-call list is the survey loophole that everybody knows about and which is hindering the capability of the bill. We did not

actually have a section on that, so that gives the minister some flexibility to fix it and I hope that he takes me up on that suggestion.

●(1635)

It is also important to note that there was another issue in the bill that was defeated. It is important to recognize that because it is an issue that people are concerned about. In the original manifestations of the bill there was a provision that would have allowed companies to go onto our computers and seek information from that computer. If we had agreed to them being part of our Internet relationship, we would be consenting or allowing them to go onto our computer and access information and documents, and basically surf through our computer unknown to us.

That issue was taken off the table as well. There was great Internet discussion and blogging about this offensive piece of the legislation. I was happy to see that backed out as well. It is important because had that provision been there as well as the other provisions I have mentioned that were taken out, I do not know whether I could have supported this legislation because it would have weakened it so much. It would have become far weaker than even the do not call registry. It is very fortunate that we were able to get consensus and push that back.

As well, there were a couple of amendments that were interesting and I was rather curious as to how they came forward. We will see whether or not in the Senate they will be pushed forward again. One of them came from the Bloc and that was the extension of the time to actually opt out of an email subscription. The way it works is if I, for example, agree to receive an email and I have a relationship with a company or if someone is sending me that information, then I can opt out of that later on, by just sending an email that I do not want to continue this relationship. The way the legislation was written I would be taken off the list in 10 days. The Bloc moved a motion for it to be 30 days. The final part of the bill is 10 business days.

If we agree to an email through our bank or somewhere else, they will instantly start spamming or sending information. Once we agree, they start flying in. I have Aeroplan points, for example, from Air Canada and boy, that thing rings all the time with all kinds of stuff. I have agreed to that relationship and sometimes it is helpful, sometimes it is irritating, but I make that choice. To suggest that I want out of that and that it would take 30 days to get out of that is absolute nonsense, especially with the sophistication of some of the programs. Ten business days is a sufficient time to end that relationship. It is not burdensome at all especially when they have the capability of adding us in instantaneously when we agree to get on these lists.

I was puzzled about this and when it gets to the Senate we will see whether or not there is going to be another lobby effort either to kill the bill or to weaken it some more. If it is weakened even more, Canadians will be upset because they are seeking a solution to this. As well, it is important to reinforce the issues of how serious spam is. Spam is used in crime. Spam is also used in an organized way that affects the whole Internet capacity of the system. We just have to look at some of the botnets. These are zombie computers where specific programs are written to go in and then turn our computers into a generator off spam or email spam for someone else who controls a whole grid of them.

Government Orders

I am going to wrap up by saying that I will be supporting the bill. We want to see this happen as soon as possible. I am glad it has finally come to this chamber. I was disappointed it took so long because we worked really hard at committee to get it here faster. I am concerned it will have some impact in the Senate. We will see whether the senators are going to stand hard on the bill and make it happen quickly for Canadians to ensure we get some real results.

• (1640)

The Deputy Speaker: Order. 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 Malpeque, Agriculture and Agri-Food; the hon. member for Mississauga South, Natural Resources; and the hon. member for Yukon, Canada-U.S. Relations.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, toward the end of my colleague's speech in this debate on Bill C-27 he was getting to the whole discussion of how spam is used in crime. That is a very important piece of what we need to be addressing with legislation.

We have all experienced the concerns and panics about computer viruses. We have heard the words Trojan horses and other malicious attempts to interfere with people's computers and corporate computers. We know it is sometimes directed toward identify theft and other types of fraud. There are other issues that come up. The member was talking about zombie computers, where off-site computers can try to take over other people's computers, and the whole question of phishing.

I wonder if the member might address a little more about how the bill tries to take on the whole issue of how spam connects with criminal activity.

• (1645)

Mr. Brian Masse: Mr. Speaker, one of the interesting results of the American legislation that was passed was the conviction of Robert Alan Soloway, who was arrested in the United States. He was one of the world's largest spammers.

The member is quite right when he refers to the issue and its connection to crime. It was not only identity theft and fraud, but money laundering was also part of the 35 criminal counts he was charged with. I am not exactly sure where it is. I think it was 2007 when he was arrested and some of the cases may be going through the courts. Those were the types of things with which he was charged.

That is important because it is not only about privacy but whether people's money can be taken. Government information and a great deal of personal information can be stolen and used for other types of illegal activity. The issue is related to money laundering. That can make it very harmful to citizens but also companies.

I want to touch on companies, too, because some of the market they invest in gets lost or hurt because of spamming. Some of the spamming is very particular, very clean in imaging, and induces people to think it is something it is not, such as, for example, the banking industry. It costs that industry because it loses customers. People then do not want to trust that company because others have

abused it. That is why we do not want to lose sight of the criminal aspect of this as well.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I had the opportunity to speak to this bill earlier and there was one issue I dealt with that maybe the member would like to comment on. It has to do with directing some of the attention on the ways in which small- and medium-sized businesses themselves can help to protect their own information by having best practices, et cetera.

I would refer him to the Canadian Privacy and Data Security Toolkit for Small- and Medium-Sized Enterprises, which was produced by the Canadian Institute for Chartered Accountants and issued at the beginning of last summer. There are, in fact, audit checklists in there for businesses because if they are not part of the solution, they are part of the problem.

With regard to this bill, it is one thing to look at the problem and how we might deal with those who abuse the situation, but businesses themselves have to be proactive in protecting their own information. I wonder if the member would like to comment on the need for businesses to be part of the solution.

Mr. Brian Masse: Mr. Speaker, this issue really needs to be taken seriously. This is a privilege, not a right, especially given that businesses and people have invested in their own computers. They are the ones paying for the maintenance, as I noted. They are also paying for the Internet service being provided.

It is very much a privilege, not a right, to interchange in such a relationship. Otherwise, what should happen is that maybe consumers should get 5¢ for every ad or some type of remuneration for doing it. That really should be what is happening if this type of behaviour is seen as a right, not a privilege.

I would argue that there are some really good models, as the member has noted. Organizations are trying to create some best practices, so that they can keep their areas lined up correctly. With the three government agencies, the CRTC, the Competition Bureau and the Privacy Commissioner, there will be a really good, strong regime to set some good examples right away rather than those that are terribly abusive. That will hopefully bring in line those who are kind of on the fringes of doing this activity.

• (1650)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, my question is a bit of a follow-up from the question by the member for Mississauga South, but it has to do with the whole role of businesses. Businesses have privacy officers now, and I am talking about little businesses here. A lot of them will not even know that the legislation has passed the Senate, even when it does pass the Senate.

The question I have is whether the member thought that the government should have a roll-out plan to let small businesses know about the bill and its regulations. Perhaps that would go a long way to avoiding all of the problems that will come up as a result of the bill in terms of non-compliance and perhaps people doing things inadvertently that they would not have done if they had known what the rules are.

Government Orders

Mr. Brian Masse: Mr. Speaker, there have been a couple of good examples in the past. But when I think about what will happen right now, if we are lucky, the bill will go to the Senate and be passed some time in 2010. I am hopeful there will be no election and the bill will become law.

I was watching a video today about some of the crime bills that were lost when the Prime Minister called the election, despite elections being set for ourselves in the future. We hope we will not see that happen again.

Businesses will have an additional two years before it comes into full implementation, when they will have that existing business relationship that can be struck with their current client base.

I am hoping the government does roll out a program right away at the beginning so that we can get to those businesses, not wait till the last minute and then have those types of problems.

There will be flexibility with the CRTC and the Competition Bureau to determine if there are accidental breaches or whether there are habitual problems that are happening in particular companies. There are all kinds of wonderful ways that we can connect electronically, with the Government of Canada's own infrastructure system, and as well, even connecting into, for example, the chambers of commerce across this country.

There will be a lot of opportunity to engage the public with a two year period before full implementation. So we are really not looking at it immediately. It depends when it gets through the Senate. It might be 2012 or 2013 before the law would be fully implemented and protecting consumers and the Canadian economy, and that is a long time.

Mr. Jim Maloway: Mr. Speaker, my brief supplementary question is whether or not the member is satisfied with the penalties under the act. I notice that there is a right to private action. I would have liked to have seen some sort of examination of the possibility of class action because there are class action provinces in Canada. If the government does not enforce the act to its fullest, does the member think that the right of private action will actually step in as the tough enforcement mechanism?

Mr. Brian Masse: I think it will, Mr. Speaker, but the member raises a really good point with regard to class action. That is one of the things on which we could probably have spent more time to see whether that could have evolved into part of the final structure of the bill.

We did not have much discussion on that at all, but it might be one of those things that we could look to add to the bill. I am hopeful that perhaps that would be a strengthening of the bill and that it could happen at the Senate. If not, I am hopeful that the bill stays in its current format, at least as a starting point, and then from there we could look at massaging the bill if it is not meeting the needs.

Once again, this is critical. This is not just about inconveniences and annoyances. This is a massive use of technology and the abuse that is taking place with customers. It affects the Canadian economy and it is also giving Canada a black eye right now.

Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.): Mr. Speaker, I am pleased to rise today to speak to Bill C-27, the electronic commerce protection act. This legislation enacts important

restrictions to the volume and frequency of spam in business transactions. I was pleased to have the opportunity to work with other members of the industry, science and technology committee to review this legislation and respond to some of the concerns brought forward by stakeholders.

Spam, or in essence, unwanted commercial emails, is a significant problem for Canadians. Spam currently represents 60% to 80% of all email traffic around the world. The sheer volume of messages challenges the capacity of Internet service providers and legitimate businesses that conduct their activities over the Internet and by email. Most important, it has a significant negative impact on consumers. Spam is a large source of computer viruses, phishing programs designed for identity theft, deception and fraudulent business practices that target the vulnerable.

A 2003 report estimated that fighting spam cost businesses and consumers \$27 billion annually in information technology spending, including increased expenditure in Internet bandwidth, storage costs, anti-spam software and user support. In May 2004 the Liberal government established a task force to lead the anti-spam action plan for Canada. The task force held public consultations and led round tables with key stakeholders in the industry.

In 2005 this anti-spam task force tabled its final report outlining 22 major recommendations, including a key recommendation to strengthen federal legislation in this area. Specifically, the task force recommended that Canada implement legislation that would prohibit the sending of spam without the prior consent of recipients, prohibit the use of false or misleading statements that would disguise the origins or true intent of the email, prohibit the installation of unauthorized programs and prohibit the unauthorized collection of personal information or email addresses.

Bill C-27 looks to implement those recommendations. The electronic commerce protection act would introduce fines for violations up to a maximum of \$1 million for individuals and \$10 million for businesses. It would establish rules governing warrants for information during investigation and injunctions on spam activity while investigations are ongoing.

Bill C-27 would also establish the private right of action, allowing individuals and businesses the ability to seek damages from the perpetrators of spam. It looks to prohibit the sending of commercial electronic messages or, in other words, spam email without the prior consent of recipients. The bill also looks to prohibit the use of false or misleading statements that disguise the origins and true intent of the email, the installation of unauthorized programs and the unauthorized collection of personal information or email addresses.

Bill C-27 would introduce legislation to enact all of these recommendations. We are pleased that the Conservative government has finally decided to act on the recommendations of our task force.

However, upon more detailed review of the provisions included in Bill C-27 at committee stage, there were flaws exposed in the bill and several changes were made that looked to improve and ensure that the productivity of businesses activities dependent on electronic commerce would not be impacted.

Government Orders

While the Liberal Party believes the bill remains unnecessarily restrictive to legitimate business in its approach in many regards, we will support the bill at third reading as action must be taken against spam. We will monitor the legislation closely going forward to ensure that it does not stifle legitimate electronic commerce in Canada.

However, the Liberal Party further notes that the fight against spam is much more than just legislation. The Liberal task force also recommended resources to be put toward coordinated enforcement of the law. As it stands, this legislation will only go as far as the willingness to enforce the law. Without additional resources toward enforcement and toward working with other nations to stamp out spam, the gains intended through this legislation will not be made.

• (1655)

We have yet to see how the government will put appropriate resources into enforcement. Dedicated resources should be put in place to work with Internet service providers and Canadian businesses to establish the best methods of enforcing these important regulations.

As I mentioned previously, through close review and testimony provided by witnesses at committee stage, flaws were discovered within the bill. Specifically clause 6 was found to have been written too broadly and could have suppressed legitimate business communications over the Internet. Clause 8 also defined “computer program” very broadly and could have suppressed legitimate businesses, software development and impeded legitimate Internet functions.

After considerable work, many amendments were made to improve the bill, refining measures for electronic messages, computer programs and the protection of privacy rights.

The bill, however, retains a very strict philosophy. Bill C-27 takes a very broad approach to defining a rather wide definition of electronic messages that puts the onus on individual businesses to seek exemptions if they believe their activities to be legitimate.

The proposed Liberal approach was to define known spam irritants and define them as illegal, with the flexibility to add further definition as electronic messages on the Internet evolved.

The concern with the Conservative approach is that an overly heavy-handed approach could stifle electronic commerce in Canada and negatively impact the productivity of the business community.

Overall, however, many good changes were made to the bill at committee stage. As such, the Liberal Party will support the bill at third reading.

When it was first tabled, it appeared that while stakeholders supported the concept of the bill, they were quite concerned about the details of Bill C-27. Business groups, including the Canadian Chamber of Commerce, the Electronic Software Association, various interests in the technology sector all felt that Bill C-27 was too restrictive and could hamper legitimate commerce.

With significant amendments at committee stage, these stakeholder groups now feel the legislation has better balance. However, they maintain the legislation is still heavy-handed and could

suppress legitimate electronic commerce activity. Many, however, have indicated that they will look to see further amendments as the bill passes through the Senate.

The following issues in no particular order of priority present the outstanding concerns heard during the review of this legislation, but were not amended under the clause-by-clause consideration of C-27.

First, in hearings before the committee, the Canadian Bankers Association raised concerns dealing with Bill C-27 and confidentiality. In its testimony to the industry, science and technology committee the Canadian Bankers Association recommended that the electronic commerce protection act be amended to specifically protect information produced under the act from disclosure by CRTC in respect to an access to information request.

The amendment proposed by the Liberal members was under clause 29 of Bill C-27. This amendment sufficiently addressed concerns that a document produced for and then kept by the CRTC would not be available to be made public under the Access to Information Act. It also served to specifically protect the information from disclosure by CRTC in response to access to information requests that could be important for proprietary reasons.

Our ability to make this change was limited by the need for a consequential amendment to the Access to Information Act, which we were unable to move as it fell outside the jurisdiction of Bill C-27.

The next issue the Liberal members of the committee felt important to bring to the attention of the committee under its review of the bill dealt with materiality. We believed it was important to retain the standard of materiality in respect to electronic sender information and subject matter information and brought amendments to clauses 71 and 73 to include the words “in a material respect”.

The main reasons for these amendments are as follows. The first is the chilling effect on individuals and businesses doing business. Without this change, concerns remain that individuals and companies doing business in Canada will automatically face potential criminal prosecution or civil action under the Competition Act every time someone asserts that the subject matter information in a business email is somewhat misleading, whether by understatement, by overstatement or otherwise or is in some other aspect false.

The addition of “in a material respect” is consistent with the language used in the Competition Act. Without this amendment, even trivial or immaterial misstatements or representations that are false or misleading will be subject to the serious consequences in the Competition Act.

Government Orders

• (1700)

The second effect could be felt in the Competition Bureau, including materiality, which would provide the Competition Bureau with the necessary discretion to brush aside complaints raised about purported misstatements that were trivial. Given the thousands of complaints made annually to the Competition Bureau, this change would allow the immaterial or trivial representations to be automatically filtered.

Third, materiality would impact double consequence. Due to an amendment brought in by government members to clause 51, the sender of a misleading email would be held accountable twice, once under the serious consequences in the Competition Act and again under penalties to Bill C-27, by heavy penalties for a misrepresentation that may not be material.

Unfortunately, the Liberal amendments to make these important changes concerning materiality were not supported by other members of the committee, so Bill C-27 retains these potentially problematic sections.

The next major area of concern dealt with referrals for legitimate professionals. We received interventions from several organizations concerning the need for certain professionals to make and follow up on third party referrals by email. Referrals are key to many professionals' success, for example, financial advisers and realtors to name a few, and initial changes brought forward by government for discussion at committee included changes allowing clients to pass along the electronic address of a contact, family member or friend to the professional.

The amendment originally proposed by the government does include a number of conditions that must be met, which we feel will prevent abuse.

First, the sender needs to be in an existing business relationship with the referrer. The referrer needs to have a personal or family relationship with the recipient. The sender has to name the referrer and the sender is limited to sending a single message to the recipient. Unfortunately, the government decided not to present this amendment at the clause-by-clause review of the bill and did not support the Liberal amendment to include these important exemptions in the legislation.

Another area of concern for stakeholders centred around the definition of a computer program. The Liberal members presented an amendment suggesting changes to the definition of a computer program. The goal of this amendment was to ensure that a computer code meant to be compiled by a web browser, such as Flash, JavaScript or HTML, along with popular web technologies such as Java code, Flash programs, et cetera, would no longer fall under the ambit of the anti-spyware provisions.

The most effective way to exclude legitimate website codes from the anti-spyware provisions seems to be to propose a comprehensive definition, which is subject to amendment by regulation to ensure it is kept current against new and emerging online threats. The amendment proposed by the Liberal members of the committee was defeated and officials pointed to the changes made to clauses 8 and 10 of the bill to address some issues dealing with consent around computer software.

Finally, concerns surrounding the communication between regulators of self-regulated professions and their members under the electronic commerce protection bill were raised during the committee review, and Liberal members brought forth an amendment to address this issue.

As currently drafted, Bill C-27 prevents professional regulators from sending legitimate communications to their members for innocuous purposes, such as continuing legal education opportunities. In many cases, these regulatory groups are required by statute to make members aware of such opportunities.

This could be a simple oversight and could be remedied by introducing an amendment to provide an explicit exemption for self-regulated professions under clause 6. This amendment was initially contained in the draft changes brought forward by government officials for discussion at the early October meeting of the committee, but was not brought forward as an amendment by the government during the clause-by-clause review of the bill. A Liberal motion on this issue was presented at a later date, but was ruled out of order, so this oversight remains an unfortunate component of Bill C-27.

While there remains room for improvement to the bill, the Liberal Party will support the electronic commerce protection bill at third reading in the interests of taking necessary action against spam in Canada.

• (1705)

The concerns that I and my Liberal colleagues have articulated throughout our study of this legislation will hopefully be given some thought by the government for inclusion within regulations. The Liberal Party would have approached this bill from a different philosophy than the government has, but we also recognize it is important for the bill to move forward for the sake of Canadians. It is important that we continue to monitor technological advances throughout the progress and implementation of this legislation and any changes that are enacted to increase the productivity of Canadian business.

• (1710)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, what sort of advertising program does the member think the government should embark upon if we ever get to the point that this legislation passes? It has to go through the Senate. We have to avoid an election or else we will be back here discussing the same thing a year or two from now. If we do get to the point where the Senate approves the bill, what does the member think the government should do in terms of advertising to the public, advertising to small business and trying to make certain the bill actually has teeth and proper enforcement?

Ms. Siobhan Coady: Mr. Speaker, we look forward to the bill moving forward. It is intended to deter spam and protect the integrity of data transmission. We would like the bill to move forward rather expeditiously. We must ensure that legitimate business is not hampered in any way. We are a society that does a lot of commerce over the Internet.

Government Orders

I would ask the government to embark upon discussions with the Canadian Chamber of Commerce and the networks of chambers of commerce and boards of trade and other industry associations to widely spread the information about the provisions of the bill so that it can be implemented as quickly as possible.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I want to thank the member for St. John's South—Mount Pearl for an excellent overview of the bill and more explicitly some of the insights. It is easy to come here and talk about all the nice things the bill does, but the member raised a number of issues that the bill does not address. That is extremely important. I want to take this opportunity to thank her for thinking about the rest of us who have other responsibilities.

She raised a specific issue with regard to disclosures required for the CRTC. The hope was that they would be exempted from access to information legislation, but that provision could not be put into the bill. It does raise the point that when there are unintended consequences, a mechanism is needed.

Would the member undertake to ask the committee if it would consider writing a letter to the Minister of Justice who is responsible for the Access to Information Act to consider such an amendment to the act and failing that, to write a letter to the Standing Committee on Access to Information, Privacy and Ethics bringing the matter to the attention of the committee so that the committee may consider such an amendment?

Ms. Siobhan Coady: Mr. Speaker, when we spoke of this in committee the response from officials was that there was sufficient coverage under the protections of the Privacy Act. They felt this was sufficient to cover the concerns we were raising. The Canadian Bankers Association raised the issue and thought that some of the provisions under the Telecommunications Act would have given better protection. I thank my hon. colleague for his suggestion and will certainly take that under advisement as to how we could best move forward to ensure that those provisions are in place.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, this bill is somewhat complex and it would prohibit a fair amount of activity. Its purpose as set out in clause 3 is to promote the efficiency and adaptability of the Canadian economy by regulating commercial conduct that discourages the use of electronic means to carry out certain activities that impose additional costs on businesses and consumers.

After prohibiting the sending of electronic messages unless there has been consent, expressed or implied, and prohibiting all sorts of activities, an exclusion is made for an electronic message that is sent by means of a facsimile to a telephone account.

I do not know if the hon. member is familiar with people re-sending advertising by facsimile to another individual's fax machine using the individual's paper, ink, toner and supplies. To send an electronic message all the sender does is press a button and that message can be sent to 1,000, 2,000 or 3,000 people. That would seem to cause an additional burden on people who do not necessarily want to get 500 ads for a \$250 trip to Florida or wherever, and other impossible ideas that are being put forward. I see them all the time and I am sure the hon. member and others have seen them as well.

I wonder if the member could comment on that and why that might not be prohibited in this legislation as well.

● (1715)

Ms. Siobhan Coady: Mr. Speaker, the member for St. John's East raised a very interesting question. This legislation would apply to electronic commerce. It is an anti-spam bill. Many jurisdictions around the world have anti-spam legislation. Canada is strengthening its legislation and that is why we are supporting this bill.

With respect to the member's question about whether facsimiles would fall under this bill, I would assume it would depend on whether it was sent by a fax port contained on a computer, if it is electronic commerce from the Internet itself. As to whether or not it falls under the jurisdiction of this bill would depend on whether or not it was sent from a fax port on a computer or from a telephone to another telephone.

Bill C-27 was designed to capture those types of spam activities the hon. member mentioned, but it depends on where it comes from as to whether or not it would be captured.

Mr. Paul Szabo: Mr. Speaker, I want to raise another matter. This is a new one on me which happened this past week and it is called spoofing. Someone can actually encroach on a system and create emails representing someone else. In my case, it was representing me, and it was a direct letter to the premier of Ontario concerning a tax. I did not send the message. I had it investigated. There is now the ability for someone to send an email to someone else that looks as though it came from a third party.

I am wondering whether or not that situation came up in the hearings and consideration of this bill at committee.

Ms. Siobhan Coady: Mr. Speaker, spoofing did not come up specifically when we were reviewing this bill. We talked a lot about phishing and spamming and all the new words that are associated with electronic commerce. As the bill progresses, I am sure we are going to have a ton more of these new terms.

It would depend on how the spoofing is actually done as to whether or not it would be captured under this bill, I would assume, only because of the mechanisms and means under the bill.

The hon. member has raised an incredibly important issue. This bill is going to need constant attention. That was one of the reasons we were concerned about the bill's narrowness and its philosophy. What are we going to do with all of the new issues that arise with respect to the Internet and some of the new illegitimate spamming activities?

The member asked a legitimate question. Spoofing would hopefully be captured in this legislation depending on how it is done and the extent of it.

Mr. Jim Maloway: Mr. Speaker, I would like to ask the member whether she is satisfied with the penalties that are listed in the bill. They seem to be fairly adequate but we have to take into account criminal organizations and other organizations that may not be deterred by penalties that are not high enough.

In her opinion, are the penalties at sufficient levels to prevent criminal organizations from getting involved in this activity?

Government Orders

Ms. Siobhan Coady: Mr. Speaker, that is an important question.

In assessing other jurisdictions, it seemed that Canada was strengthening the measures in this bill to ensure the penalties were sufficient enough and that it would deter spamming. We looked at other jurisdictions such as Australia and New Zealand that implemented similar types of legislation. They found that spamming decreased substantially as soon as the legislation was put in place. The combination will certainly be powerful to ensure that spamming is decreased.

• (1720)

Mr. Jim Maloway (Elmwood—Transcona, NDP): Mr. Speaker, I am very pleased to speak to Bill C-27 at third reading. We will be supporting this bill. Hopefully it will have a very brief but successful trip through the Senate and will become law in Canada in short order. I would hate to see it held up in the Senate and/or have an election in between and then have to start over again.

As numerous members have mentioned in the debate on this bill, Canada is pretty much the last major country to bring in legislation of this kind. Having an election every two years has put us in this situation. Legislation like this should have been brought in three or four years ago, maybe even longer than that.

I was involved in setting up the e-commerce legislation in Manitoba. The bill was tabled in the Manitoba legislature on June 5, 2000. At that time Manitoba was not the first province to introduce e-commerce legislation. It was modelled on the Uniform Law Conference legislation. There was a Uniform Electronic Commerce Act. Manitoba used that chassis to build its legislation.

There may have been two or three provinces to introduce legislation before Manitoba did, but certainly when Manitoba's legislation was passed, it was the most comprehensive of its kind in Canada. That was almost 10 years ago and most other provinces, if not all, now have that basic underlying legislation. For the member who just spoke, the spam bill is a complement to that type of legislation. When legislation was first introduced in 2001, I am not even certain we knew what spam was. I do not think it was an issue at that point. When it did become an issue, I am guessing in 2003 or thereabouts, that is when the federal government took note of the problem and started to look at bringing in legislation.

In the era of computers and the Internet, we are all familiar with how fast things move. In the last 100 years the Pony Express was replaced by the telegraph system. Those things took time. There was a period of maybe 10 to 30 years where that technology was predominant. Now we are in an environment where the lifespan of technology is a year or two. Had Parliament adopted this bill two or three years ago, at that time I do not think we had heard of Facebook, Twitter or some of the other new technologies out there.

This legislation always will be a work in progress. After we pass this bill, no doubt loopholes will develop over time. We will simply have to plug those loopholes with future amendments or create an entirely new piece of legislation to deal with the problem at hand. There is a lot to talk about with respect to this bill.

• (1725)

On April 24, the Minister of Industry introduced this Bill C-27, An Act to promote the efficiency and adaptability of the Canadian

economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act, in the House of Commons.

We are amending four acts in this process. The bill is called the electronic commerce protection act. It passed second reading on May 8 of this year and was referred to the Standing Committee on Industry, Science and Technology on the same day.

In addition to creating this new bill, the bill amends the four existing acts that deal with telecommunications, regulations, competition and privacy. Among other changes, these amendments designate the CRTC as the main regulator of this act, although both the Commissioner of Competition and the Privacy Commissioner will also play enforcement roles related to their respective mandates.

The bill is the culmination of a process that began with the anti-spam action plan for Canada, launched by the Government of Canada in 2004, although I thought it started around 2003. It established a private sector task force, chaired by Industry Canada, to examine the issue of unsolicited commercial email or spam.

By the end of 2004, spam, which is in many ways the electronic equivalent of junk mail, had grown to encompass 80% of all global email traffic. As has been mentioned before, bandwidth is a big issue. It is less of an issue today than it was seven or eight years ago because of all the dark fibre builds that are built by various communities and so on. We have seen an astronomical increase in the amount of bandwidth due to the dark fibre builds, due to other bandwidth proposals that have been promoted and financed by Industry Canada, which was involved in some of them.

What this has spawned at the end of the day is more spam. Just the other day we talked about the child pornography legislation. We said that there was a timeframe and in roughly the last four or five years child pornography had exploded as a problem. If we take that back, we come down to the question of bandwidth.

Ten years ago all we could get on our computers was maybe 15 frames per second. Then it became 30 frames per second. I mentioned before that the Rolling Stones was the first band to put one of its songs on the Internet. It could be seen as choppy frames when watched. Now we have full colour movies being seen on the computer. This is as a result of that enormous increase in bandwidth that has occurred just in the last half a dozen years and with that, the improvements in the technology to be able to carry that bandwidth.

Government Orders

Clearly, it was the great development we all said it would be. We said that tremendous bandwidth was something we would use to facilitate our electronic health records so we could put MRI images and X-ray technologies onto a hospital system and simply send it to the next hospital. It could also be used for distance education.

In fact, that is happening, but the downside of this is we have the criminal elements taking advantage of the bandwidth for their purposes. Their purposes are to use things like spam and so on for their benefit, to take money from people and to involve themselves in criminal activities.

● (1730)

The task force on spam, which led to the action plan, held a round table of national stakeholders in December 2004 and it solicited feedback from other stakeholders and Canadians through announcements in the *Canada Gazette* and in a dedicated online forum set up for this purpose. The task force issued a report in May 2005, examining the spam situation in Canada and recommended, among other measures, that legislation specifically aimed at combatting spam be created. The bill is the result of that process.

The federal government issued a news release to accompany the bill, which thanked the task force, as well as two senators who were involved in developing their own bills. Both senators have introduced bills concerning spam in the Senate during the past few years. This bill is a more extensive and complex bill than previous proposals.

What we have seen happen over the last several years is that when one bill has not had success, then the subsequent bill has been an improvement over that bill.

It will also involve several agencies in the regulation of spam, including the Competition Bureau, the Office of the Privacy Commissioner and the CRTC. In addition to setting up a regulatory scheme to deal with spam in Canada, it gives these agencies the power to share information and evidence within our international counterparts in order to deal with spam coming from outside the country. We are literally dealing with an international problem.

The government indicates in its background on the proposed legislation that the bill is intended to deter the most dangerous and damaging form of spam from occurring in Canada and to drive the spammers outside of Canada. Unfortunately, when we end up driving them outside of Canada, we just drive them somewhere else. That is why we have to work on a worldwide basis to deal with this issue.

The bill can be seen, as I mentioned before, as a complement to the e-commerce legislation that has been gradually developing in each of the Canadian provinces and territories over the last years. That e-commerce legislation set the foundation for e-commerce in the country. By the way, it was at a time when people were not yet buying things online. We were looking at ways to promote e-commerce and people were saying they were very reluctant using their credit card information on the computer to buy the product.

As part of Manitoba's bill 31, we put in some consumer legislation which, at the time, was only in effect in three states in the United States. This consumer legislation made it a requirement for credit card companies to reimburse the customers, if they purchased

something online and did not get the product. It was designed for peace of mind, to get people to accept the fact that if they used their credit card to purchase something on the computer, they need not worry. If they did not get the product, they would not be out the money. Credit card companies were held responsible and they were not happy. They came to the Manitoba government and to its committees to tell them that this was terrible, that they should not be held responsible for this.

However, we were interested in bigger fish, at that time, than the consumer part of the legislation. While that was important, the real reason we brought in the legislation in the first place was to enable the government to streamline the way businesses interacted with government and to facilitate the creation of the common business identifier. For those who know what that is, it was a means of having a common identifier for each business in dealing with governments at all levels.

● (1735)

Up until that time we had a common business identifier for the federal government and then we had a different business identifier for the province. If the business dealt with the province, it had one number. If it dealt with the federal government, it had another number. By streamlining this, we were able to save the province a lot of money at the end of the day by getting all the businesses transferred over to a single business identifier and that eventually led to them being able to pay their taxes and payroll deductions and so on through the Internet. Without that framework that all the provinces set up in those days, we could not have facilitated this seamlessness among the federal government, the provincial government and the business community. As a result of all of that, the business community, by and large, is filing its payroll deductions and T4s by e-file. Other dealings with the government are all being done that way.

There was at that time a major scandal in Ottawa regarding the databases. Ms. Stewart had a problem on her hands, the major Liberal boondoggle of the day. This was when we were doing this. There was some concern from the opposition about how far we were prepared to go, whether there would be problems with database sharing and so on. Whenever we try to do something, there is always a negative side of it that we have to look at, and it slows down what is a good idea.

In terms of the electronic commerce and the e-government initiatives, the common business identifier I just talked about was really low-hanging fruit for all governments to work with, because they controlled all the elements of it. So far that has been very successful. Once again, this is simply a companion bill to those original pieces of legislation.

The bill would expand the federal government's participation. The federal legislation related to e-commerce governs the basic privacy requirements for private sector organizations and electronic documents within federal jurisdictions and provinces and territories that have not yet set up their similar legislation. In a number of cases, the provinces opt to sign on to the federal legislation and therefore they avoid developing their own legislation.

Government Orders

As I said, Canada is the last of the G8 countries to introduce specific anti-spam legislation. Some existing Criminal Code provisions were identified by the task force as being of possible assistance in prosecuting spam cases. The task force worked with the Department of Justice and the technological crime branch of the Royal Canadian Mounted Police during 2004 and 2005 to identify the evidentiary requirements to bring a charge under the existing provisions, although when the task force report was published, these provisions had not been used for this purpose.

Other agencies, such as the Office of the Privacy Commissioner of Canada and the Competition Bureau have received complaints from members of the public about spam as well, and there has been no over-arching framework for addressing such complaints.

The listening public may not be familiar with some of these terms. They would be familiar with identity theft. Phishing is certainly a popular word these days, although a lot of people do not know what it is. There are also spyware, viruses and botnets. The bill will also grant additional right of civil action to businesses and consumer targeted by perpetrators of such activities.

The definition of phishing is the impersonation of a trusted person or organization in order to steal a person's personal information, usually for the purposes of identity theft. The only other one that I would mention is botnet, because people do not necessarily know what that is. A botnet is the collection of zombie computers used to send spam or for another purpose. A zombie is a computer that runs malware so the computer can be remotely controlled by the creator, distributor or controller of the malware.

Once again I am short of time, but I am ready and very eager to take questions from my colleagues.

• (1740)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I thank the member for reminding the members about some of the specific provisions in the bill. There are still some concerns. The member for St. John's South—Mount Pearl raised a couple of the issues that were there, particularly with regard to disagreements among some of the witnesses about whether or not their privacy protection would be adequately covered.

One of the examples that she used was where reporting requirements to the CRTC would, in fact, be protected from access under the Access to Information Act. No changes are proposed to the Access to Information Act at this point. It does raise a question about whether or not the process of legislation has taken consequential implications into account. I guess that would be one example. I do not know if the member has others.

I do have some concerns that we will be dealing in an area in which the velocity of information and the kinds of technological tools that have been developed so rapidly may always be one step ahead of the legislation in this place unless we get a better process in place.

Mr. Jim Maloway: Mr. Speaker, the member is absolutely correct. That is why we have the committee process in the first place. It is so bankers and many others can come in and see that there is an exposure here. Somebody actually could file a freedom of information request and that banker information that they had given

to the CRTC would then in fact be provided to the person who requested it.

I have said that, as the shortcomings of this bill and every bill that we have ever passed are noted, there will be vigilant politicians, many of them who are right here in this corner of the House today, who will be very willing and able to introduce amendments.

I have asked many questions about how this bill will deal with businesses. This is going to be a minefield and a problem for many small businesses. Certainly, businesses want to know that they can deal with their long-term clients and not have to get into trouble if they contact them. That is an issue. If a real estate agent sold a house to somebody three, four or five years ago, does the agent have the right to contact the owner?

I asked my friend from Burnaby that question because that is something to think about. Evidently, there has been an amendment put in by one of the parties to increase that period, but it still may not be long enough.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, Bill C-27 is the spam bill. We are thankful that it is finally back in the House because the NDP industry critic, the member for Windsor West, indicated that he despaired that it was ever coming back here. We know how important it is.

Should the bill pass here in the House, which it seems likely to soon, get through the Senate and become law, what is then required? I know my colleague from Elmwood—Transcona asked another member earlier about the kind of advertising program that is necessary to ensure that the public are aware of this legislation and how it would affect them, but also how businesses would be aware of the legislation and the effect that it would have on their business and the way they did business.

I know he was just asking a question about how this would affect real estate agents, for instance, who go back to their former client list and try to use it again as they pursue business. I wonder if he can comment on that aspect of what is necessary concerning this legislation.

• (1745)

Mr. Jim Maloway: Mr. Speaker, I know that in the case of the charity legislation, it too was one of those pieces of legislation that had to start over again with each election, and even though there are thousands of charities in the country, only a small percentage of them, after two or three times of getting the legislation through the House, even know that this legislation exists.

I am not sure exactly what the answer is here, but what I am saying is that the government has enough money to spend millions on feel-good advertising, basically just short of outright political advertising. Surely, it can put some money aside to advertise such an important bill as this to the public and to the businesses, and work out some creative ways of getting the information out there to the business community, so that it can start following the act correctly and not get itself into a situation where it is doing things it is not supposed to be doing because I do not think that most business people would want to do that.

Government Orders

That is where we get into the issue of real estate agents, insurance agents, and other people who have a business relationship with clients. How far back can they go to solicit the business? If an agent sold a house to someone five or ten years ago, does he or she have the right to send the owner a letter or contact the owner regarding a house sale? That was really my question there.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I appreciate the speech of the member for Elmwood—Transcona, which gave us a lot of useful information on the legislation.

A lot of the activity that would be prohibited is currently legal, but on the other hand, a lot of the things that people complain about are actually illegal even now. If I get an email message purporting to be from the Bank of Commerce or the Royal Bank that there has been a error in my account and asking me to give my bank account number and PIN, that is obviously somebody committing a fraud. That is illegal now. I am assuming that this legislation is not going to change that and we do not need this legislation for that.

Then there is the person writing a letter saying he or she is the spouse of some former or deceased, corrupt government official in Africa and has \$10 million to share with me. That is already illegal and maybe this bill can do nothing about that because it comes from Nigeria, the U.K. or some offshore account.

The first question is, would this bill stop anything coming internationally and are there mechanisms to co-operate with other governments to make that illegal here in Canada? The crime may not be committed here, for example, yet someone has access to email accounts or addresses within Canada. That was one question that I had concerns about.

Would this be something that would help that? I suppose if there were, he would have told us, but we know that when we had the do not call list, it turned into an opportunity for people to get access to all these numbers and as soon people signed up for the do not call list, they started getting calls.

Are there any fatal flaws like that in this bill that the member is aware of?

Mr. Jim Maloway: Mr. Speaker, it has never ceased to amaze me that people will go to a boat show or some show, and willingly give out all their private information to join a free draw, when they should know that the boat seller is simply going to take the card and contact them about buying a boat, and that they are all going to be winners in the draw that happens afterward.

When things are going in their favour, they are very supportive, eager and happy, but if it gets into a situation that they are not happy about, then the argument about their privacy rights or other rights becomes an issue here.

It is a big minefield for businesses when they are dealing with this type of legislation. It really depends upon the people themselves as to whether or not they want to make complaints.

This bill has a provision for people to take action on their own. There is no provision for class action here, but if the CRTC does not take action, there is a provision for an individual right of action, which the member, as a lawyer, will know is probably a valuable addition to the bill.

● (1750)

[*Translation*]

The Acting Speaker (Mr. Barry Devolin): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Barry Devolin): The question is on the motion. 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, bill read the third time and passed)

* * *

[*English*]

CANADA POST CORPORATION ACT

The House resumed from October 9 consideration of the motion that Bill C-44, An Act to amend the Canada Post Corporation Act, be read the second time and referred to a committee.

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, I appreciate the opportunity to debate the government's attempt at privatizing Canada Post part two. Part one was Bill C-14, which was introduced about two years ago, and to refresh people's memories, it was not that long a bill. Neither is Bill C-44, the one now before us now. They are exactly the same bills. It is important to state, as my comments will show, that they are exactly the same bills with different numbers and dates on it. The sole purpose is to privatize part of Canada Post.

Interestingly, however, we hear government members stand and say that they do not agree with privatization. It is in their famed report, the strategic review that says that they do not agree with privatization. In this case, however, all they need is a little deregulation and they automatically get privatization because it is already there. Talk about a major flip-flop.

The government began its tenure in government supporting the fact that all mail delivered within Canada is the responsibility of Canada Post and any mail delivered anywhere is the responsibility of Canada Post. However, as I will show, the government flip-flopped and I am not sure where the Liberals are. I will mention them a couple of times but they are, as a Liberal colleague said, skating on this one and the skate is set to music in this case.

Government Orders

I wanted to mention the strategic plan early on because the Conservatives did a strategic review of the Canada Post Corporation. There may be some members of the government who are tempted to say that they are going for this because of the recommendation in here. We need to understand that the first bill, Bill C-14, was introduced before this report was done. Who is really surprised that a government hand-picked committee came up with a report that, get ready for the shock, endorsed the government's position? Wow, who would have thought that a group of people selected by the government would recommend a major change in the way Canada Post operates and it just happens to line up beautifully with where the government is? It is a wondrous world. I will come back to that report.

I want to begin with the Canada Post Corporation Act, one small part of this law. Part 1, Objects, section 5.(1)(b) reads as follows:

the need to conduct its operations on a self-sustaining financial basis while providing a standard of service that will meet the needs of the people of Canada and that is similar with respect to communities of the same size;

The operative language is "on a self-sustaining financial basis". If we were not there, there might be some kind of argument that the government could make that it should make this change. If we were on a trend line that showed that in the near future Canadians would need to start either increasing the cost of postage or, worse yet, giving direct subsidies to keep it afloat.

What is the reality, one might ask, so we know the context. The reality right now is that Canada Post makes a small profit so it is currently meeting the mandate of a self-sustaining basis. It sounds like it is meeting its mandate. Why would we make this change? Will the change do any harm to the ability of Canada Post to meet its mandate of being self-sustaining financially?

● (1755)

Let us go back to the last review. We have the government and its current review which says that we ought to stop giving Canada Post the exclusive privilege of dealing with all mail.

What the last report in 1996 said about this very idea, the whole purpose of this bill that we are dealing with right now, about that singular idea that is the singular purpose of Bill C-44, is:

Removal of the exclusive privilege would be tantamount, in effect, to tossing Canada's postal system up into the air, allowing it to smash into a random assortment of pieces, and hoping that those pieces would somehow re-arrange themselves into a coherent whole that was better or at least as good as the current system.

What has changed since 1996? I know. The government, and the official opposition which used to be the government so they might not want to laugh too hard yet until we get to the bottom line. There will be time for them, so they should not get too upset.

In 1996, there was no mistake, the government of the day did support keeping Canada Post intact. Another review came up with that conclusion. Is that the only conclusion? No. This is so critical; there is lots of evidence. I wish I had much more than 20 minutes to get it all on the floor of the House of Commons about why we ought not do this and what the experts, the people with the experience, have had to say about this idea over the years. However, I will do my best to get the main pieces tabled.

What did Canada Post say at that time? It is a little quieter these days. It does not say as much, certainly not as much in support of the Canada Post that most Canadians want. At the time, Canada Post said:

For as long as it is the public policy of Canada to provide universal letter service at uniform rates, it will be necessary to maintain the limited exclusive privilege for letters.

This bill undoes that.

Now who else might have something to say about this? Well, cabinet ministers who are responsible for Canada Post often have things to say. What did the Conservative cabinet minister responsible for Canada Post say in a letter dated July 25, 2006? He said:

The activities of international remailers cost Canada Post millions of dollars each year and erodes the Corporation's ability to maintain a healthy national postal service and provide universal service to all Canadians.

That was a Conservative minister of the Conservative government on record, in writing.

I will introduce one more piece to the foundation of our position on this. The situation is that these private enterprises started encroaching into this business and then started getting into it in a big way. Canada Post told them to stop but they did not. It tried a negotiation process but that did not work. So, given the mandate that it has under law, it did what any Canadian or any Canadian corporation would do if somebody was wronging them, it took them to court. Canada Post won.

● (1800)

However, because these international remailers are so committed to the Canadian postal service, they appealed that decision. On May 8, 2007, the Ontario Court of Appeals brought down its ruling. Justice McFarland wrote on behalf of the three judge panel who had a unanimous decision. They said:

The purpose of the statutory privilege can only be to enable CP to fulfill its statutory mandate or realize its objects. It is meant to be self-sustaining financially while at the same time providing similar standards of service throughout our vast country. Profits are realized in densely populated areas which subsidize the services provided in the more sparsely populated areas.

Is it that hard to understand? We have a huge, beautiful country but it does present serious challenges in terms of presenting and providing the same level of service in downtown Toronto as in downtown Hamilton, Vancouver, Halifax, Yellowknife and, quite frankly, all the other far flung reaches of this country. It is expensive and has challenges in addition to money in terms of having the human resources.

We have this great formula in Canada right now whereby there is enough money being made to tell Canada Post to do it all but that we will regulate it, that it will be responsible to Parliament through a minister, that we will provide the law and regulations, but that its purpose is to provide this service at a world level and be self-sustaining.

Nobody likes an increase in the price of postage stamps or anything like that, but the fact is that currently Canada has one of the lowest cost postal services in the world. That would be one kind of a brag if we are talking about Austria, but to make that brag when we talk about Canada is pretty darn good and it has been pretty good.

Government Orders

There are always problems. I am sure that is not a person in this room who does not have one postal or letter story or another, so be it, but in a large corporation that size that is not surprising. The reality for most people is that the service is okay. It can always be better but it is not horribly broken and inefficient. It is quite the contrary. It is efficient enough to generate a little profit.

What is on the floor now would have the effect of taking that ability away. Why is the government doing it? It did not have that position before and now it has it right after the judge's decision.

This is what it looks like. It looks like a group of entrepreneurs, and there is nothing wrong with that, got into this business, struggled with Canada Post, lost the struggle, went to court, lost, appealed it, lost and then found friends in the Conservative government and said, "We cannot seem to get our argument past the courts with that darn monopoly that Canada Post has that lets it generate this modest profit, so what we would like is for you to change the law and then we will not be violating the law. We can keep on doing what we are doing and whatever happens to Canada Post, that is your problem".

It is similar to a lot of the issues at the core of privatization. They cherry-pick the things that make the most money, privatize that and make bags of money, usually with non-union workers, but it is a free country but that is a little point to make, and leave the expensive parts, like delivering mail to Yellowknife or Iqaluit, to the government, which will be the first one to talk about how much it costs and how outrageously inefficient the system is.

We have a system that is not perfect but the financial structure allows us to maintain and expand our service to pay the workers a decent wage and benefits. It is not as good as what they deserve for the work they do but it is a decent wage and benefits. All that is done and Canadians do not need to give it a thought. It is taken care of because of the way it is structured.

● (1805)

In effect, by deregulating this particular section, by taking it out of the existing law, the government would make legal the privatization of Canada Post work that is prohibited under the current law. One little change and suddenly what is not allowed in the front door comes merrily bouncing through the back door. That is what is going on.

The government is going to stand and talk about jobs and this, that and the other thing, and the reality is the question is not whether there will be jobs. The question is whether those jobs are going to be outside Canada Post and therefore deny Canada Post the financial ability to provide the service and to be financially self-sustaining, as the law mandates and as it has been doing. That is the real rub.

If this thing were broken and nothing were working and Canada Post were running a massive deficit, one could make arguments for some kind of fix and correction. However, that is not the case.

The people who will be celebrating, should this bill pass, are the owners of the companies doing the re-mailing. That is why I mention the official opposition because I do not know where the Liberals are. They supported Bill C-14, which was the exact same bill, word for word. The current critic is listening to the member for Toronto Centre and skating up and getting ready to go. What I heard was that they put out some nonsense that they were going to support it at this

hearing so they could get it to committee and then at committee, they would worry about the jobs that should be at Canada Post and about where the money was going to come from. It is all just a scam.

The fact of the matter is this is a straight-up question. My colleague from the Bloc spoke in the last go-round and made it very clear that there is no nuancing here; there are no maybes or ifs or any kind of dodging. It is very simple: we either support the right of Canada Post to maintain the exclusive privilege and therefore to have the ability to be financially viable, or we do not.

I say to the official opposition, if they join with us and the Bloc, we could kill this. We could save Canada Post. There are a lot of people who use Canada Post and who work for Canada Post and are beneficiaries of the services of Canada Post who do not want this to happen. They do not want it to happen for the very practical reason that it does not make sense. It only makes sense if we think about the owners of these corporations that are doing the re-mailing, the mailing outside Canada, mostly to the United States, right next door. That is where the money is. That is where the volume is. That is where the big bucks are. Of course they want this.

They are going to talk to us about the jobs. Move those jobs out of where they are now and put them in Canada Post and I will bet that every one of those employees will be making more money than he or she is today, and Canada Post would still turn a modest profit. There is a win-win-win situation.

However, the owners of the companies that are currently illegally doing this work would be so heartbroken to see this die. It is the best Christmas present they could ever get, and they would have received it because of the handiwork of the Conservatives and, until I hear differently, from the support of the Liberals, who will have changed their position from having supported Canada Post the way it was to supporting this nonsense.

We can stop all of that. Do Canada Post, Canadians and Canadian business a big favour by voting this bill down and out.

● (1810)

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, I want to thank my colleague for his expertise and passion in defending Canada Post and all it stands for.

As a Canadian who has been following our political scene over the years and having recently become involved in politics, what I see is a progressive loss of control of our way of life by government. I see what could be called the Milton Friedman philosophy of deregulation, privatization and government pulling out and allowing the corporate sector to take over. I see this as another step in that direction, often at the expense of jobs and of a system that works.

In my province of British Columbia, the government-owned railway, BC Rail, was sold. This railway company was generating a profit. We are in the process of losing public power, BC Hydro.

Does my colleague feel this is just another one of a number of steps toward privatizing our way of life to bring in more corporate control?

Government Orders

There are other examples, such as the Canadian Wheat Board, which is under attack by the Conservative government even though it is efficient and making money for farmers.

People in Canada Post receive a decent wage and provide us with a service.

Is this another step in an attack on our Canadian way of life?

Mr. David Christopherson: Mr. Speaker, I had the experience of eight years of the Mike Harris government in Ontario, and privatization was the way to go. His government privatized anything it could lay its hands on. I will give one quick example because Ontarians need to know the history.

Highway 407 was sold after it was bought and built by the Ontario taxpayer and was making money. It was sold by the Mike Harris government and all of the profit from that sale went into election year revenues as one line of income in the budget. To this day, those of us who use the 407 are paying hugely higher tolls than the going rate around the world for a similar type of toll road.

One of the things that is most exasperating about this is that when the Conservatives sell off the country's crown jewels, not to pay the bills but to ensure that their rich friends become richer, we do not even get the fire sale dollar amount that we would normally get. One change in the law and all of that would suddenly stay with the private side, which gets to make all of the money and Canada gets nothing from it. Nothing.

• (1815)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I thank the member for his animated presentation because it is actually time that we became a little animated about what is happening.

We are even seeing it to some extent in regard to the CBC. The member may recall that there was a provision in the last budget, Bill C-51, whereby the borrowing authority of CBC was being increased and everybody thought that was a good thing. However, it was being increased simply because the government would not provide the resources necessary for CBC to continue to deliver services to Canadians. With that borrowing authority the government is actually cashing in the leasing revenues on buildings that it owns but does not use just to provide the cash flow that it needs. It is done just to survive. I characterize that as one of the next steps in the privatization of the CBC.

With regard to Canada Post and the re-mailer situation, I would like to ask the member if he could inform the House of a bit of the history. I ask because was told by someone, and I just want to just confirm it, how the re-mailer situation arose and what options may be available to address it either by remediation of a mistake that happened before, or by some sort of arrangement made on a one time basis to grandfather current provisions as opposed to trying to unravel what has been done.

Mr. David Christopherson: Mr. Speaker, I appreciate the questions by the hon. member for Mississauga South and his involvement. I hope he will convince his colleagues to join with us in stopping this bill because we can. At caucus meeting Wednesday I hope the member will do that.

I do not think there is any question that if there had been an easy solution it would have been found. If we look at the history of this, there was a period a few years ago when there was an attempt under a universal mailing union system to see if there could be a compromise that Canada Post could live with to avoid what the member is saying.

My understanding is that Canada Post did everything it possibly could, and others will disagree but that is what I am advised, but it could not find that agreement, which is why it ultimately took them to court. It seemed as if it would be the privatizer's way or the highway and Canada Post could not live with it.

If we do this, Canada Post will be in a financial crunch. Canadians in B.C. will not have the same service as those in downtown Toronto or the cost of postage will go way up or we will have to put in our budgets every year, which we do not need to now, a sum of money that is dedicated to subsidizing Canada Post. That is why this makes no sense.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, this issue goes right back to the establishment of Canada Post Corporation. I have a quote from the postmaster general of the day. André Ouellet was the Liberal postmaster general in 1980. He said that the Canada Post Corporation will have the monopoly to transport letters so as to have a guaranteed source of revenue allowing it to ensure the universality of services.

That is the very foundation of Canada Post, the requirement of the monopoly in order to allow universal services so that someone from B.C. can write a letter to Nain, Labrador for the same price as it costs for a letter to go from Toronto to Montreal. This is a fundamental principle.

Does the member think the Liberal Party has actually abandoned that principle or is there some other reason why the member thinks they may not support it?

Mr. David Christopherson: Mr. Speaker, I suppose there is a long list of reasons why the Liberals might not be supporting it but what matters to Canadians is that they are not supporting us in stopping the bill and staying with the tradition. They have a tradition and I will go so far as to say that it is one they can be relatively proud of in the past with Canada Post. Why on earth are they throwing that overboard to appease a handful of private interests in Canada? We do not understand.

I will read another quote from the 1996 review mandate. It states in part that private companies would concentrate on high density urban areas and ignore rural and remote markets "because the combination of sparse population, low mail volumes and numerous distribution points is one that offers little prospect of profitability".

Canada Post is about providing an important service to Canadians. The private business interest is to make money. The two do not go together. Why are we denying Canada Post the ability to be financially viable without costing taxpayers a single dime beyond what they pay directly for the postal service?

The Liberals need to answer to Canadians on why they would even consider letting the bill go through and do that kind of damage to Canada Post?

Government Orders

●(1820)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I want to speak about the importance of rural postal delivery and the fact that we need to support it. It is not cost effective in some areas because it costs a lot to go to some places.

I am talking about the northern communities in particular, starting in my riding. We have a very big capital city of 23,000 or so people where delivery service is easy. It is very efficient and cost effective for any corporation. Canada Post provides good service and does that economically.

Then we have a number of very small communities. One, Old Crow, where the mail has to go on the plane because there are no roads. There are other communities that can be a four, five or six hour drive, such as Beaver Creek, Watson Lake, Mayo and Teslin, Pelly Crossing, and Keno. Some communities have very few citizens, a few dozen citizens, and it is very expensive to deliver mail to such communities for the few letters that are mailed at 54¢ a letter, the cost for delivery in Canada. We all want Canada Post to be self-sustaining and to at least break even. It needs to have revenues to deliver to those small communities.

In the Northwest Territories, the situation is even more costly. Large cities like Yellowknife and Inuvik have highway access, but there are many cities that only have air access. Mailing letters to places with only air access is very expensive. Those communities without roads in the Northwest Territories are tremendously costly for Canada Post. Canada Post needs to have support from revenue somehow. Some of that comes from the exclusive privilege.

Nunavut has virtually no roads at all. Everything has to be flown in to all the communities, even to the large capital city and all the small communities. It is very expensive. Flights are extremely expensive because it is so far north, so isolated, so hard to get to and such difficult climate conditions. Yet, these communities have a right to receive mail like anyone else in Canada.

Once again, it is a very costly exercise, but for the same amount of 54¢, they have the right to receive mail from anyone in Canada and it needs to be covered. The exclusive privilege is very useful in helping Canada Post. It is one mechanism that can be used to ensure that it can provide reasonable rates to all Canadians for mail to their communities.

Mail is delivered to rural areas in Canada, to farms. In the Prairies there are some communities which have several dozen people and in the past were actually incorporated as a municipality. They need delivery. Rural post offices are very important places in Canada and we have fought to keep those open.

Time and time again, as the previous speaker said, we have a proud record in fighting for those rural post offices so that people in small communities have access, not simply for mailing a letter but to other services that Canada Post offers. In some small communities those other services could be delivered by no one else. There are no banks or other types of organizations in these very small communities. Canada Post can provide some services, and once again, this is not always a money-making opportunity for Canada Post. It has to have sufficient revenues to fund these services.

●(1825)

Another service is the delivery to the farms and the postal boxes that are on the highways. In particular, there have been some concerns in the last few years about the safety of the setup of the postal boxes and how those deliveries are made. In our belief, the answer is not necessarily to eliminate delivery to farms and rural people, but to improve access to where that mail person has to stop and make that delivery. Once again, these are expenses that could be incurred by Canada Post and it needs the revenues to pay for these expenses. One can see why this is important.

In some cases, a larger pull off the side of the road is needed. There could be a slot at the bottom of a hill so the postal car would not be stopping on the highway. However, we also do not Canada Post to cancel the service to that particular post office. If elderly people have been going to the end of their driveway for years to get their mail and then all of a sudden they are told that they are going to have to go out onto the highway and down the highway somewhere else to get that mail, one can imagine the potential for very serious accidents.

Elderly people could pull out on a very busy highway, especially in the winter. They may not see an oncoming car as clearly as they thought. The oncoming car, which could normally stop quickly, may not on an icy road. Once again, these provisions to ensure that the mail person is safe and that the farmer and the people living in these rural communities are also safe all cost money. Canada Post needs the type of revenue to ensure that these people are covered.

We now have a number of areas that are saving some money by having super-boxes. Mail is put into one location where everyone can go. It saves on door-to-door delivery. It is practical, but there are still a large number of stops in very rural areas. It costs a fair amount to deliver these many 54¢ letters. Canada Post receives some more revenue for larger letters, but of course they are heavy to carry.

It is a tenet of our Constitution that Canadians have the ability to receive services comparable to all Canadians no matter where they live. Certainly, mail is one of those types of services that all Canadians should have the right to access. It is a great binder of our nation and makes us all feel part of a country where we can all live in a great modern society and have those types of services that everyone should have access to.

●(1830)

The Acting Speaker (Mr. Barry Devolin): Order. When the House returns to this matter, the hon. member for Yukon will have 11 minutes remaining.

[Translation]

PRIVILEGE

REFERENCE TO STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS

The Acting Speaker (Mr. Barry Devolin): It being 6:30 p.m., the House will now proceed to the taking of the deferred recorded division on the question of privilege in the name of the member for Mount Royal.

Call in the members.

And the bells having rung:

* * *

• (1845)

[English]

ORDER PAPER

The Speaker: Order. I wish to inform the House that in accordance with the representation made by the government pursuant to Standing Order 55(1), I have cause to be published a special order paper giving notice of a government bill and motion. This should have been tabled this morning, but here it is now and it is being tabled on the day.

[Translation]

I therefore lay the relevant document upon the table.

* * *

PRIVILEGE

REFERENCE TO STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS

The Speaker: The question is on the motion.

• (1855)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 138)

YEAS

Members

Allen (Weland)	Andrews
Angus	Ashton
Asselin	Atamanenko
Bachand	Bagnell
Bains	Beaudin
Bélanger	Bellavance
Bennett	Bevilacqua
Bevington	Bigras
Blais	Bonsant
Bouchard	Bourgeois
Brisson	Brunelle
Byrne	Cannis
Cardin	Carrier
Charlton	Chow
Christopherson	Coady
Comartin	Cotler
Crombie	Crowder
Cullen	Cuzner
D'Amours	Davies (Vancouver Kingsway)
Davies (Vancouver East)	DeBellefeuille
Demers	Deschamps
Desnoyers	Dewar
Dhaliwal	Dhalla
Dion	Donnelly

Dorion	Dosanjh
Dryden	Duceppe
Dufour	Duncan (Edmonton—Strathcona)
Easter	Eyking
Faïlle	Folco
Footé	Freeman
Fry	Gagnon
Gameau	Gaudet
Godin	Goodale
Gravelle	Guamieri
Guay	Guimond (Rimouski-Neigette—Témiscouata—Les Basques)
Guimond (Montmorency—Charlevoix—Haute-Côte-Nord)	
Hall Findlay	
Harris (St. John's East)	Holland
Hughes	Ignatieff
Jennings	Julian
Kania	Karygiannis
Kennedy	Laforest
Laframboise	Lalonde
Lavallée	Layton
LeBlanc	Lee
Lemay	Leslie
Lessard	Lévesque
MacAulay	Malhi
Malo	Maloway
Marston	Martin (Esquimalt—Juan de Fuca)
Masse	Mathysen
McCallum	McGuinty
McKay (Scarborough—Guildwood)	McTeague
Ménard	Mendes
Minna	Mourani
Mulcair	Murphy (Moncton—Riverview—Dieppe)
Murphy (Charlottetown)	Murray
Nadeau	Neville
Ouellet	Pacetti
Paillé (Hochelega)	Paillé (Louis-Hébert)
Paquette	Patry
Pearson	Plamondon
Pomerleau	Proulx
Rae	Rafferty
Regan	Rodriguez
Rota	Roy
Russell	Savoie
Scarpaleggia	Sgro
Siksay	Silva
Simms	Simson
St-Cyr	Szabo
Thi Lac	Thibeault
Tonks	Trudeau
Valeriotte	Vincent
Volpe	Wasylcia-Leis
Wilfert	Wrzesnewskyj
Zarac — 151	

Privilege

NAYS

Members

Ablonczy
Albrecht
Ambrose
Anderson
Ashfield
Benoit
Bezan
Blaney
Boucher
Braid
Brown (Leeds—Grenville)
Brown (Barrie)
Calandra
Cannan (Kelowna—Lake Country)
Carrie
Chong
Clement
Davidson
Del Mastro
Dreeshen
Dykstra
Finley
Galipeau
Généreux
Goldring

Adjournment Proceedings

Goodyear	Gourde
Grewal	Guergis
Harper	Harris (Cariboo—Prince George)
Hawn	Hiebert
Hill	Hoback
Hoepfner	Holder
Jean	Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)	Kenney (Calgary Southeast)
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lauzon	Lebel
Lemieux	Lobb
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Mayer
McColeman	McLeod
Menzies	Merrifield
Miller	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Nicholson
Norlock	O'Connor
O'Neill-Gordon	Obhrai
Oda	Paradis
Payne	Petit
Poillievre	Prentice
Preston	Raitt
Rajotte	Rathgeber
Reid	Richards
Rickford	Saxton
Scheer	Schellenberger
Shea	Shipley
Shory	Smith
Sorenson	Stanton
Storseth	Strahl
Sweet	Tilson
Toews	Trost
Tweed	Uppal
Van Kesteren	Van Loan
Vellacott	Verner
Wallace	Warawa
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Wong	Woodworth
Yelich	Young— 136

PAIRED

Members

Allison

André— 2

The Speaker: I declare the motion carried.**ADJOURNMENT PROCEEDINGS**

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

● (1900)

[English]

AGRICULTURE AND AGRI-FOOD

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, on September 30, I asked the Minister of Agriculture and Agri-Food a direct question relating to the government's response, or more so its lack of response, to the United States country of origin labelling legislation. I qualified my remarks that one of the defining characteristics of the Conservative government is to announce but never deliver.

As usual, the government claimed that it has taken action. It claimed that it raised the matter with the United States administration. On January 12, in a media release, the Minister of International

Trade assured Canadian producers, and I will quote from the release, "I am pleased that key issues raised by Canada are addressed in these measures". That was on January 12. That statement came after the United States published regulations in December 2008 for its COOL legislation. The Minister of Agriculture and Agri-Food was reported as claiming at the time, "We have gotten what we asked"—the United States Department of Agriculture—"to do". It sounds like a success story does it not?

The same government issued a news release on November 19 of this year, in which the Minister of International Trade said, "Our assessments are showing us that COOL is having a negative impact on Canadian farmers and livestock producers". Obviously. Is that not quite the revelation?

The success the government talked about in the spring did not happen. So much for the Conservative government's ability to gain concessions for Canadian producers. Its failure to gain results from the United States administration has been demonstrated by the necessity now of going to the WTO.

The reality is that the Conservatives' failure to take action, their failure to present the United States with a clear position in respect of countermeasures we might take has cost Canadian farmers. To a great extent we are losing the hog industry in Canada. Beef producers are in serious trouble. The Conservative government has to be held to account for its lack of action.

The Canadian Pork Council, which represents a sector of the farm economy that is suffering from COOL, told the Standing Committee on Agriculture and Agri-Food:

The introduction of mandatory country-of-origin labelling in the U.S. has wreaked havoc on a sector already suffering from financial losses. Since 2009, exports of live hogs are down 40% compared with the same period last year. This breaks down as follows: 30% fewer Canadian weaner and feeder hogs going into the U.S. and 65% fewer Canadian market hogs being exported to the U.S. On an annual basis this represents a loss of about \$250 million worth of exports.

Instead of utilizing business risk management where it has spent \$861,400,000 less than last year, instead of utilizing that program and re-profiling it so producers could survive in the interim, the government continues to fail Canadian producers.

I ask the parliamentary secretary why do the Conservatives not continue to take strong measures against the United States and why do they not support our producers in the interim?

● (1905)

Mr. Pierre Lemieux (Parliamentary Secretary to the Minister of Agriculture, CPC): Mr. Speaker, first of all, let me state that when it comes to agriculture, our Conservative government puts farmers first in everything that we do.

With respect to country of origin labelling, our government is standing up to the U.S. on this harmful legislation and is formally challenging the COOL legislation at the World Trade Organization. Thanks to our efforts a panel was established by the WTO dispute settlement body on November 19, 2009. We have taken action to defend the interests of Canada's cattle and hog producers and we are confident that we will win our challenge.

Adjournment Proceedings

[Translation]

The request for a special WTO panel is the most recent step in a lengthy dispute between the Government of Canada and the United States. In early December 2008, we launched the dispute resolution process at the WTO by asking for official consultations with the United States, thus indicating our determination to defend Canadian producers.

The ministers of International Trade and Agriculture are both actively engaged in challenging the country of origin labelling legislation and have shared Canada's concerns with their U.S. counterparts at every opportunity.

[English]

The Prime Minister has also made it very clear to the U.S. all along that if the discriminatory aspects of COOL are not removed, we would take this issue to the WTO.

With respect to the agriculture committee, I took the initiative, with the support of my Conservative colleagues, to move a motion for the committee to travel to the U.S. in order to meet with congressmen, senators and industry groups to defend our farmers.

Regrettably, the member for Malpeque and his Liberal Party are completely out of touch with Canada's farmers and would in fact have us abandon this challenge. Bob Russell, a former Liberal candidate for Edmonton—St. Albert and Liberal of the year in 2007 said that COOL appears to be an idea whose time has come and that our producers should meet this demand. That is what the Liberal of the year said in 2007. That is not the view of our Conservative government.

It is time the Liberals got onside with farmers and supported our efforts in challenging COOL.

Hon. Wayne Easter: Mr. Speaker, putting farmers first is the Conservatives' motto; what a farce. They are the first to help farmers out of business, and that is a fact.

How low will they go? The Conservatives quote somebody who is in an agriculture committee in one sector of one province and then they say that is the Liberal Party's position. That is what that party over there is all about: messaging. No matter what the message is, whether or not it is the truth, that party tries to create a false impression.

These are the facts of the matter on putting farmers first: there are 861,400,000 dollars less than last year in farm safety nets; \$101 million lapsed on agriculture and agri-food grants and contributions; \$15 million lapsed on the environment; and \$13 million lapsed on safety. How could the parliamentary secretary stand in his place and try to leave the impression that he is putting farmers first?

The Conservatives are doing nothing of the sort. They are selling out the farm community in this country. They should be ashamed of themselves.

Mr. Pierre Lemieux: Mr. Speaker, shame on the member of Parliament. He rants and raves, but he does nothing for farmers. In fact, the member is on strike. He said that he is not going to ask any questions on the agriculture portfolio because he is not supported by the leaders of the agriculture industry. Why is he not supported?

Because he is wrong in all of his positions. That is why they will not support him. Now he is on strike. He says he defends farmers, but he will not ask a question during question period, and in committee he is very ineffective.

When it comes to COOL, our government understands that COOL threatens our livestock industry. That is why we have taken our challenge to the WTO. This has been extremely well received by the industry. Let me quote Brad Wildeman of the Canadian Cattlemen's Association, who said, "The negative impact of this legislation will only increase and that is why we appreciate"—the government—"requesting the dispute settlement panel at the WTO".

● (1910)

NATURAL RESOURCES

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, members may recall that on a number of occasions I rose in the House with regard to, unfortunately, alleged improprieties on behalf of the Minister of Natural Resources, and in fact made a complaint to the Ethics Commissioner.

At 3 p.m. last Thursday, I received a letter from the Ethics Commissioner in which she said, "I am writing to inform you that I have completed my preliminary inquiry in relation to your request of October 5th, 2009, for an inquiry into an alleged contravention of the Conflict of Interest Code by the Minister of Natural Resources. Based on the information before me, I believe that an inquiry is warranted. The basis for my decision is outlined below".

It is clear now that the commissioner is satisfied that there are matters which appear to be in contravention of the Code of Ethics for members, as well as under the Conflict of Interest Act, at which she will be looking. One of the things we have asked for is that during the period in which the minister will be subject to a formal inquiry by the Ethics Commissioner that she step aside until that inquiry is complete.

It gets even more complicated because consequential to this, Mark McQueen, the chairman of the board of the Toronto Port Authority, which is implicated in these alleged wrongdoings, was appointed by the current Minister of Transport, who is responsible for the port authority. He has been pleading for the government to allow the Auditor General to come in to clean up the mess, to look at the problems and to try to deal with them.

When the chair of a board of a federal agency asks the government to take action, action should be taken. This is the second time the board has asked for an investigation and an inquiry to be done and the government continues to say that it is beyond the Auditor General's mandate.

One of the things I learned in my review of this matter is this. Section 41(1) of the Canada Marine Act, which is the act under which this port authority operates and which guides the Minister of Transport, in terms of his responsibility, says that it must have a special report, a special investigation at least once every five years. It also says that the minister has the discretion to have one as often as he deems is required.

At question here are things like doctoring board minutes, political interference, gross mismanagement and dysfunction of the board to the point where it cannot discharge its responsibilities.

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My concern at this point is that the Toronto Port Authority, a federal agency, is not able to discharge its responsibilities. I am asking the minister to order a special investigation to clear the mess up.

Mr. Andrew Saxton (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, allow me to begin by thanking the member for Mississauga South and the chair of the ethics committee for his intervention today.

Our government takes the allegations seriously. This government prides itself on accountability and ethics. That is why we strengthened the powers and responsibilities of those arm's-length agencies that are charged to investigate such matters.

The Minister of Natural Resources continues to co-operate fully with the Ethics Commissioner. The minister is following, and will follow, the commissioner's ruling and guidance.

The issue is still being examined by the Ethics Commissioner and, therefore, it would be inappropriate for me to comment further.

Mr. Paul Szabo: Mr. Speaker, the minister has the authority to call for a special investigation by a third-party accounting firm, not the existing auditors, to come in. That is the request of the chair of the board, who was appointed by the transport minister. The transport minister is authorized under section 41(1) of the Canada Marine act.

This has nothing to do now with the Ethics Commissioner or with the Minister of Natural Resources. It has to do with the chairman of the board of directors saying, "We have a problem. We need somebody to look into it to clear the air. We need to be able to do our work, but there is a cloud hanging over our head. It is interfering with our ability to do our jobs".

The minister has the tools. There is nothing the Ethics Commissioner can do to help him. He can go in and take responsibility for this, get someone to give him the information and determine what solutions there may be so we do not have a dysfunctional Toronto Port Authority.

•(1915)

Mr. Andrew Saxton: Mr. Speaker, as I mentioned, our government takes the allegations seriously. This government prides itself on accountability and ethics. That is why we strengthened the powers and responsibilities of those arm's-length agencies that are charged to investigate such matters.

The Minister of Natural Resources continues to co-operate fully with the ethics commissioner. The minister is following and will follow the commissioner's ruling and guidance. The issue is still being examined by the ethics commissioner and therefore it would be inappropriate for me to comment further.

CANADA-U.S. RELATIONS

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, time and time again, I have raised the fact that the United States is putting out oil leases in the Canadian Beaufort Sea and there is no response from the government. It waxes eloquent about protecting Canadian sovereignty. There have been all sorts of speeches and a number of announcements, most of which have not come to fruition. Yet, when there is a serious dispute, where is the government?

The Beaufort Sea has a disputed area. Canadians say that it goes from the 141st meridian. The Americans use another aspect of international law on a perpendicular to the shoreline, resulting in an area four times the size of Prince Edward Island and larger than some countries. What we claim as Canadian, the Americans claim as the United States. Yet, when they threaten our sovereignty by putting out oil leases, what is the response? It is very mild. Nothing has been said to Canadians about how we protected or dealt with that.

I put in a question on the order paper earlier this year and I received the answer. I asked what was happening with this dispute with the United States. It is the one serious major dispute at this time about Canada's economic property, with tens of millions of dollars worth of resources. The government said there is no dispute. It said that it was simply "a well managed disagreement". It is not very well managed if the United States keep infringing on our potential economic interests.

It carries on. A couple of weeks ago, on November 9, the state of Alaska put out a 437 page document entitled "Beaufort Sea Areawide Oil and Gas Lease Sale". Once again, in spite of any diplomatic letters we have written in the past or any mild complaints that the Canadians have not really heard about, the Americans keep on putting out leases on Canadian property. We should be sitting down and working out this dispute instead of allowing the Americans to go ahead and threaten our sovereignty in these ways.

The next issue that came up was the fisheries. The Americans have decided to put a moratorium on Canadian fisheries in our part of the Beaufort Sea. Once again, what is the response other than a letter? We hear nothing about sitting down and working this out. This area of the Canadian Beaufort is also managed by six Inuit communities in the western Arctic on the terms of the 1984 Inuvialuit final land claim agreement.

Not only all Canadians, but specifically and legally the Inuvialuit, have a big interest in this area. We sent a letter on April 27 saying that this was not acceptable and that this was our territory. What was the result from the United States in this well managed disagreement? On August 27, Secretary of Commerce Locke announced that the Americans were going ahead and doing it anyway, once again ignoring Canada's claims.

Finally, one suggested solution was that Canada would also put a moratorium on our side. As opposed to challenging the United States, we would do what we want by passing our own law.

Mr. Deepak Obhrai (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, Canada and the United States have a history of strong bilateral co-operation in the Arctic, and we will continue this co-operation. For example, Canada and the U.S. are implementing an ecosystem-based approach to oceans management in the Beaufort Sea and elsewhere. In addition, we are co-operating in the scientific work to delineate the extended continental shelf in the Beaufort Sea.

Canada's sovereignty over its Arctic lands and waters is longstanding, well established and based on historical title. This government will continue to protect our sovereignty. There are three exceptions to this, found on the outer edges of our Arctic: the 1.3 square kilometre Hans Island claimed by Denmark; a 65 square nautical mile maritime boundary dispute with Denmark in the Lincoln Sea; and our dispute with the United States over the maritime boundary in the Beaufort Sea. All three of these disputes are well managed by all involved.

The Canada-U.S. dispute in the Beaufort Sea is north of the Yukon and Alaska. To be clear, this is an international maritime boundary dispute between two nations, not sub-national governments like the territory of Yukon and the State of Alaska.

The disagreement that exists between the United States and Canada regarding the maritime delimitation of part of the Beaufort Sea is well managed and is not a major bilateral irritant.

Our position is, and always has been, very clear on this matter. Canada's consistent and long-held position is that the 141st meridian is the proper boundary between Canada and the U.S. in the Beaufort Sea. This is based on the 1825 Anglo-Russian treaty, which also set the international land boundary that falls between the Yukon and Alaska. Canada and the U.S. have managed the dispute for many years and will continue to do so.

Our position is clear. This government continues to reject any measures taken by the U.S. government that would infringe upon Canadian sovereignty.

We would like to find a resolution to this dispute but, of course, in the meantime, we will assert our right to enforce Canadian law in our territory. This matter will be resolved when Canada and the United States deem it necessary to resolve.

● (1920)

Hon. Larry Bagnell: Mr. Speaker, the parliamentary secretary just said that Canada stands by the border at the 141st meridian. He

Adjournment Proceedings

then went on to say that the dispute is well managed, but the Alaskans have once again put out oil leases on Canada's side of that 141st meridian. How well managed is that?

Canada sent a diplomatic note to the U.S. in April saying that the U.S. could not put a fishing moratorium on our side of the 141st meridian. What happened in August? The American national government went ahead and provided the moratorium on the Canadian side of the Beaufort Sea. How well managed is that?

Both the State of Alaska and the United States federal government are challenging Canada, and the Conservative government is not answering that challenge or protecting the Canadian Beaufort Sea.

Mr. Deepak Obhrai: Mr. Speaker, the hon. member was advised in June that no formal discussions between the governments of the United States and Canada have been held in recent years regarding resolution of the Beaufort Sea maritime boundary. This is because neither Canada nor the U.S. has found it warranted to resolve the issue at this time.

The member is right in noting that the United States and Canada have both issued oil and gas exploration licenses and leases in the disputed zone in the Beaufort Sea. The area may have oil and gas potential, but nobody knows for sure. Traditionally, neither country has allowed exploration or development in the area pending resolution of the dispute.

Canada and the United States have a strong history of engaging in bilateral and multilateral co-operation in the Arctic, and we look forward to continuing this co-operation.

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 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:24 p.m.)

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