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OFFICIAL REPORT
(HANSARD)

Tuesday, November 22, 2011

—

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Tuesday, November 22, 2011

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1005)

[*English*]

AUDITOR GENERAL

The Speaker: I have the honour to lay upon the table the fall 2011 report of the Auditor General of Canada.

Pursuant to Standing Order 108(3)(g), this document is deemed to have been permanently referred to the Standing Committee on Public Accounts.

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CITIZEN'S ARREST AND SELF-DEFENCE ACT

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC) moved for leave to introduce Bill C-26, An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons).

(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(1) I have the honour to present to the House, in both official languages, the report of the Canadian delegation of the Commonwealth Parliamentary Association respecting three reports: first, the bilateral visit to the Caribbean, the Americas and the Atlantic Region Republic of Trinidad and Tobago; second, its participation at the parliamentary seminar for the Republic of Trinidad and Tobago; and third, its participation at the 35th Commonwealth Parliamentary Association Regional Conference of the Caribbean and the Americas and the Atlantic.

COMMITTEES OF THE HOUSE

HEALTH

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, I have the honour to present, in both official languages, the second report of the Standing Committee on Health entitled, "Supplementary Estimates (B), 2011-12".

* * *

PETITIONS

CHILD CARE

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I have two petitions to present to the House today.

The first petition is with respect to child care. It indicates that child care is often not accessible or affordable for Canadian families and is often of an uncertain quality for young children.

The petitioners call upon the government to legislate the right to universal access to child care and provide multi-year funding to provincial and territorial governments to build a national system of affordable, high quality public and not-for-profit early childhood education and care accessible to all children.

The petitioners point out that the federal government must establish spending criteria and reporting mechanisms that ensure accountability for how the provinces and territories use federal funding to ensure quality, accessibility, universality and accountability, and that acknowledges Quebec's right to develop social programs with adequate compensation from the federal government.

ABORIGINAL AFFAIRS

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the second petition deals with the Sisters in Spirit.

The petitioners call upon the government to ensure that finances are available for the Sisters in Spirit and the Evidence for Action campaign that is involved with the Native Women's Association of Canada.

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QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

*Government Orders***GOVERNMENT ORDERS***[Translation]***SENATE REFORM ACT**

The House resumed from November 14 consideration of the motion that Bill C-7, An Act respecting the selection of senators and amending the Constitution Act, 1867 in respect of Senate term limits, be read the second time and referred to a committee.

Mr. François Pilon (Laval—Les Îles, NDP): Mr. Speaker, I rise today to speak to Bill C-7, An Act respecting the selection of senators and amending the Constitution Act, 1867 in respect of Senate term limits.

This bill would limit the terms of senators appointed after October 14, 2008, to a maximum of nine years. Furthermore, under this bill, the provinces and territories would have the opportunity to hold elections, at their own expense, to determine the names that would be given to the Prime Minister for consideration. The problem is that the Prime Minister would not be required to choose senators from this list. This is yet another wonderful example of a waste of public money by our friends on the other side of the House.

What is more, if a nominee is not appointed to the Senate by the sixth anniversary of that person's election, a new election would be necessary, resulting in even more public money being wasted. It is fun to spend someone else's money, is it not?

What we are proposing on this side of the House is clear. Our party wants to abolish the Senate, which is a position we have always held. We are calling on the government to hold a referendum asking the Canadian public whether they are in favour of abolishing the Senate.

In addition, when this bill was introduced for the first time in June 2011, the Conservative senators clearly said that they would oppose all attempts by the federal government to limit their terms. And they are the ones who have the last word, as always.

The Premier of Ontario, Dalton McGuinty, and the Premier of Nova Scotia have publicly expressed their support for abolishing the Senate. The Premier of British Columbia, Christy Clark, has said that the Senate, as an institution, no longer serves any useful purpose within our Confederation. The Government of Quebec has deemed this bill to be unconstitutional. In fact, it has stated that it will go to court if the provinces are not consulted before Bill C-7 is passed. Clearly, passing this bill without consulting the provinces would once again demonstrate the federal government's willingness to impose its views on the provinces, as it has so often done in the past few months.

Now, why are we in favour of abolishing the Senate rather than reforming it? First, there has not been an upper chamber in any of the provinces since 1968 and their legislative systems have not crumbled as a result. On the contrary, all the provinces are operating very well without a senate.

Second, the idea to reform the Senate is not a new one. Since 1900, there have been no fewer than 13 attempts to reform the Canadian Senate, with a brilliant success rate of 0 out of 13. And no wonder, since the Senate always has the last word.

Third, Canadians' interest in this issue is growing. In fact, according to a survey conducted by Angus Reid in July 2011, 71% of Canadians were in favour of holding a referendum about the future of the Senate. The same survey found that 36% of Canadians are in favour of completely abolishing the Senate, which is a sharp jump of 25% as compared to 2010. We therefore feel that Canadians must be consulted on this issue since the Senate is their democratic institution and, as a result, they are the ones who have the right to decide what will happen to the upper chamber.

This bill has some serious shortcomings in terms of legitimacy. First, according to the provisions of the bill, senators will still not be accountable to Canadians.

• (1010)

The fact that senators will only be granted one nine-year term means that they will never have to answer to the public for decisions made during their term. In addition, they will have the right to a pension when they leave the Senate, paid for, of course, by the taxpayers.

Second, passing this bill would create a strange situation in the upper chamber. Certain senators would be elected and others not, so how would the unelected senators justify their legitimacy and actions to their elected colleagues?

Third, as I mentioned earlier in my speech, the government has not consulted the provincial governments about the provisions in this bill. Neither has it consulted the public, and only 39% of people voted for the Conservatives on May 2. Despite all this, those on the other side of the House are once again dumping the cost and responsibility on the provincial governments and taking all the credit.

Finally, since the Senate would have roughly the same powers as the House of Commons, an elected Senate would have more legitimacy in terms of tabling bills or opposing House bills. That could paralyze the political system, as is the case in the United States, where the House of Representatives and the Senate are often locked in a power struggle that completely paralyzes the American government.

That summarizes a few of the arguments proving that Senate reform, as proposed by the Conservatives, is problematic and that the solution is to abolish the Senate.

To conclude, we have seen over the course of the past few minutes how passing Bill C-7 would create a significant number of problems in our political system, and these problems could easily be eliminated by abolishing Canada's Senate.

I invite the hon. members to join with me and the members of the official opposition and vote against Bill C-7.

• (1015)

Mr. Claude Gravelle (Nickel Belt, NDP): Madam Speaker, I wish to congratulate my hon. colleague from Laval—Les Îles on his speech on the bill. I have a simple question for him.

Government Orders

The Prime Minister is under no obligation to appoint someone who has been elected by a province or territory. This bill therefore does not change how senators are appointed, since the Prime Minister is still free to choose whomever he wants to appoint to the position of senator.

In the member's opinion, if the Prime Minister can do whatever he likes when it comes to appointing senators, does this bill change anything?

Mr. François Pilon: Madam Speaker, I thank my hon. colleague from Nickel Belt for the question.

Clearly, reforming the Senate was likely one of the Conservatives' election promises. For months now, they have been harping on about how they want to keep their promises. However, as it stands, this Senate reform allows the government to change nothing. Tomorrow morning, it could choose not to appoint someone who was elected and give all the Senate appointments to its buddies, as it does now. This changes absolutely nothing, if that is what the Prime Minister wants to do.

[*English*]

Mr. Brad Butt (Mississauga—Streetsville, CPC): Madam Speaker, I am having some difficulty understanding what the official position is of the NDP with respect to the Senate. I believe that its position is that it wants to abolish the Senate.

Does the NDP believe that we should reopen the Constitution and that the Prime Minister and the premier should sit down and find out if there is enough will within the country to abolish the Senate? I do not believe it is the position of the Government of Quebec that the Senate be abolished.

Is that the position of the NDP, that we should reopen the Constitution and have a national debate over whether we should kill the Senate?

[*Translation*]

Mr. François Pilon: Madam Speaker, as I said in my speech, the first thing we need to do is hold a referendum to see what Canadians think.

If we do not want to reopen the Constitution, we can simply stop appointing senators. That way, the Senate would gradually disappear on its own, without our having to reopen the Constitution.

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Madam Speaker, we are talking about the future of and major plans for our democracy, such as the number of seats in this House, for instance.

Altogether, we will have debated this bill for a few weeks. I would like to know what my colleague thinks of the practice of reducing the number of people giving their opinions, both within Parliament and outside these walls. I wonder if my colleague could elaborate on this.

Mr. François Pilon: Madam Speaker, I want to thank the hon. member for his question.

It has been clear since our return in September that the government wants to limit our interventions in order to make the public less and less aware of what goes on here. That is truly its intention.

• (1020)

[*English*]

Mr. Ted Hsu (Kingston and the Islands, Lib.): Madam Speaker, my question is about the difference between provincial legislatures and Parliament.

Within provinces, there is much less diversity than across the country. It seems to me that the country needs a chamber that can balance the interests and the powers of different regions. The Senate, to me, is the place where there can be a little bit more balance.

I think that is why Quebec is not necessarily in favour of abolishing the Senate, and I wonder if my hon. colleague would comment on that.

[*Translation*]

Mr. François Pilon: Madam Speaker, I want to thank the hon. member for his question.

Indeed, under normal circumstances that is how it should be, but we know that during the last Parliament, the Conservatives used that to pass bills here and then once the bills got to the Senate, they just lingered there until the election.

There are so many things in limbo in the Senate right now that it has really become ineffective.

Mr. Denis Blanchette (Louis-Hébert, NDP): Madam Speaker, I am pleased to rise today to speak to Bill C-7.

When we speak to a bill, we often have to look at where we are coming from to see where we want to go. To begin, I would like to look at where the government is coming from in introducing this bill. It seems to be gambling on the fact that it can change the way the lists are organized without touching the Constitution. There is nothing to say that things will work out that way or that the provinces will accept this. There could very well be a significant legal deficit from the get-go.

What is more, the government wants to perpetuate partisanship in the Senate. It is already not fulfilling its role, and now the government wants to make partisan electoral lists. I am not convinced that the Senate could provide a counterbalance to the House of Commons for the regions in that case.

It is important to underscore that this bill is very mechanical, in that the vast majority of the clauses tell the provinces how to hold an election to create a list of people who could potentially be appointed to the Senate. The government is shifting the rather high cost of all this to the provinces. What is more, the Prime Minister might suggest names to be included on the list.

In this regard, I would like to point out something that is unique to Quebec. There are electoral divisions for senators, of which there is no mention. In other words, in a province such as Quebec, there would have to be elections in 24 districts in order to comply with the current Constitution, whereas elsewhere elections would be held at the provincial level. This would be more expensive for Quebec and evidently no one is footing the bill. That is also an important point.

Government Orders

We should note that Senate elections could take place at the same time as municipal or provincial elections. I am not sure that this is necessarily a good thing. For example, in 2008, when I was campaigning federally, a provincial byelection was also being held in one part of my riding. Quite simply, in this part of the riding, people did not know if they were dealing with a candidate for a provincial or a federal election. I am not sure that democracy will be well served by adding a Senate election.

These are just some of my thoughts, but I would like to take a step back.

The history of the Senate is rather special. The Senate as we know it in Canada is a hybrid of the British House of Lords, with its unelected senators appointed by the Governor General upon the recommendation of the Prime Minister, and the U.S. Senate, with its equitable representation of all regions. This means that our Senate is unique and that there are not many like it.

The groundwork for the Senate as we know it was laid at the Charlottetown Conference and especially at the Quebec Conference held in October 1864. Six of the 14 days of the Quebec Conference were spent on the concept of the Senate. There were debates. Even back then there were discussions about an elected Senate versus an unelected Senate. There is nothing new today; we are rehashing past arguments. The Fathers of Confederation chose an unelected Senate. They had their reasons.

● (1025)

All that we can say about that is that our current Senate was not created with much enthusiasm. I would like to read a description of senators and the Senate.

Senators are appointed by the Governor General on the recommendation of the Prime Minister. [Everyone knows that.] Senators represent regions and provinces in order to balance the representation in the House of Commons. Less populated regions have a stronger voice in the Senate so as to ensure representation for regional and minority interests.

That is the goal. But in reality, we have never seen that. What we have seen is partisan appointment after partisan appointment, to the point where we have never seen the Senate play the role it was meant to have, which is to defend the interests of the regions. Instead, it is a chamber that may or may not support a government, depending on what party holds the majority in the Senate. The upper chamber has become nothing but a partisan stronghold. The Conservatives did indirectly what they could not do directly when, in past parliaments, they defeated certain bills that were passed here but did not pass in the Senate for partisan reasons. The Senate should be thought of as the upper chamber, a chamber of sober second thought, but instead it is a purely partisan chamber. And so we are left to wonder what we are doing with an institution that does not fulfill its role and that, in fact, has rarely fulfilled it.

I would like to address an important point. Suppose this bill is passed. We would then have two chambers made up of elected members. Would we then have a competition? Since everyone would be legitimately elected, would there be competition between the two chambers, something like what we see in the United States where the system becomes paralyzed when the majorities are not the same in both chambers? Is that what we are heading for? Are we heading for an American-style Senate that could, in some cases, paralyze the

work of the House of Commons and the running of the country as we see south of the border? This is a very important question to consider.

The other thing that concerns me about this issue is that the talk always focuses on the people who would be elected. There is never any mention of how many positions or who or when. Might this result in a power struggle between the government and various provinces? For example, suppose a given province decided to hold an election and presented fewer people than the number of positions to be filled or just enough people. What happens in that situation? There might then be a power struggle between the Prime Minister—or the Governor General, obviously—and the provinces. We would once again be back to a model that creates tension between the various levels of government. I do not think our objective here in this House is to create new kinds of tension between the various levels of government. I do not think we want to go in that direction.

I would like to discuss the historic position of the Government of Quebec in a bit more detail, and I would like to begin by quoting one of the Fathers of Confederation, George Brown. He said:

Our Lower Canadian friends [he is talking here about Quebec] have agreed to give us representation by population in the Lower House, on the express condition that they would have equality in the Upper House. On no other condition could we have advanced a step.

● (1030)

Even before 1867, there was tension between what was then Lower Canada and the other groups in the federation. Quebec insists on the assurance that any changes are constitutional and not partisan.

I would like to continue, but I see that my time is up.

Mr. Ted Hsu (Kingston and the Islands, Lib.): Madam Speaker, if we were to reform the Senate, if the Senate were less partisan, if senators were appointed by provincial premiers, if the seats were attributed by region and political party, would by colleague still be in favour of abolishing the Senate?

Mr. Denis Blanchette: Madam Speaker, I thank my colleague for his very interesting question. History has shown us that when appointments are made by small groups, when we give the party in power the choice to make appointments, all successive governments—both Liberal and Conservative—have made strictly partisan appointments. If we give governments permission to make partisan appointments, the Senate can certainly not fulfill its role. So I do not have much faith in this hypothesis.

Mr. Claude Gravelle (Nickel Belt, NDP): Madam Speaker, I would like to congratulate the hon. member for Louis-Hébert on his speech on this bill. We must not forget that the Liberals and the Conservatives have always appointed Liberal or Conservative senators to raise money for their parties. They have appointed candidates who were defeated in elections: candidates whom Canadians did not want as representatives. The government then appointed them to the Senate to raise money for its own party. Their expenses are paid by Canadians. I would like my colleague to comment on the fact that senators are appointed to raise money for the Conservative and Liberal parties.

Mr. Denis Blanchette: Madam Speaker, my colleague has raised a very important problem. It shows that we have hit rock bottom. “Rock bottom” is my polite way of sharing how I feel about partisan appointments. The fathers of Confederation wanted a chamber of sober second thought, a chamber of people who could reflect and serve as a sort of counterbalance. Those were great principles. However, in reality, as time passes we get further and further away from these principles and it all becomes shamelessly partisan. It is completely unacceptable.

• (1035)

Ms. Joyce Murray (Vancouver Quadra, Lib.): Madam Speaker, I would like to ask the hon. NDP member a question about equity within Parliament. Former Liberal prime ministers have had to appoint senators in order to have a more equitable Parliament, that is, one with more women in the Senate. Unfortunately, the current Prime Minister's senate appointments have reduced the proportion of female senators.

Does my colleague not see having more women representing Canadians as one of the values of the Senate?

Mr. Denis Blanchette: Madam Speaker, I thank my colleague for her question, because it gives me a chance to correct something. As I said, the Senate was initially supposed to represent the regions, but it was also supposed to represent minorities. The hon. member points out another problem with the upper house: groups that are generally under-represented are even more so in the Senate. This is just further proof that the Senate is no longer fulfilling its role.

Mr. José Nunez-Melo (Laval, NDP): Madam Speaker, I am very proud to rise here today to speak to Bill C-7. I would also like to recognize the speeches, questions and all the comments made by the hon. members for Laval—Les Îles, Nickel Belt and Louis-Hébert. I would also like to draw attention to the efforts of the hon. member for Mississauga—Streetsville. He has made a remarkable effort to evade the issue we are debating here today in the House, by asking an unrelated question regarding what the NDP has always proposed and maintained regarding abolishing the Senate, that is, that the government should hold a referendum on the matter.

I will summarize what the bill is proposing. It proposes limiting Senate terms to nine years, especially for senators appointed after October 14, 2008. Nonetheless, if a senator cannot carry out his or her term for nine continuous years, the term is interrupted and the person may be summoned again for a period equivalent to nine years less the portion of the term already served. That is quite something.

The provinces and territories would have the opportunity to hold elections, at their own expense. Nonetheless, the Prime Minister is in no way obligated to appoint a person who has been elected. There is an inconsistency there. Further in the bill it says that if the elected senator is not appointed within six years, the time expires and new elections have to be held. This will result in a duplication of the cost. That is rather inconsistent.

In the background we see that this is the third time the Conservatives have tried to introduce this bill. During the previous sessions, heated debates were held on this subject and then prorogation or dissolution of the House killed the bill.

We want to reaffirm that the official opposition proposes completely abolishing the Senate. We know full well that since

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1968 most of the provinces have abolished their upper houses and things work very well without them. We also know that, in the current context and with the system already in place, the House of Commons, with elected members of Parliament, can manage the work quite well. It can create legislation in Canada that is truly representative of all citizens, in every riding, who elect the MPs.

We all know the origin of the Senate. What was its purpose at the time it was created? As the hon. member for Louis-Hébert explained, we know it is a legacy of the English crown.

• (1040)

In addition, I have here some of the Prime Minister's comments. He said that it is a relic of the 19th century or something to that effect. Reforming the Senate in order to elect senators does not make sense.

If the government really wanted to reform and keep the Senate or upper house, the parties would be prepared to support him provided that he holds a public referendum on this matter. Polls have been conducted. It is not official, but we already know that 71% of Canadians want a referendum. We often hear the hon. Conservative members say that they were given a strong mandate with 39% of the vote. If I had to compare, I would say that there is a big difference between 39% and 71%, which amounts to very strong support for a referendum.

In conclusion, I would like to again thank the hon. NDP opposition members. We will continue to fight to defeat this bill, to abolish the Senate or, in the worst case, to hold a public referendum to settle this matter. We have to be done with this.

[*English*]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Madam Speaker, the member very ably outlined the concerns that New Democrats have with the legislation that is before us. The member referenced the need for public input on a decision that would radically change how we govern ourselves.

In previous Parliaments, what we have seen from the other place, for example, is the New Democrats' climate change accountability bill which was passed by the House of Commons was defeated in the Senate without any discussion, any debate, any calling of witnesses. This points to why we speak so firmly and loudly against the Senate.

On the issue of public consultation, could the member elaborate on why he thinks the Conservative government refuses to take this very important question to the public?

Government Orders

•(1045)

[*Translation*]

Mr. José Nunez-Melo: Madam Speaker, I thank the hon. member for her question. I was mainly referring to the minister of state who introduced this bill. The government's objective is somewhat illogical. It is proposing to reform a law that dates back to 1867 so that the appointment process for senators is kept secret. The Prime Minister would retain his right to veto an appointment or to make recommendations to the Governor General. This really is not the sign of a true democracy. That is what should be kept in mind in this chamber and even in the Senate.

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Madam Speaker, I have been talking to my constituents about this issue. Everyone agrees that the Senate serves a purpose: it is used to recycle mediocre candidates who lose their election campaigns. The Senate is used to appoint extreme right-wing militants who insult defence lawyers. Everyone agrees that we should not talk too much for fear of waking them up.

There is something else that the government is missing. If we were to play the game, to recruit candidates for potential Senate elections and we were to come up with a list, what would the Prime Minister and the Governor General do? Would they appoint them? That is what I wonder.

Mr. José Nunez-Melo: Madam Speaker, I thank my hon. colleague for his eloquent comments.

In response to his comments about what his constituents think, I can say that my constituents are concerned about the same things. This poll seems to show that 71% of Canadians support holding a referendum because they do not really see the relevance of the current process for appointing senators.

As we have just heard, the purpose of the current process is to get partisan people to support bills and to find people who share their ideology—their “idiocracy”—and to support something that looks like a crooked political system.

We are still in favour of abolishing the Senate because this chamber of elected members here, as in the other provinces, would help Canada be the best country it can be.

•(1050)

[*English*]

Mr. Mike Sullivan (York South—Weston, NDP): Madam Speaker, I am pleased to enter into this debate on what is surely a relic of centuries gone by that has long since outlived its usefulness in this country.

I must also comment that the silence from the other side of this House is deafening. This is a government bill, yet only the official opposition seems to have anything to say about it. What does that tell us about where democracy is in this country?

Our comments are valuable and, in my opinion, are closer to the feelings of the Canadian public than is the bill. We believe the public generally does not wish the Senate to continue. Canadians do not believe, in our opinion, that the Senate serves a useful purpose. They believe it is merely a place for a government, as we have discovered in recent times, to undo the will of the elected people of Canada,

meaning the members here in this Parliament. We believe that if it were put to a vote, the result would be that the Senate should be abolished.

What should the government do? It should not propose this kind of legislation.

The Prime Minister has talked on a number of occasions about the uselessness of the Senate. However, if we want the true opinion of Canadians, we should take the true opinion of Canadians, and if we want to take the true opinion of Canadians, we should hold a referendum to determine exactly what Canadians feel belongs in the government. We believe that Canadians feel the Senate should be abolished.

If it is in fact not the will of the people that the Senate should be abolished, then reform is needed, but we do not do this kind of reform without consulting with the provinces. The provinces, Quebec in particular, have stated quite clearly that they need to be consulted on any kind of constitutional reform. Quebec, in fact, is threatening to take the government to court over the fact that it was not consulted. Other provinces have stated quite clearly that the Senate should be abolished.

In any event, no consultation took place. There was no consultation about the expense of elections, no consultation about the methods of electing senators, no consultation about the term limits. No consultation about any of this was taken with the provinces prior to the bill's coming before the House.

The law itself, as proposed by the government, states:

And whereas Parliament wishes to maintain the essential characteristics of the Senate within Canada's parliamentary democracy as a chamber of independent, sober second thought;

What does that mean?

First there is the word “independent”. It flies in the face of those very words to read the rest of the government's bill, which demands that if political parties exist, they nominate candidates; that is, candidates must be nominated by political parties.

“Independent” also would imply that the government already believes that an essential characteristic of the Senate is that it be independent. However, as we have experienced most recently, in a non-independent and very partisan way, the Senate has killed legislation that was passed by this House, so that is clearly not what is happening. It is very clear that the government does not propose that the Senate remain independent. Indeed, it is not independent today.

It has also killed climate change bills twice, again in a very partisan way, with the Conservatives voting against the rest. As well, it killed a bill to provide generic drugs to Africa, again in a very partisan way, so to say that it is independent flies in the face of what is actually happening.

Next is “sober second thought”. It implies that this House is not sober. I am offended by that suggestion, because we are not a House of drunkards or laggards. I think the Conservatives would be just as offended if that were the implication. We are, in fact, giving sober thought to everything we do. To suggest that we need somebody else to look over our shoulders and give it sober thought is an affront.

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•(1055)

Finally, in terms of independence, we have one of the senators appointed by the government from the elected version of the Alberta government, Bert Brown, suggesting that:

Every senator in this caucus needs to decide where their loyalty should be and must be. The answer is simple; our loyalty is to the man who brought us here, the man who has wanted Senate reform since he entered politics, the Rt. Hon. [Prime Minister].

That clearly shows what the government intends with regard to independence: loyalty is to the Prime Minister, not to some sense of independence nor to the people who, if this bill were to pass, would elect those senators.

In the bill we also discover the creation of a real dog's breakfast of senators. There would be three levels of senators as a result of the bill. There will be senators appointed for life before the 40th Parliament elections; those senators will continue to be appointed for life, and for some of them life will be quite long. It could be 14, 15 or 16 years in some cases. Those senators will continue well beyond any elections and well beyond the term limits of elected senators.

Then there are the senators who were appointed since the last election. Those senators will serve an additional nine years. Some of them will leave before nine years because they will reach age 75, but others will continue for their full nine years. They would have their terms shortened as a result of this bill by an average of about 13 years. There are a whole lot of senators who thought they were there for a long time; as a result of this bill, they would be there for a much shorter period of time.

Then there are the senators who would be elected in the future. Those individuals would have terms of exactly nine years.

That is an incredible dog's breakfast. In Ontario, where I am from, the Ontario government could have an election for 20 senators. Because of the bill, unless those 20 senators were actually appointed by the government, some of them would expire before they were ever appointed. Then there would have to be another election, because their elections only last six years. Unless there were enough appointments to fill those elections, the dog's breakfast would continue.

Finally, I noticed that there is nothing in this bill concerning election financing. The government has made a few statements in the House about its wish to get the government out of financing elections; it feels that parties themselves should look after the financing of their members of Parliament and senators. However, this bill says nothing about it. Apparently the rules of the province or the municipality in which the election was to be held would determine whether election financing would be limited or whether unions or corporations would be allowed to donate to the campaigns of these senators. Depending on the province and the municipality, that could be large sums of money. Again, it flies in the face of what the government thinks is a reform of democracy.

On the accountability portion, there would no accountability. They would be elected for nine years, and they could not come back; therefore, no matter what they did in those nine years, they would have no accountability whatsoever to the electorate who put them there. That is not a democratic principle that we adhere to.

Finally, the Prime Minister would not be obliged to appoint any individual. Should Ontario or any other province elect a bunch of senators, the Prime Minister would retain the power to say, "No thanks. I have friends I want to appoint."

•(1100)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Madam Speaker, on the one hand the NDP would allow the country to break up if a majority of Quebeckers, 50% plus one, were to vote for separation, yet when a majority of Canadians see value in having the Senate, the NDP does not believe that Canada deserves keeping it. How does the member reconcile those two points?

Mr. Mike Sullivan: Madam Speaker, they are so different as to not require a discussion. Our point is that we believe that Canadians believe the Senate should be abolished. Our point is that if nothing else happens, there should at least be an opportunity for the people of Canada to give the government direction on exactly what should happen with the Senate. We believe that the people of Canada will tell the government that the Senate is no longer necessary, that it is a relic, and that it should not continue.

Mr. Claude Gravelle (Nickel Belt, NDP): Madam Speaker, my colleague from York South—Weston made a comment about sober second thought, meaning that maybe someone from the opposite side of the House thinks that we are all drunk here, but we are not.

A couple of weeks ago we had a motion in the House to ban asbestos. The Conservatives, even the good doctor over there, voted against all science that clearly indicates asbestos causes cancer. They voted against the Canadian Cancer Society, against doctors and against Canadians. They actually stood in the House and said that asbestos does not cause cancer.

Since my colleague mentioned sober second thought, does he think that members on the opposite side of the House were not sober when they voted against the motion to ban asbestos?

Mr. Mike Sullivan: Madam Speaker, the question of asbestos is a very troubling one in the House. A very dear friend of mine died of mesothelioma and very likely it was as a result of the inhalation of asbestos fibres in an old building where he worked. It is absolutely shocking that the government would continue the mining and the manufacture of asbestos products in this country for sale elsewhere knowing what it knows.

Were we not sober when we made that decision? We certainly were not thinking straight. But when the bill gets to the Senate, because it is not independent, sober second thought in the Senate, it is unlikely the Senate will overturn that decision by the government. That is why the Senate needs to be abolished.

[*Translation*]

The Deputy Speaker: The hon. member for Louis-Hébert has time for a very quick question.

Mr. Denis Blanchette (Louis-Hébert, NDP): Madam Speaker, I would like to come back to the part of my colleague's speech that had to do with financing these election campaigns, where nothing is clearly worded and the rules seem to be flexible.

I would like him to talk about the inequities there.

*Government Orders**[English]*

Mr. Mike Sullivan: Madam Speaker, absolutely. We have a situation where members of this chamber have strict limits on who can donate and the parties that we represent have very limited access to financing, made more limited still by the government's recent budget. And yet, for a senatorial election, the bill is silent except to say that generally speaking the rules of a provincial election, should the province choose to hold it in that fashion, or the rules of a municipal election should the municipality choose to hold it in that fashion, would apply. That presents huge inequities. The Senate elections could then have large donations from corporations, unions and individuals.

● (1105)

[Translation]

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Madam Speaker, I am not necessarily pleased to take part in the debate on this legislation, because the government is trying to force it down our throat. We, on this side, simply want a real indepth debate on this issue, but the other side wants to very quietly pass a bill dealing with the future of our country and of our parliamentary system. Our parliamentary system exists to discuss bills that will change our country, settle issues and bring solutions. Today, and in recent weeks, we have been presented with what seem primarily to be partisan tools for the party in office, while we on this side want to deal with issues.

Bill C-7 is about the Senate, the chamber of sober second thought. This makes me laugh because, historically, the Senate has never played that role. It has never done its job. Right now, they are trying to trade four quarters for a dollar. They want to change a Senate that does not do its job and whose members are appointed on a partisan basis. Under the new process, senators will still be appointed in a partisan fashion. An election will take place, but the candidates will have been selected in a partisan fashion.

Today's debate on the Senate gets me thinking more seriously about our democracy, our division of powers, our parliamentary system, our form of representation, our electoral practices, our media—which are part of our democracy—and about the Conservative government's attitude towards democracy.

I agree that we can choose the type of democracy that we want in Canada. Everyone agrees. This is a healthy debate and it is about our future. However, whose decision is it to make? Getting back to democracy, about one person in three voted for the current government. Do they all agree with the whole agenda proposed by the Conservative Party? For example, do they all support abolishing the firearms registry? Do they all support Senate reform? Do they all support the justice bill and all the other bills that were introduced recently with very short debates and closure?

What we are asking for regarding our democracy is that people be able to take part in this debate and express their concerns. This must be done through a referendum. Other countries have held referendums on important national issues. We should do the same.

As I was saying earlier, our Senate is there essentially to ensure there is some sort of division of powers, to ensure some representation of the regions and minorities in Parliament. None-

theless, this has never been the case and now the government does not want to do anything about it.

I want to come back to the division of powers. As far as our electoral practices are concerned, in addition to the related costs, if we ask our provinces to choose candidates for the Senate elections, we are simply transferring the partisan decision to the provinces instead of to the federal government, but it remains a partisan decision nonetheless. What is more, the Prime Minister in power when the elections are held and the nominees are chosen has the last word. In the end, nothing changes.

If we look at what happens in other countries where there are two chambers, we see that in the United States, it is a source of division that borders on chaos.

● (1110)

In the event that the two chambers do not agree, there will be constant obstruction and a host of strategies to defeat what the government is proposing in the other chamber, and even sometimes, for partisan reasons, to oppose certain bills, despite how much they matter to the entire country, simply because it was the other institution that introduced them.

In my opinion, this could happen here if the government goes ahead with this reform. We have to avoid that situation, especially considering there is going to be an election in the House of Commons every four or five years and in the Senate every nine years. The elections will therefore not be held at the same time and people will not necessarily vote for governments that are able to work together.

I have some examples. A constituent in my riding told me he voted for the Conservative Party in 2011 for one reason only and that was because he wanted to get rid of the firearms registry. The New Democratic Party wants to keep the registry. He then said that once that was done, since he is not in favour of any of the Conservative Party's other plans, he would vote for an intelligent government. He did not come right out and say it was our party, but he was not referring to the Conservative Party he voted for in 2011.

There are always going to be attitudes like that and we must not judge people for it. But if people vote for a party for one reason only and that creates situations where the parties cannot agree, it will always be a source of conflict and chaos in our parliamentary system.

On the question of the costs associated with this reform, we see that the plan is to transfer the costs of selecting nominees to the provinces. It talks about our democracy, our federal parliamentary system, but the plan is to transfer the costs to the provinces. To me, that is illogical and almost absurd. If we are not prepared to make changes to our parliamentary system and at the same time assume responsibility for the repercussions in terms of the cost, then let us find other solutions or let us not do it.

As well, a second chamber, which I think is pointless for the reasons I have stated, would also cost even more, because over a long period of time, more senators will have spent time in that chamber and more senators will be entitled to retire with a pension paid for by that chamber. Those are all costs associated with this reform.

Government Orders

The problem right now is that we have a government that is proposing something that it wants to slip past us. As I have often said, we are talking about the future. I would like the government to consider that we are talking about something quite important right now and that we have to do more than this; we have to ask the public whether they support it. There may be other methods, but there is one obvious one: a referendum. Every citizen could say what they think. Every citizen could say whether it is a good idea or not and there would be a thorough debate before the referendum on Senate reform was held.

In Canada, a majority of provinces have stated a position and agree with the NDP that this bill is absurd. For example, Dalton McGuinty, Premier of Ontario, and Darrell Dexter, Premier of Nova Scotia, have publicly called for the Senate to be abolished. The premier of British Columbia has said that the Senate plays no useful role in our Confederation. Manitoba has also maintained its position on abolishing the Senate, stating that it had a plan if it happened, but obviously, if it happens, there will be no choice but to live with that decision. So decisions about this have to be made.

• (1115)

Quebec has already called this bill unconstitutional. All Quebec actually wants is separation of powers. That is a debate we should have by holding a referendum.

Mr. Denis Blanchette (Louis-Hébert, NDP): Madam Speaker, I would like to thank my colleague for his speech.

The purpose of this bill is to make changes by proposing a pool of people who might become senators someday. I would like my colleague to say a little about this stealthy change to our parliamentary system and the consequences of this kind of thing. When we do something to a structure like the parliamentary system, we have to look to see where it is going to take us. Here, I am not certain that the government is seeing the big picture. I would like the member from Montmorency—Charlevoix—Haute-Côte-Nord to comment on the big picture we should be looking at when we address this kind of question.

Mr. Jonathan Tremblay: Madam Speaker, the consequence of this bill will be to create the illusion that something has been settled, but nothing will have changed. Senators would be elected on a partisan basis. Ultimately, nothing will have changed. Before our democracies were established, one segment of the population made the decisions. Now, everyone does. One segment of the population decided how our parliamentary system was going to operate. Today, I think we have got to a point where everyone must express an opinion. In an election, everyone gives an opinion about the relatively near future. The same should be true for something that is so important and that will last a long time. We are going to be living with this parliamentary system until the next reform. There must be a referendum involving all Canadian citizens.

Mr. François Pilon (Laval—Les Îles, NDP): Madam Speaker, my colleague spoke a little about the costs associated with this reform. I would like him to speak to one aspect in particular.

In this bill, the costs of electing future senators are going to be foisted onto the provinces. Except that, even once they are elected, these people have no guarantee they will someday be appointed to the Senate. Does my colleague think the provinces will want to get

involved in investing money in electing senators without being sure they are going to be appointed someday?

Mr. Jonathan Tremblay: Madam Speaker, this is my personal opinion, but the provinces might simply propose names. Instead of investing money, they will give the Prime Minister the names of people they know, or people who have an interest in this election. The last word will go to the same person as today: the Prime Minister. He is the one who will decide who participates in the Senate election. It comes down to trading four quarters for a dollar.

Mr. Claude Gravelle (Nickel Belt, NDP): Madam Speaker, I would like to congratulate the hon. member for Montmorency—Charlevoix—Haute-Côte-Nord.

Ontario and Nova Scotia have publicly called for the Senate to be abolished. The Premier of British Columbia, Christy Clark, has said that the Senate is useless. Manitoba is in favour of abolishing the Senate. Does my colleague think that the government does not want to hold a referendum to hear the opinion of Canadians because it sincerely believes it will lose?

• (1120)

Mr. Jonathan Tremblay: Madam Speaker, the bill definitely would not pass. We do not know what kind of parliamentary system the people want. They deserve to make that decision and they deserve a thorough debate about the future form of our parliamentary system, our House and our Senate.

Mr. Pierre Dionne Labelle (Rivière-du-Nord, NDP): Madam Speaker, my colleagues, as elected members, have a duty to be accountable, but members of the archaic Senate do not have this moral duty.

This relic is a home for numerous defeated politicians who are appointed for partisan purposes, which was the case for some Conservatives who lost the election and were still rewarded by the Prime Minister. I am not the first person to use the word “relic”. In fact, the Prime Minister himself described the Senate as a relic of the 19th century. Now that he is no longer talking about abolishing it, as he used to do, he wants to reform it based on equally outdated values. Why not donate this relic to the Museum of Civilization?

You do not have to be able to predict the future to know that this bill will fail, as did the 13 other attempts at reform before it. The NDP's long-standing belief in abolishing the Senate dates back to the 1930s, and it has constantly been reaffirmed by the party. Yes, the New Democratic Party will vote against the bill and will voice its desire to abolish the Senate, pure and simple. If the government is wondering about the public's opinion on this, we invite it to ask Canadians to voice their opinion through a referendum.

Here is why this bill is going to end up in the dustbin of history. It is undemocratic. The government wants to limit the tenure of all senators summoned after October 14, 2008 to a maximum of nine years. Considering that these individuals are accountable only to the Prime Minister, this is an invitation to hit and run. Moreover, they are entitled to a pension when they leave the Senate. While elected members must face voters at each election to get their verdict, senators are free to completely reject the opinion of Canadians.

Government Orders

The nine-year term set out in the bill confirms this situation, because even if senators were appointed after being elected, they would have the luxury of behaving as they please, without any obligation to go back before voters. The term “election” thus becomes devoid of any moral compass that is part of democratic duty. Since senators will not be allowed to run twice, how can they be accountable to the public? In this regard, the bill does not change anything in the undemocratic basis of the Senate, whose members are accountable only to the Prime Minister. A senator will only be accountable to the Prime Minister, as has always been the case. The bill only provides that a list be submitted to the Prime Minister. It does not in any way affect his discretionary powers.

Some may argue that the Prime Minister will never dare oppose the public's choice, but recent history has shown that the Prime Minister can violate this principle, as he did on the issue of fixed election dates.

I am going to digress a bit and talk about my thoughts while listening to hon. members and what the majority of people think of the Senate. To most people, the Senate is not a big concern. Except for the fact that it costs a lot of money, people do not wake up in the morning thinking about the Senate. For years, I too did not think about those individuals sitting over there and quietly passing the time while waiting for a well-deserved retirement. I did not think about the Senate until Ms. Verner was appointed there. To me, that was a fundamental violation of the democratic process. Someone who had lost all authority through a democratic process was promoted to the Senate with a golden pension for the rest of her life, this for services rendered to the Conservative government. There is a problem there.

There is a second problem. The Senate blocked two bills passed by a majority of members in a Parliament that required the agreement of all parties in order to make a firm decision. I am referring to Bill C-311, An Act to ensure Canada assumes its responsibilities in preventing dangerous climate change, which the Senate killed, and Bill C-393, An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act.

In addition to posing a problem of legitimacy, the people appointed to the Senate have begun to kill bills duly passed by a democratically elected assembly. This is starting to get serious. Do we want to continue down that road? The Conservative government is going down a path that is fraught with danger for the future and for democracy.

It has been said the Prime Minister will take into consideration the provincial nominees or the list submitted when elections are held. I am the first to doubt this, and I am convinced that my colleagues and my friends in the NDP and other parties also have serious doubts about that.

●(1125)

Let us imagine for a moment that cross-Canada elections are held for senators. The list of new senators includes Amir Khadr, a symbol of the new Quebec left. This man is a leading light. His views could lead to social progress in Canada. Would the Prime Minister agree to appoint him to the Senate? Never, that is clear.

François Saillant, a champion of Quebec's homeless people, has been involved in every fight to increase social housing in the past 25 years. Would the Prime Minister appoint him if he were on the list? Never.

If Steven Guilbeault were on the list submitted by Canadians, would he be appointed as a senator by the Prime Minister? Of course not. I am convinced that members of the Green Party share my belief. Steven Guilbeault would never be appointed, nor would Laure Waridel of the organization Équiterre. The government does not want supporters of fair trade. We know that trade is unfair in the House. We have to leave it alone.

Would David Suzuki be appointed if he were on the list? I am convinced that the Conservatives would not want to appoint David Suzuki to the Senate.

Would astrophysicist Hubert Reeves be appointed? Would the Prime Minister appoint an astrophysicist, when this party denies scientific facts and scientific actions? Never.

Vivian Labrie founded the Collectif pour un Québec sans pauvreté, which fights to try to get the government to take the reality facing those most in need into account when making decisions. It fights to prevent decisions that will affect the poorest one-fifth of the population. Would this government appoint Ms. Labrie to the Senate? Never.

So this shatters the illusion and the fantasy that the Prime Minister would definitely appoint all of the senators proposed. That is not true. I would like to come back to my speech, which does not necessarily address that, but this raises a question. Basically, is it not dishonest to claim such things, when we all know the political stripes of the people appointed to the Senate?

The Prime Minister is under no obligation to appoint someone who has been elected by a province or territory. This bill therefore does not change how senators are appointed, since the Prime Minister is still free to choose whomever he wants to appoint to the position of senator. How can anyone believe that he will respect the democratic will of the people? He clearly does not understand the notion of democratic accountability. The Conservatives say that the provinces would be able to choose any system they like to elect senators, as long as the system complies with basic democratic principles. The facts show that this government knows very little about basic democratic rules. We cannot help but be cynical, since the government acts as though it was elected by 100% of the population when, clearly, that is not the case.

Quebec has called this bill unconstitutional. The provincial government said that it would go to court if this bill were passed without prior consultation with the provinces. What do the Conservatives want to do, reopen a constitutional debate? What a great way to be put through the wringer.

In closing, I wish I could find the words that would bring this government back to its senses and make it see that this issue must be resolved by the people.

Government Orders

We invite the government to hold a referendum if it is certain about the reform it wants to propose. I remain convinced that all Canadians would like to do away with this relic and relegate the Senate to the Canadian history museum.

• (1130)

[English]

Mr. Mike Wallace (Burlington, CPC): Madam Speaker, the member opposite makes the exact point that we are making. This bill would allow for the election of senators. If the individual, who the member was speaking of before, Mr. Suzuki, was interested in becoming a senator, and he might even be a non-partisan senator, who knows, this bill would give him the opportunity to run for that position. It is exactly the democracy that we are advocating for on this side of the House.

Why are the New Democrats opposed to David Suzuki having the ability to run for the Senate?

[Translation]

Mr. Pierre Dionne Labelle: Madam Speaker, if the hon. member is so fond of David Suzuki, Hubert Reeves, Vivian Labrie and Steven Guilbeault, why did his government not appoint them directly instead of appointing Ms. Verner and other associates involved in the financing of their party? He is all talk.

[English]

Mr. Mike Sullivan (York South—Weston, NDP): Madam Speaker, I found that to be a very enlightening and interesting speech.

It is clear that the member on the other side of the House has not read the bill. Whether a person runs for election or not, it does not mean that the person would become a senator. It means the person's name would be put on a list which the Prime Minister could look at. The Prime Minister would have the right to say no according to this bill. The Prime Minister certainly would say no if somebody on that list was someone with whom he vehemently disagreed. He would never appoint the person to the Senate.

Would the member like to comment further on that?

[Translation]

Mr. Pierre Dionne Labelle: Madam Speaker, I would like to thank the hon. member for his question.

I did mention people and, if I took the time to talk about them, it is because they actively participate in Canadian debate but the Conservative government will never recognize them as having a vision for Canada's future. This government is lacking a vision for the future, a vision on climate change, trade, industry and energy issues.

In civil society, these people participate in this thought process. However, the members opposite do not. The proof? We are discussing the Senate and no one is rising to speak today. The Conservatives have decided that they are not interested and that everything is fine. They do not act like a majority government but like a government that does not care about Canadians or about the message that the provinces and the people regularly send about these different bills. The Conservatives do what they want. Despite the fact that 70% of people are against some of the provisions they are

bringing before the House, the Conservatives are stubborn; they fight and they introduce those provisions.

Clearly, the speeches and the responses that have been given today are really intended to show Canadians the government's infamous way of making a mockery of democracy.

The Deputy Speaker: The hon. member for Nickel Belt for a quick question.

Mr. Claude Gravelle (Nickel Belt, NDP): Madam Speaker, I would like to commend the hon. member for Rivière-du-Nord for his wonderful speech about the Senate.

Many provincial premiers have said that the Senate should be abolished. Why does the hon. member think that the government does not hold a referendum to find out what Canadians want to do about the Senate?

• (1135)

Mr. Pierre Dionne Labelle: Madam Speaker, I am finding it difficult to get inside the Prime Minister's head. How has he switched from a vision in which he called for abolition of the Senate, when he called the Senate a relic of the past, to a vision of a Senate of elected representatives?

Recently, the Senate has been used for undemocratic purposes and a lot of people on that side of the House are pleased with that undemocratic atmosphere. I have the impression that they want to keep going in that direction and systematically block democratic debate, as we are now seeing in committees and in the House. That would be another way of infringing the prerogatives of Parliament.

[English]

Ms. Irene Mathysen (London—Fanshawe, NDP): Madam Speaker, I am very happy to be speaking to the Senate reform bill.

First, let me say that I am very disappointed that the government has put up no speakers. I wonder just how important this bill is to the Conservatives if they have nothing to say.

As members know, New Democrats have long advocated for abolishing the Senate. This has been our position since the 1930s. Very recent polling shows that Canadians are open to having a closer examination of the value of the Senate in the 21st century and that we should carefully look at Senate abolition because it is achievable and it is a balanced solution.

The NDP believes that the Senate is a 19th century institution, an anachronism that is unnecessary in a modern 21st century democracy like Canada's. Senators only sit 90 days of the year and they cost taxpayers over \$90 million annually. The Muskoka minister's \$50 million pales in comparison. Democracies such as Denmark and New Zealand have long since eliminated their outdated senates. This decision was also undertaken many years ago by our own provincial governments. There are many who support the NDP position, including the premiers of several provinces.

For example, the premier of British Columbia, Christy Clark, stated in May of this year:

I support abolishing the Senate. I don't think the Senate plays a useful role. I think that they've outlived their usefulness to our country.

Government Orders

Ontario Premier Dalton McGuinty echoed Ms. Clark's comments:

We think the simplest thing to do is abolish it, and I think, frankly, to reform it in any substantive way is just not possible. We have one elected accountable body that sits in Ottawa for us in the House of Commons. I just don't think we need a second, unelected, unaccountable body.

Even Conservative-friendly premiers condemn the Prime Minister's recent patronage appointments.

Saskatchewan Premier Brad Wall said, "It takes away momentum for change at the provincial level and it will probably increase calls that we hear from time to time saying, 'Do we really need this institution?'"

The Senate has become a repository of failed candidates, party fundraisers and professional organizers. These taxpayer subsidized Conservative senators even torpedo legislation passed by the elected members of Parliament. We are talking about bills passed by elected and accountable members of Parliament, such as the late Jack Layton's private member's bill to ensure action on climate change. Also, there was the member for Ottawa Centre's private member's bill to provide affordable AIDS drugs to those suffering in Africa. Both bills were killed by the Senate.

Both of these bills were extremely important and valuable not only to Canadians, but to people around the world. These bills were an opportunity for Canada to shine on the international stage, but the unelected Senate trashed them and left Canadians wondering what on earth has happened to our democracy.

New Democrats would like to abolish the Senate.

In addition to what has already been discussed, this bill has some other problems. It restricts all senators appointed to the Senate after October 14, 2008 to a single, non-renewable nine-year term. Senators would never have to be accountable for campaign promises they made because they would not have to keep them, or for any of the actions that they had taken while in office.

Provinces and territories are given the opportunity to hold elections if they choose. These elections are at the cost of the provinces. The prime minister can then decide if she or he wishes to appoint the senators, but there is absolutely nothing holding the prime minister to appointing anyone who has been elected.

● (1140)

Several provinces have indicated that they have no intention of holding Senate elections. The Province of Quebec has been perfectly clear and called the legislation unconstitutional and said Quebec will launch a provincial court appeal if the bill proceeds without the consultation of the provinces.

The Conservatives and the Liberals seem intent on maintaining an antiquated institution that they have increasingly used for partisan purposes.

New Democrats understand that the Senate is unnecessary and does not serve to further our democracy in any way at all. We will continue our call for a referendum on the abolition of the Senate. In the meantime, we will work hard to expose the dangers that the Conservative agenda on Senate reform pose to the very fabric of our democracy.

Six years ago when the Prime Minister was opposition leader, he knew there was something wrong with an unelected Senate. He thought it was unfair. He called it undemocratic. He also said an appointed Senate, a relic of the 19th century, was what we had. He did not like how the prime minister holds a virtual free hand in the selection of senators. He promised that if he ever got the chance to be the prime minister, he would not name appointed people to the Senate. He insisted that anyone who sits in the Parliament of Canada must be elected by the people he or she represents.

However, the Prime Minister has turned his back on those democratic principles. Instead of solving the problem, he is becoming the problem. The Prime Minister now holds the all-time record for appointing the most significant number of senators in one day. Who are his appointees? The Conservative Party faithful: spin doctors, fundraisers, bagmen, insiders, people such as his former press secretary, his former Conservative Party president, his former national campaign director through two elections, and let us not forget the several defeated Conservative candidates who were rejected by the voters.

The Prime Minister has broken his promise to do politics differently. Not only does he play the same old politics, he plays them better than anyone else, and I mean that in a very negative way.

Last fall the Conservative-dominated Senate was used to veto legislation the Prime Minister simply did not like.

The climate change accountability bill was Canada's only federal climate change legislation. It passed twice in a minority parliament. It was good, solid legislation supported by a majority of elected MPs, legislation embodying the direction Canadians want to take. On November 16, 2010, the Senate defeated Bill C-311 at second reading. There was no committee review or witness hearings. Canada's only legislative effort to fight climate change was gone, killed by the unelected friends of the Prime Minister.

Now unelected Senators seem poised to do the same thing to the NDP labour critic's bill requiring Supreme Court judges to understand both official languages. Former Bill C-232 was duly passed by elected MPs in the previous Parliament, and is now Bill C-208.

Just because someone flipped pancakes for the Conservative Party of Canada does not give that individual the right to override the wishes of elected MPs.

Too often today's Senate is doing partisan work for public money. Speaking of money, Canadians are paying more and more for a discredited institution that does less and less at a time when people are dealing with a slow economic recovery, and the Conservative government is contemplating billions in cutbacks.

Government Orders

Maintaining the Senate costs Canadians around \$90 million a year. While folks are looking for jobs and trying to make ends meet when their EI runs out, or scraping by on pensions that do not even cover basic necessities, senators are earning \$132,300 a year for a three-day work week. Add in travel and expenses and each senator is costing us about \$859,000 a year, all for an institution that will not play any relevant role in the lives of most Canadians.

I can think of a lot of things that do matter to people, such as creating family-supporting jobs, improving public health care, and building decent futures for our kids. Lining the pockets of party insiders just is not high on my or anyone's list.

• (1145)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, one of the things that I hope to address later today in my presentation on this bill is the constitutional difficulties of reforming the Senate. I am particularly attracted to the NDP proposal that the Senate should be abolished.

How does the hon. member for London—Fanshawe and her party contemplate getting around the constitutional aspects of Senate protection within our system? How would we engage the provinces and territories to make this happen?

Ms. Irene Mathysen: Madam Speaker, there clearly will be significant challenges to face in terms of the Constitution.

When I was a member of provincial parliament, we looked at the Charlottetown accord, and realized that any time we take on changes to the Constitution, we face real difficulties.

The point is that Canadians have been very clear. This is an antiquated institution that many Canadians are just not willing to pay for any more.

We would consult with Canadians. We would talk to the provinces. We would find a way of doing it and making sure that the concerns of the people across this country were addressed, while respecting their very clear wish that we move into the 21st century and leave this less than sober second thought bunch behind.

[*Translation*]

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Madam Speaker, my question concerns the attitude of the government toward the fact that one voter out of three voted for the Conservatives. We have to expect that even some of those voters were opposed to this bill.

I would like my colleague to comment on that. What are the Conservatives trying to do by limiting the number of hours of debate on this bill?

[*English*]

Ms. Irene Mathysen: Yes, Madam Speaker, it is very clear. In the last election the Conservative Party garnered 38% of the vote and the rest of Canadians, 62%, voted for other parties.

I have profound concerns about the democratic nature of that. New Democrats have long proposed proportional representation. We think that is the way to make every vote count.

Even more to the point of the gerrymandering of our democracy, both here in the House with time allocation motions and in

committees with all kinds of less than democratic means, the Conservatives are undermining what Canadians believe they have, a democratic state.

One of my real concerns, and I think this has been voiced, is in appointing Conservative-friendly senators. Even when this Conservative government is gone—and let that be soon; it cannot come quickly enough—even after it is long gone, there will be that Conservative Senate interfering with the democratic processes in this House by simply voting down legislation that matters, like Mr. Layton's climate change bill and the bill that would have delivered drugs for people suffering from AIDS, malaria and measles in Africa.

We should be ashamed that happened. Yet we have this legislation in front of us that shows no shame, and in fact supports an institution that has clearly been derelict in any kind of duty to Canadians.

• (1150)

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Madam Speaker, I do not know if I am really that proud to rise today on the debate of Senate reform because we are not getting Senate reform at all. We are getting Senate stay as it is with a few changes behind the cloak and dagger of what is perceived as Senate reform.

Let me get this straight for the people watching. Only the Conservatives can come up with this. We are going to make the provinces pay for elections. By the way, 40% of people do not vote in a federal election now. I cannot imagine the percentage of people who would love to vote in a Senate election.

Let me get this straight. We would get wonderful people, put their names forward for a Senate election and make the provinces pay for it. For example, if Mr. Smith was elected to be the senator from Nova Scotia, the Prime Minister could say, "No. We don't like that Mr. Smith, the elected person from Nova Scotia. We'll pick someone else."

Folks will have to help me out with this because I really am missing the so-called democratic reform of this one. If one is going to pick someone else, do it in the first place. It is already being done. Why go to the waste of a sham of a so-called election?

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The reality is that every single one of the people in the other chamber is a decent person. I think of Senator Dallaire, Senator Mahovlich, Senator Lang, Senator Meighen and Senator Baker. There are all kinds of them. They are really decent, hard-working, honest people. The premise of the chamber, the so-called chamber of sober second thought—mind, that is not completely gone—is that senators are supposed to peer review legislation that comes from the elected House to ensure that it meets the Charter of Rights and Freedoms and the Bill of Rights and the Constitution of Canada.

In theory, that actually sounds pretty good. We select learned people from around the country to go into the Senate. These are people with life experience in a variety of fields. We use their expertise to peer review our legislation. Then, because they do not have a constituency, per se, they can report on issues facing the country. For example, the Kirby report on mental health was quite good. However, we have to ask ourselves, do we need a publicly funded Senate to produce a report like that? There are probably a lot of private entities out there that may have been able to produce the same report. Senator Kirby also did the 1982 report on the east coast fisheries, and that did not go very well. There is good and bad in both of those reports.

Having said that, they get to peer review executive legislation from the House of Commons. But do they peer review executive legislation from the House of Commons? No, they do not. A classic example is Bill C-311 in a previous Parliament. I am looking at some of my colleagues who were here. It passed the democratically elected House of Commons, went through the committee stage, went through third reading and passed, not once, but twice. Bill C-311 then went to the Senate, where it was supposed to be reviewed, but Bill C-311, the environmental bill from the NDP, did not even get to first base. It did not even get to the clubhouse. It did not even get to the parking lot. Some senators stood and said no. There were no witnesses, no discussion, nothing and the Conservative senators absolutely killed it.

If constituents of Canada vote, they take democracy seriously. We have to ask ourselves, where was the democracy in that? I can guarantee that if that happened to a Conservative bill and New Democrat senators killed it, the Conservatives would be screaming from the rafters. They would be doing what Randy White did, with the mariachi band, in 1995 or 1996, standing in front of the Senate, doing a Mexican salsa. I remember those days very well, how they ridiculed the Senate because a certain Mr. Thompson spent most of his time in Mexico.

An hon. member: It was 1997.

Mr. Peter Stoffer: Sorry, 1997.

I remember when the Reform Party or Canadian Alliance was against the Senate. It wanted a triple-E Senate. That is all gone now. It is finished when the husband of a sitting cabinet minister can be put into the Senate, along with a fundraiser.

● (1155)

This one is beautiful. This one I really love. Fabian Manning—and do not get me wrong, he is a really nice guy, a decent guy—ran in an election and won. He became a member of Parliament. When he ran in the next election, he lost. The Conservatives said, “Don't

worry, Mr. Manning, we have a seat for you in the Senate”. The constituents said they did not want him to represent them anymore. However, the Prime Minister said there was a seat for him in the Senate.

About a year or two later, Mr. Manning did the honourable thing and quit. He said he should be an elected member in the House of Commons. That was a very honourable thing for him to do and it was pretty risky too. He ran in the 2011 election and was defeated again. Even though he had quit the Senate, the Conservatives have a revolving door at the Senate, and invited him back in at \$130,000 a year. He was twice defeated, not elected by the people of Newfoundland and Labrador, in the Avalon Peninsula, and was twice put in the Senate.

The Conservatives talk about Senate reform. It is an embarrassment to the country. Our democratic rights and principles make us a laughing stock. It is unbelievable that the Conservatives can hide behind this Senate bill, which is a sham.

Here is a novel idea: we could abolish it. Ten provinces and three territories operate their jurisdictions very well with one operating democratic body. Bring in proportional representation and have a true census of the vote. If we did that, my hon. colleague from the Green Party, sitting in my old seat 309, would probably have three or four more of her people here. That would be true representation of the popular vote.

We should not forget that even though the Conservatives got 38% of the voting public, 40% of eligible voters did not vote at all. Therefore, how many voters in Canada actually voted for those folks? A lot less than 38% when we consider the number of eligible voters out there.

If we were to bring in true proportional representation, we would have a true say in the House of Commons, reflective of Canadian society. We could do away with the Senate. However, if for whatever reason, the provinces were to say there had to be a Senate, and this is the if—I am a flexible kind of guy; some people call me Gumby—why do we not make the Senate truly independent of government? That would mean it would no longer caucus with the government. Senators would no longer be appointed by the government but by a panel of experts.

We should make the Senate completely independent so that we can get the best of the best and have it independent of Parliament. That way senators would not be beholden, or rubber-stamping legislation, or breaking election laws and having a plea bargain deal, paying the \$52,000 and wiping their hands of it. We do not need that from the Senate. It happened.

This is what we get and it is an embarrassment. If we in the NDP were in government and the Conservatives were on this side, they would be standing up screaming at the top of their lungs about the bastions of power, the democratic withdrawal from this country, and shame on the New Democrats for doing that. That is precisely what they are doing. They think they can get away with it. Of course, with their smug majority and their dingwalling efforts, that arrogance is going to come back to haunt them.

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My colleague from Calgary and I have been here the same amount of time and he knows what arrogance does to a front bench and what it does to the backbench. If the Conservatives think this arrogant piece of legislation is going to pull the wool over anyone's eyes, and no offence to the sheep out there, it is simply not going to work.

I ask the government to withdraw this bill, to get rid of it. We could save \$100 million a year by abolishing the Senate. I mean no offence to the good people over there. I have said many times I have not met an MP or senator that I would not want as my neighbour. They are all decent people, but the chamber itself is a prehistoric institution and is no longer required. That would save us \$100 million a year. What could we do with that kind of money? That is a debatable question.

• (1200)

The Prime Minister, with the economic action plan, appointed 27 senators in one year. Over 20 years, the cost will be \$100 million. That is the economic action plan right next door for all their friends and neighbours.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, I wish to congratulate my hon. friend from Sackville—Eastern Shore for being elected the most congenial of members of Parliament five years in a row. He reflected that in not taking any hits against any person named in the Senate, who are all good people.

I want to buttress his arguments slightly by going to Bill C-7. There really is no mandatory element that senators should come from this list. Clause 3 states that the Prime Minister “must consider names from the list”. Within the schedule, paragraph 1, we have the strange construction that “Senators to be appointed for a province or territory should be chosen”.

As a student of law, I learned that we look for discretionary language “may” or mandatory language “shall”. I have never before found a “should” in legislation.

I find this whole thing rather illusory that the government is requiring anyone to come from a list that is elected. Could my hon. friend comment on that?

Mr. Peter Stoffer: Madam Speaker, the member from the Green Party is one of the finest people in our country and well-deserved of the Order of Canada.

Both she and I have been around union contracts for a long time and we know what those weasel words actually mean. At the end of the day, no matter what comes out of this, the Prime Minister, and the Prime Minister alone, will have the final say on who sits in that chamber. Those are the facts, the truth and Canadians should know this. It does not matter what is done. The process is a sham. At the end of the day, one person determines who gets to sit in the chamber. I guarantee members it will be payback time for an awful lot of people who helped that man out.

[*Translation*]

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, I would like to know what my colleague thinks about the fact that, ultimately, a bill is being brought forward to keep the Senate and have basically the same thing we have now. As well, it will be more expensive in the short, medium and long terms than it is at present. It is often said that in a

democracy, money is never invested badly, but in this case, are the Conservatives being good managers?

[*English*]

Mr. Peter Stoffer: Mr. Speaker, he is right. Let us think about all the money we are wasting right now on this topic when, at the end of the day, we are going to end up back in the same place we started, with a non-elected, non-responsible, non-accountable, self-appointed friends of the Prime Minister Senate.

The reality is we do not have to do that. The government could introduce legislation that I am sure, and I cannot speak for the Liberals or the Green Party, we would definitely support. It could be one line “abolish the Senate”. If that were brought forward, we would give it passage right through the committee, right on to second reading and onward.

If the government cannot do that, we have ways of vastly improving the legislation to the point where the senators are not an extension of the long arm of the government.

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, my colleague, Gumby, from Sackville—Eastern Shore, gave an eloquent speech.

At the end of the day, if we have elections for senators and the Prime Minister appoints somebody else instead of appointing Mr. Smith from Nova Scotia, what is the point of having elections or what is the point of having a Senate?

Mr. Peter Stoffer: Mr. Speaker, it shows that the government is trying to pull the wool over the eyes of Canadians, yet the taxpayers are going to have to pay for this. Those individual provinces that decide to go into this scheme, which is really like a Ponzi scheme, will end up paying for something that at the end of day they will not get value for their money. It is quite clear that the prime minister of the day, whichever party, will decide who sits in the Senate. That has to stop.

• (1205)

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, my hon. colleague from Nova Scotia is a tough act to follow. That was one of the best speeches I have heard in the House. He was flying.

[*Translation*]

I am pleased to speak to Bill C-7.

If I understand correctly, what is being proposed seems to me to be an improvement on what we have now. For example, they are proposing that the law limit the terms of all senators summoned to the Senate after October 14, 2008, to a maximum of nine years. In my opinion, that limit is not a bad thing. As well, the provinces and territories would have the option of choosing to hold elections at their own expense to determine what names would be submitted to the Prime Minister for consideration. We are not living in a perfect world.

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[English]

In a perfect world we would have the following. What the government has proposed is not a perfect world. In a perfect world we would have senators appointed for a limited period of time. They would be non-partisan and they would not represent specific political parties or be appointed as a reward for their services to a party. They would be distinguished people from most segments of society, such as first nations, business, labour leaders, the social sector, students.

In a perfect world a group of non-partisan people, an impartial board, would select individuals. If we were to do this, then in this perfect world we could have a chamber of sober thought consisting of respected people who would look at the work we do here and certainly not meet with the caucus of the governing party of the day, but, as the previous member said, be truly non-partial.

When we on this side speak out against what goes on in the Senate or what is proposed, we are not criticizing many of the honourable senators in the Senate. For example, I am pleased to see my former boss and friend from Yukon, Danny Lang, there and he is working hard. There are other folks like Hugh Segal, who has been championing poverty issues and rural poverty for many years. I certainly respect the work he and many of his colleagues do.

Unfortunately this is not a perfect world and it is an illusion or dream to think that we somehow could have in our democratic country a group of people, wise elders of our society, who would sit down and reflect upon what needs to happen and give its impartial advice. However, as my colleague from London—Fanshawe earlier said, it is not a reality and there is a contrast between what happens in the Senate, with its expenses, and all the effort that goes into maintaining that antiquated body.

If the Senate did not exist, we could inject more funding toward assisting people who are unemployed, the percentage of workers who do not have access to employment insurance. Many of us met with students in the last couple of weeks and know that, for example, the average student debt in British Columbia upon completion of university is \$27,000 and tuition fees are rising. Yet other countries have made it a priority to have free tuition and health care and have strong economic engines, countries like Sweden.

In previous Parliaments I have been in since I was elected in 2006, there was actually a fair amount of debate on various bills and a fair number of witnesses would be brought to committees. There was much scrutiny, unlike now, when there is limited debate and closure on a number of important bills. Even after that time, when these bills would go to the Senate, under the direction of the current Prime Minister and his ideologically-driven government, they would be killed and often senators were told there would be no further debate whatsoever.

There was the climate change accountability act in the previous Parliament, Bill C-311, and the bill on generic drugs. For all the people watching this debate, a bill to help people suffering from AIDS so we could finally eradicate this devastating disease and take up the work done by Stephen Lewis and his foundation was before Parliament. Groups like the Grandmothers for Grandmothers, which I met with in Nelson a couple of weeks ago, is raising money to assist grandmothers in Africa who are raising children. There are

millions of orphans due to this devastating disease. Parliament had a chance to pass that bill and, in fact, did so.

• (1210)

What happened? The Senate limited debate and stopped it. As a result, we do not yet have a policy to assist those suffering with AIDS by having cheap generic drugs available. This is truly a shame.

Then we had the act to kill the Wheat Board rammed through Parliament by the Conservatives without any democratic vote by farmers, the people who are part of the Wheat Board. There was limited debate in Parliament with no economic analysis, no in-depth study and a limited number of witnesses. Now this bill will go the Senate. If there were an impartial Senate, if the Senate, in an ideal world, were made up of wise people from different segments of society, they would look at the bill, bring in witnesses and say that maybe Parliament has not done what it should have been doing. They would then send it back to us and tell us to get back to work and fix this or abolish it, because that is not the will of the people that the House of Commons has reflected.

Then there is the crime omnibus bill that we are all faced with now that has also been rammed down our throats. At a time when crime rates are going down, we will be putting more people in prison and, not only that, the provinces will be bearing the costs of the bill. Even American conservatives are turning away from putting people into prisons. They are saying that it is not cost-effective and that maybe they should be doing more prevention and more rehabilitation. At the same time, we are going against all of the evidence and the Conservatives are not even listening to their conservative friends in the United States or the Canadian Bar Association and judges.

Even though most of Canadian society and the provinces have asked us what we are doing, the bill has been rammed through by the government. Once again, if we were to have a Senate that truly represented Canadian society in an impartial way, it would tell the Prime Minister to take his time here, that this does not need to be rushed through.

We need to hear more witnesses and actually listen to what the Canadian Bar Association is saying. We need to listen to our provincial colleagues who say that the cost is a bit too much and that they cannot really afford it. We need to listen to the Canadian public and then, in an ideal world, the bill would be brought back here and we would be told to do something about it that truly reflects the values of Canadian society and not the ideology that the government is presenting to us in this Parliament.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I am always intrigued by the NDP's position in regard to the Senate. It seems to be fairly straightforward and simple in the minds of many colleagues in the NDP and that is that we abolish the Senate, that there is no situation in which the New Democratic Party could envision where there would be any value whatsoever to Canada by retaining some form of a Senate.

If the majority of Canadians disagreed with the NDP and believed that there was some value in retaining the Senate, would the member be prepared to support the will of the majority of Canadians?

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•(1215)

Mr. Alex Atamanenko: Mr. Speaker, I truly believe that we do need to listen to the majority of Canadians when we even attempt to change or abolish the Senate. I certainly would be prepared to support the majority of Canadians. For example, I talked about this ideal world where we could have a different way of having the chamber of second thought. It would be something to explore and we could maybe put something out to the public with different options.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, there are a couple of different aspects of the bill that are troubling. I spoke earlier in terms of the constitutional ways in which we become ensnared. However, we have not had an adequate discussion across Canada of the difference it will make to the house of sober second thought continuing under this legislation once it is able to claim some legitimacy through the quasi election process before the Prime Minister appoints them.

I wonder if the hon. member has any concerns that we might create much more of a system like the United States where there would be constant gridlock between an elected House and a quasi elected Senate.

Mr. Alex Atamanenko: Mr. Speaker, I truly welcome my hon. colleague's presence here in the House. We will be collaborating on a bill that I will be introducing on the department of peace.

I think there could be problems with an elected Senate. When we are elected, especially if we want to be re-elected, sometimes the focus is not on the actual job but on being re-elected.

I would say that, if we are to retain a Senate, perhaps it should be people from all segments of society who are appointed by an impartial board. They could then focus on what they need to do for that period of time and not worry about whether they would be elected, re-elected or what the government is doing and be, as my colleague from Nova Scotia said, completely independent of the government of the day.

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, even in the guise of reform, the bill is not really reform. We have heard several times that the Prime Minister would retain the right to decide who gets appointed. Therefore, it is really an appointed Senate.

The only real reform is the term limit, which would go from life to age 75, or now nine years. However, even that is a dog's breakfast of mixed up rules and regulations depending on when one was appointed. By my calculations, the number of people who could theoretically be elected over the next six years would amount to only 36 people. Therefore, 64% of the Senate would remain an appointed Senate in six year's time. Does the member have some comment on that?

Mr. Alex Atamanenko: Mr. Speaker, I think this bill is a waste of time. We should put it to the Canadian people whether they want to keep the Senate and, if they do, we need to give them some options that might work, rather than the option that is before us.

[*Translation*]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, I am pleased to rise in the House to speak to Bill C-7, An Act respecting the selection of senators and

amending the Constitution Act, 1867 in respect of Senate term limits.

The NDP's position was clearly stated at the beginning of this debate. Since 1930, we have been in favour of abolishing the upper chamber for various reasons. This is a position that I believe is unanimous in New Democrat circles and that periodically comes up and is always reaffirmed at our conventions and meetings.

There are specific reasons for that, but first I would like to mention that we are not the only ones. The provinces are also in favour of flat out abolishing the Senate. Ontario, Nova Scotia and Manitoba have clearly spoken out in favour of doing so. With respect to Bill C-7 in particular, we know that Quebec has already looked into the possibility of contesting its constitutional validity in court.

What we have in front of us now could be considered a partial reform. It is not real reform of the Senate, but rather a modification of certain aspects. For example, the aspect that has to do with Senate terms. Right now, senators are appointed to the age of 75 or until the death of the senator, and that term would be reduced to nine years. Although the NDP is unanimously in favour of abolishing the Senate, there are some differences of opinion on the Conservative side, particularly among Conservative senators who have already shown some reservations about limits to their terms. Those senators were appointed recently. All members are aware that since the Conservatives took power in 2006 they have appointed 27 Conservative senators, which has given the Conservative Party a majority in the Senate.

We could talk about what the Liberals did before, and we may or may not agree with them. The fact remains that when there was a Liberal government, it was still possible that a non-Liberal senator would be appointed. That was the case in the past. The Liberals even appointed an NDP senator. Unfortunately, we asked her to give up her NDP designation because we do not support the Senate and are proposing that it be abolished. At least former Liberal governments provided some balance. But we are not seeing that same kind of balance with the Conservative government.

We talk a lot about the Senate being a chamber of sober second thought, a place where a different kind of reflection takes place, in comparison to the House of Commons. The members of the House of Commons know that all provincial senates have been abolished. No province has had a Senate since 1968. As far as I know, there have been no significant issues with passing laws at the provincial level since that time. Provinces do not have senates and, to be honest, they do not seem to be missing them. No provinces are requesting or calling for a provincial upper chamber. In looking at the provincial situation, I think that the NDP's position on the Senate is completely legitimate and is far from the Conservative position of wanting to keep the Senate. However, the Conservatives want to reform it. It is interesting to see how the Conservative opinion on the Senate has evolved.

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There has been much talk—particularly during the era of the Reform Party and the Canadian Alliance—of the need for a triple-E Senate. Such a Senate, by its very nature and essence, would bear a much closer resemblance to the U.S. Senate as we know it, and that creates a few problems. If the bill were adopted as it stands, similar problems would arise. I will come back to the U.S. model, but I would first like to discuss two specific problems with the bill and the manner in which it provides for the election of senators at the provincial level, who would then be appointed by the Prime Minister.

The first problem has to do with legitimacy. If the provinces have no consistent process for the election of senators—and since the term being used is plebiscite rather than election—it would create a situation whereby, in certain provinces, no senators would be elected or selected in this way. That raises a problem of legitimacy. Those senators elected under one process might believe—and this would undoubtedly be the case—that they have greater legitimacy than those who are simply appointed by the Prime Minister without being subject to the procedure established by the provinces.

• (1220)

That would be problematic since the members of the Senate would not share the same understanding of the institution.

The second problem—and this is where the U.S. example is relevant—is that the Senate currently wishes to be perceived, if it does serve a purpose, as a place for sober second thought in response to bills adopted by the House of Commons. This sober second thought theoretically serves as a counterbalance to an overly populist reaction in the House and is intended to please a certain segment of the electorate without necessarily improving in any way on what the bill proposes.

In its current form—and I think that this has been evident over the last five years during which 27 new Conservative senators were appointed—there is no longer any sober second thought. The Senate no longer plays this role. The Senate, just like the House, polarizes political debate. I believe that the debate and political discourse in the House since 2006 have been much more polarized than in any previous era or decade. That is how things look nowadays in the Senate.

The Senate was intended to be a forum in which senators could adequately reflect upon the impact that bills may have on various facets of Canadian and Quebec society. The Senate no longer plays this role. Two bills have demonstrated this, including one we thought was particularly important. I refer to Bill C-311 on climate change and the establishment of clear standards and targets in terms of greenhouse gas emissions. The House of Commons and its committees held several debates. It was not the first time this bill had been introduced. The purpose of the bill was to ensure that Canada honoured its international commitments. After a number of attempts, the House of Commons finally adopted the bill. The unelected Senate, however, simply opposed the will of the House of Commons, in other words, the elected representatives of the Quebec and Canadian public. The objective was to polarize rather than to be effective. The Conservative government did not condemn this action as it should have, and undoubtedly would have, had a Liberal-dominated Senate stood in the way of one of its bills. When this

occurred in the past, Conservative members led the charge in condemning the abuse of power of an unelected chamber pitting itself against the House of Commons.

My colleague from Winnipeg North raised the question: do Canadians and Quebecers still want a Senate? It is an interesting and very relevant question, in my opinion. I propose therefore, as have a number of my colleagues, to ask Canadians and Quebecers if they still want a Senate, and whether they believe the upper house still fulfils its role. Quite recently, in July, a poll was taken across Canada to determine whether Canadians wanted to vote on the existence of the Senate. Seventy-one per cent of Canadians, including Quebecers, want a referendum in which they can vote on the issue. It is high time that we had this debate. In the same poll, 36 % of Canadians were in favour of abolishing the Senate. This is a significant increase compared to the previous year. It reflects public discontent with the role the Senate has played in recent years and the partisan appointments made by the Prime Minister.

Experience has clearly shown us that abolishing the provincial senates did not drastically affect how the provinces operate. In fact, a number of experts and constitutional jurists would say without a doubt that this perhaps even made it easier for the provinces, because there was no longer an unelected chamber able to interfere and undermine the will of publicly elected representatives. There is not a single province that would revisit the past and choose to bring back an unelected chamber.

• (1225)

We must be very careful about the Senate's mandate and about the direction we are currently taking to avoid having what we see in the United States. The suggestion was made by our colleague from the third party, and had already been made by the NDP. Let us have a real debate, let us include the Canadian public and let us have a referendum on this subject. Our position is clear: we are and will always be in favour of abolishing the Senate.

• (1230)

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the member made reference in his comments to the fact that there was a fairly extensive poll or survey carried out in which 36% of the respondents felt that it was necessary to abolish the Senate. Ultimately, that would imply that there was a majority that did see some value to retaining the Senate.

If the member were to canvass his own constituents and they were of the opinion that indeed there was value in the Senate, would the member then take the position of supporting retaining the Senate, maybe advocating for change but at the very least supporting a Senate?

[*Translation*]

Mr. Guy Caron: Mr. Speaker, I thank my colleague for the question.

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This question applies more to the politics of the entire country than to individual ridings. I could go and see the 85,000 people I represent in the riding of Rimouski-Neigette—Témiscouata—Les Basques and ask them the question. However, without a real debate, the kind of broad debate we can have during an election, for example, it is really hard to know exactly what the people think.

This issue regarding the Senate is not at the forefront of the minds of my constituents right now. They have more important economic and social concerns. So if we were to ask them about the Senate, this issue would not be at the top of their list. In fact, many do not even know the role of the Senate. They do not necessarily follow the debates that take place there. If we want real public consultation, it should not necessarily be done riding by riding, but rather by referendum. Thus, the issue could dominate the mass media and we would then be able to see various viewpoints from a broader perspective than we otherwise could through individual conversations.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I thank my hon. colleague from Rimouski-Neigette—Témiscouata—Les Basques for his very interesting speech. I have a question about the reality of this bill.

[*English*]

I find it fascinating that the federal government is in no way bound by this, which of course it cannot be because of exemptions in the Constitution Act that restrict the federal government's ability to insist on the election of senators without consulting the provinces. However, in schedule 1 of this legislation, we have bound the provinces to hold elections and to create a list which may or may not be used. I would appreciate the member's further thoughts.

[*Translation*]

Mr. Guy Caron: Mr. Speaker, I want to thank the hon. member for her question.

The big problem is that we would have a Senate whose members would be elected or appointed according to different rules. In some cases, there would be more legitimacy and the senators themselves would have a greater sense of legitimacy in certain situations. In that sense, this will create a dysfunctional Senate.

Indeed, my colleague is right when she says that the Prime Minister would still have the latitude not to follow the recommendations that come out of the plebiscites. That is a big problem. This bill creates a type of hybrid, a type of monster, and we will not necessarily know the extent of it until it happens. We are not interested in testing out that experiment. We would like to see how Canadians feel about this issue and have a party that advocates the abolition of the Senate, which is what the NDP promises to do.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I thank the hon. member for his well-informed comments on this bill. This is the third time that this bill has been introduced, so clearly the Conservatives have not seen it as a priority. However, as it relates to basic democratic reform, I want to ask the member, would he agree that a more pressing issue is to move ahead with proportional representation for the House of Commons itself, and would that be a better measure for us to move forward on?

[*Translation*]

Mr. Guy Caron: Mr. Speaker, the answer is yes, absolutely. I think that if the question is clear, then so is the answer. That is what is missing right now.

Our current system dates back to 1867, and even further than that since we adopted the British system. That system no longer suits today's realities. It is a flaw of the House of the Commons that a party can form a majority government with less than 40% of the votes.

In that sense, proportional representation would be much more modern. There are a number of types of proportional representation. We can sit down and discuss the merits of each. Nonetheless, I think that proportional representation is an inevitable solution for the House. We should get on with it.

• (1235)

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I am pleased to take part in the debate and give the Bloc Québécois's opinion on Bill C-7, the Senate Reform Act.

No one in the House will be surprised to hear that the Bloc Québécois is of the opinion that we can do without the Senate and that we should just abolish it.

The Senate is an archaic institution. I heard members of other parties describe it as such earlier. I know that, in the House, we cannot denigrate the other chamber. However, I do not think that it is a form of denigration to say that, today, in a democracy, it is completely useless to spend so much money and have 105 senators who simply redo the work that was already done by legitimately elected people. That is the big difference. In fact, the House of Commons, with its 308 members, makes decisions and passes all sorts of legislation while following the procedure that should normally be followed here, which involves first, second and third readings. That being said, with the current Conservative government, this procedure is not being followed at all because the Conservatives are imposing time allocations for almost every bill.

In the beginning, the Senate, whether it was at the federal or provincial level, was put in place to protect certain territories. However, over time, the Senate became a place where the Prime Minister appointed friends to ensure a majority. That is what the current Prime Minister promised not to do but, when he had a minority government, he saw that he could change things by appointing Conservatives to the Senate to have a majority there. He broke his promises. He made a series of very quick appointments so that the Senate would have a Conservative majority. The Senate has thus become a very partisan place. I do not say this to insult the senators. Some are doing the best they can and are doing their work honestly.

I think that almost everyone, at least in Quebec, agrees that we could easily do without the Senate since the House of Commons operates in a completely democratic way with 308 people who, for the most part, campaigned and were elected democratically by the public, which is not the case for senators.

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Of course, Bill C-7 seeks to ensure that senators are elected. However, in my opinion, the Conservative government is trying to do indirectly what it cannot do directly. It wanted an elected Senate and it made this an election promise. In fact, this goes back to long before the current Conservatives. At the time of the Reform Party, they also wanted an elected Senate. However, they realized that constitutional changes and consultations with the provinces would be necessary to achieve that goal. So they decided to resort to this process and basically tell the provinces they could hold elections and the federal government would then decide whether or not to accept the results of those elections. This is completely ridiculous.

I believe the government introduced Bill C-7 thinking it could avoid consulting with the provinces. Personally, I think that is the major problem with this bill.

So we are witnessing a Senate reform and also a House of Commons reform, since there is also Bill C-20 dealing with representation in the House of Commons. These two bills will weaken Quebec's position within federal political institutions. We know that, with Bill C-20, the government wants to diminish the political weight of Quebec in the House. As for the Senate, we know that Quebec does not agree with the government's way of doing things, but the government wants to have its way nevertheless.

The Bloc Québécois feels that the job of senator is increasingly becoming a reward given by the Prime Minister to political friends. The Senate as an institution is less and less useful to democracy. We are saying that the Senate should be abolished. As members will see later on in my speech, I have a survey which shows that Quebecers fully support abolishing the Senate.

I remind the House that Quebec's long-standing position is that any change to the Senate must be made with the agreement of Quebec and the provinces. Quebec is not the only one to hold this view since the government began trying to introduce a bill to reform the Senate.

We can go all the way back to the late 1970s. The Supreme Court of Canada looked at the power of Parliament to unilaterally change the constitutional provisions dealing with the Senate. In its decision, the court ruled that decisions regarding major changes affecting the fundamental nature of the Senate cannot be taken unilaterally.

• (1240)

That could not be more clear. The House does not always agree with the decisions of the Supreme Court, but we must abide by them. With this ruling, the Supreme Court spoke loud and clear:

Changes to the powers of the Senate, the method of selecting senators, the number of senators to which a province is entitled, or the residency requirement of senators can be made only [in consultation with Quebec and the provinces].

That could not be more clear. In 2007, Benoît Pelletier, a former Quebec minister of intergovernmental affairs, a renowned teacher and constitutional expert respected by all Quebecers, both federalists and sovereignists, reiterated Quebec's traditional position by stating that the Government of Quebec believes that this institution does not fall exclusively under federal jurisdiction. In a press release dated November 7, 2007, which I will table in a moment, this former minister said:

Given that the Senate is a crucial part of the Canadian federal compromise, it is clear to us that under the Constitution Act, 1982, and the regional veto act, the Senate can be neither reformed nor abolished without Quebec's consent.

He said it a number of times, on television and elsewhere. Benoît Pelletier has credibility in this matter. The same day he made that statement, Quebec's National Assembly unanimously passed the following motion:

That the National Assembly of Québec reaffirm to the Federal Government and to the Parliament of Canada that no modification to the Canadian Senate may be carried out without the consent of the Government of Québec and the National Assembly.

Much earlier, the same position was taken by Robert Bourassa as well as Gil Rémillard, a constitutional expert who was a minister and my professor, although that is nothing to brag about. In any case, he certainly had a great deal of credibility.

In 1989, Robert Bourassa said that he did not want to discuss Senate reform before the Meech Lake accord was ratified. In 1982, Gil Rémillard said that the signing by Quebec of an agreement involving Senate reform would depend on the results of negotiations on the concept of a distinct society, the division of powers and the federal spending power.

Regardless of their party, all elected representatives in Quebec agree that the federal government should not make any changes without the permission of the provinces, and of Quebec in particular, in the examples I just gave.

In 2007, Quebec's Liberal government took part in the Special Committee on Senate Reform. In its brief it stated:

The Government of Quebec is not opposed to modernizing the Senate. But if the aim is to alter the essential features of that institution, the only avenue is the initiation of a coordinated federal-provincial constitutional process that fully associates the constitutional players, one of them being Quebec, in the exercise of constituent authority.

The Government of Quebec, with the unanimous support of the National Assembly, therefore requested the withdrawal and/or suspension of various bills that were introduced by the Conservative government over the course of previous sessions, including Bill C-43, which had to do with elected senators. It also requested the suspension of proceedings on Bill S-4—which became Bill C-19, then Bill C-10—which had to do with term limits, so long as the federal government was planning to unilaterally transform the nature and role of the Senate.

Bill C-7 raises the same problem and it clearly shows that the government wants to act unilaterally.

I would like to quote a poll on the Senate conducted by Leger Marketing in 2010. It said, "The majority of Quebecers think that the Senate has no worth in its current form and even more Quebecers are in favour of abolishing the Senate."

I encourage all members of the House to consider the opinion of the Government of Quebec, of the other provinces and of Quebecers in this poll, to truly understand that the government cannot act unilaterally here.

• (1245)

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP): Mr. Speaker, I appreciated the comments and speech made by my colleague. I would like to read a brief remark made by Senator Bert Brown:

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[*English*]

In his comments he said:

Those of us who came to the Red Chamber were there to get a majority vote for reform.

Then he went on to say:

Every Senator in this caucus needs to decide where their loyalty should be and must be.

[*Translation*]

He sent this letter to several other senators.

I listened to the hon. member's speech and I think he is on the right track. Like us, he is in favour of abolishing the Senate. Can the hon. member tell us whether the Senate is truly impartial and a forum for sober second thought concerning the decisions made by the House? I would like the hon. member to respond to that. Is the Senate truly an impartial chamber?

Mr. André Bellavance: Mr. Speaker, I would like to thank the member for her question. Without making a sweeping, general comment, I can give an example.

I recall that when Jacques Demers, the former head coach of the Canadiens, was appointed to the Senate, he was asked what interested him in the Senate and what bills and measures he intended to support. The first example that came to mind—and I understand this because we also agreed with that measure—was the bill introduced by Senator Jean Lapointe. Senator Lapointe was also well known in Québec, and obviously throughout the rest of Canada, as he was an actor and singer. In any event, he had introduced a very important bill concerning lotteries and gaming. He wanted stiffer rules regarding slot machines in bars. In the end, Senator Demers did not vote because the Conservative Party told him that there was a party line and that the Conservatives did not agree with the bill.

People come here, oftentimes in good faith, and end up realizing that there is a party line and that this line has to be toed in the House—and yet, these people are democratically and legitimately elected. In the Senate, they sometimes think that they have some leeway, but that is not the case.

In response to the member's question, the answer is no, certainly not. People are appointed for partisan reasons to do the work for the party that appointed them.

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, I have a comment for the hon. member for Richmond—Arthabaska concerning his preamble.

Earlier, he said that we could not denigrate the other chamber when in fact the government is constantly doing just that, so I do not think that we are prevented from making such remarks about the other chamber. We can say that the Senate has never done its job and is still not doing it.

Does my colleagues think that the Senate is going to be able to do its job in the future as a result of this new bill?

Mr. André Bellavance: Mr. Speaker, I would like to thank my colleague for his question.

Obviously, I was referring to a rule that we do not attack the other chamber here, but in fact, with thanks to you, Mr. Speaker, we are

fortunately still able to criticize it. We are still living in a democracy and it is certainly not forbidden.

To answer my colleague's question, he is entirely correct. In fact, his question was more of a comment. However, I think this Bill C-7 does not actually change anything in terms of the legitimacy of the Senate, particularly since we could find ourselves with a completely crazy creature, if I may put it that way. We might have senators appointed by the Prime Minister, as they are at present, for some provinces where they refused to hold elections, and in other provinces we would have elected senators because they held elections there. And worse still, even if the provinces decide to send a list, the Prime Minister is not obliged to accept those nominations.

Imagine the mess there might be with that kind of Senate. We would have some democratically elected people and others who were still appointed, with all the partisanship that implies. Since the Senate already serves no purpose, I do not think Bill C-7 would improve the situation.

● (1250)

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to rise in the House today to speak at second reading on Bill C-7, pertaining to the Senate. As many of my NDP colleagues have outlined today in the House, we have a lot of concerns about the bill.

The first thing I want to point out is that this is the third time the Conservative government has introduced this legislation. Despite repeated campaign promises of an elected Senate that go back even to the Reform days, the Conservatives have let it go so long that it makes one wonder whether it is indeed a priority for them.

On examining the bill, the NDP sees several major issues of concern that render the bill not supportable. I think the most basic premise of the bill is that it brings forward measures that are really half-measures, measures that are not going to fundamentally deal with what is a very undemocratic institution.

We know that the Senate has been around for a very long time. The NDP has been calling for the abolition of the Senate going back to the 1930s. When one looks at the bill, it is being put forward under the guise of democratic reform. It is being put forward under the guise of improving the Senate to make it more accountable.

Fundamentally, however, even though provinces may choose to have a process to elect senators, there is nothing in this bill that actually compels the Prime Minister to adopt those electorally based decisions that have taken place. The Prime Minister would still be free to appoint whomever she or he chooses.

That is because the constitutional question; we understand that, but it goes to the very heart of this bill that it will possibly go through legal challenges and it actually does not, in any fundamental way, bring a greater measure of democracy to Parliament itself overall. That is something we are very concerned about.

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We in the NDP have taken a different tack. First of all, through motions that we have presented and had debated in the House, we have called on the government to hold a referendum that would ask the Canadian people whether or not they support abolishing the Senate.

We think that is a fair thing to do. This debate over the Senate—whether it should be there or not, whether it should be elected, or what form it should take—has now gone on for decades. We believe it is a fair and proper question that should be put to Canadians as to what they see as the future of the Senate.

We know that recent polls show a growing appetite to deal with this question. For example, in July of this year 71% of Canadians were in favour of holding a referendum to decide the future of the Senate and 36% of Canadians supported the abolition of the Senate, up from about 25% a year previous.

We know people are concerned about this issue, but there is no question that the bill is absolutely the lowest denominator. It is a low bar, a very minimal attempt to deal with the fundamental question of democratic reform in our country.

On the bill itself, before I get to a broader question, I think there is concern over what will happen if this bill goes through, as it no doubt will with this majority government. Even though it has been before us three times now, if it does finally go through this time around and we have an elected Senate, if that is what it turns out to be, and local elections take place in provinces and those people are then appointed to the Senate, it will create a very odd entity down the hall in the red chamber. In effect, it will create a two-tier Senate in which it is very possible that those who have been elected will feel that they have more legitimacy, because there will be people who have not been elected and people who have been.

We could end up with a very strange combination. In terms of the operations of the Senate, it could produce significant problems. We could end up with the same kind of difficulty or gridlock that we have seen in the United States, which I think people abhor.

Some people say we have to have a Senate and we have to have an upper chamber, but I would remind all of us that in provincial legislatures, these senate provisions were abolished many years ago.

● (1255)

In fact, all provincial senates were abolished in 1968. Apparently, the provinces and their legislatures have been able to function in a proper manner since that abolition. Therefore, the argument that we must have this upper chamber is a bogus argument.

Obviously, there are people who support the Senate. However, this is the main argument I want to make. There is also a very strong case to be made that it would be better if we focused democratic reform on our system overall.

In the House of Commons we are elected in our 308 ridings and constituencies across the country, seats which may possibly increase soon, and yet there is a fundamental issue here about the process and the manner of that election.

The first past the post system we have is a system that actually does not reflect the way people are voting. The makeup of the

number of seats in the House unfortunately does not reflect the way people are actually voting. The representation by party is not reflecting the actual vote. A system of proportional representation is a far superior and more accountable form of election for the House of Commons or any institution. It is something that we in the NDP have long advocated.

I will say that too has been a big issue across the country. We have seen several referendums provincially. We have had two in British Columbia, one in Ontario, and one I believe in New Brunswick, although I could be wrong on that, but certainly in the Maritimes, so there has been a very healthy debate among Canadians about the need to have democratic reform.

Yet here, at the federal level, there has been a deafening silence. Certainly, New Democrats have pursued this issue with vigour. We have worked with organizations such as Fair Vote Canada. We have been very involved in a healthy debate about democratic reform.

We believe that the real course of action that is needed here, the change that is required to help transform the political process and the way people feel about their involvement in the political process, is to bring forward initiatives around proportional representation. Of course, we should begin here in the House of Commons to have a process to do that.

We came close to that in I think 2002 or 2004 when the former member of Parliament, Ed Broadbent, who was the member for Ottawa Centre, was very active and worked very closely with the Liberal government of the day. We almost got to the point where we would have had a process to examine this question of democratic reform as it affects the House of Commons.

Unfortunately, nothing proceeded, as was often common with the government of that day. There were promises made that were not followed through. We did not make any progress on that issue.

Subsequent to that, we have had vigorous debate at provincial levels about democratic reform. In the provinces that I mentioned, that debate has specifically taken place sometimes over what is called STV, a single transferrable vote. There are again arguments on both sides of that. What was important was that there was an identification by voters that they wanted to engage in a debate and a conversation about changing the electoral system to make it fairer, more accountable and more democratic.

That is the disappointment of the debate we are having here today. We are failing to address the very pressing issue of democratic reform, where people are voting for their own member of Parliament. We could engage in a process whereby we could adopt a position that would ensure that we do have a much more open sense of democratic voting and accountability. There are many countries around the world, and most democracies, that have some form of proportional representation. We are now one of the very few countries that does not.

This is a missed opportunity. Here we are having this debate on the Senate that in and of itself will possibly produce a quagmire of legal questions. We are missing the boat on the fundamental question of democratic reform for the House of Commons.

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• (1300)

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, I would like to ask the hon. member for Vancouver East, who happens to be the health critic for the NDP, a hypothetical question.

A couple of weeks ago there was a motion in the House to ban asbestos and Conservative after Conservative stood and said that asbestos did not cause cancer. Even the good doctor from Simcoe—Grey voted against her former colleagues, the good doctors of this country and scientists. They voted against what Canadians really want and instead voted to help spread cancer in underdeveloped countries.

Hypothetically speaking, if the Conservatives had voted for this motion and it had gone to the Senate, what could have happened to it once it got there?

Ms. Libby Davies: Mr. Speaker, that is a very good hypothetical question. I love hypothetical questions.

One of the problems is that when measures pass in the House of Commons, they go to the Senate. As we saw with the climate change bill that was twice adopted by the House of Commons through a democratic majority vote, it was sent to the Senate and was completely buried under whatever business was taking place, which was thoroughly undemocratic.

On the very important issue of asbestos, every medical authority internationally and certainly in Canada has pointed out the dangers of this carcinogen to our health and population. On that very important issue, if we had managed to pass the motion and it had gone to the Senate, we have a Senate that is now chockablock full with the most appointed senators we have ever seen by one Prime Minister under the Conservative government. It speaks to the inability of the Senate to act in a proper manner and comes back to the question of the need for real democratic reform.

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, I will agree with the member's party that the Senate needs to be reformed. There is an argument being made that I made once before but I think is wrong, and that is making a comparison to the provincial legislatures which do not have upper houses. The difference is that provinces are much more homogeneous than Canada as a whole.

The Senate was created partially because there are very different geographic regions of Canada with different histories and requirements that need to be balanced. There are parts of the country which just do not have as many people as other parts of it. In order not to disadvantage those regions, the Senate was created.

I wonder if the member would care to comment on whether there is a real qualitative difference between Canada as a whole and the diversity across the country as compared to, say, a provincial legislature.

Ms. Libby Davies: Mr. Speaker, that is a very thoughtful comment. The differences we face federally are much greater than provincially, but they still exist provincially. If we take any province, whether it is Quebec or my own province of British Columbia, we will see a wide variety and diversity of regions, interests and people.

We live in a vast country. Our provinces are enormous territories. The fact is that our legislatures have been able to operate very effectively, which is not to say that New Democrats agree with everything they do as there is obviously very vigorous political debate that takes place. But they have been able not only to survive but function properly without the necessity of a senate. The same argument is true here.

I would much prefer that we focus on things like proportional representation for the House of Commons as a true, meaningful, genuine process of democratic reform than mucking around with the Senate and coming up with some kind of strange hybrid, when in actual fact we should be asking the people of Canada if we need the Senate, in any event, and should it be abolished.

• (1305)

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I am pleased to rise in the House today to speak to the bill entitled "An act respecting the selection of senators and amending the Constitution Act, 1867 in respect of Senate term limits".

Although the bill may appear to address one of Canada's most egregious democratic deficits, I am afraid that the approach being taken leaves much to be desired.

Essentially, Bill C-7 restricts all senators appointed to the Senate after October 14, 2008, to a single nine-year term. Provinces and territories would then be given the opportunity to hold elections at their own expense to determine which names would be submitted to the Prime Minister for consideration, and only consideration.

While on the surface this approach might appear to bring heightened accountability to an unelected institution of the Crown, restricting Senate term limits while holding non-binding Senate elections fails to consider the most logical option for improving Canadian democracy, namely the abolishment of Canada's Senate.

I recall one of my constituents, Craig, telling me that he did not support a triple-E Senate. He supported a single-E Senate, and that single E stands for empty.

Before I get into why New Democrats believe that the Senate has outlived its *raison d'être*, I would like to highlight some specific criticisms of the bill as it currently has been presented to Parliament.

First, it appears that, as it is currently written, Bill C-7 contains a glaring loophole which would completely undermine the spirit of what the government is proposing. This is because the government is clearly attempting to pass legislation which should require a constitutional amendment and making unclear how much force the bill would actually carry.

For instance, by taking an approach which fails to crystallize the changes in Canada's Constitution, the Prime Minister would not be constitutionally required to appoint anyone elected by the provinces. Therefore, the bill does not actually change the way senators are currently appointed as the Prime Minister would still be free to appoint whomever he or she chooses.

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We have seen previous examples of the Prime Minister acting in contravention of existing democratic reform legislation which has passed through the House. Specifically, I can point to the fixed election date legislation. Why then should Canadians trust that the government would actually abide by the legislation that we have in front of us today? Call me a pessimist, but this is certainly one concern that I have with Bill C-7.

Let me make this clear. We know how the House of Commons works, but we have no idea what would happen with an elected Senate. That brings me to another major concern arising from Bill C-7, which is the inevitable gridlock which would arise from having two separately duly elected Houses of Parliament.

Since the Senate would have virtually the same powers as the House under Bill C-7, an elected Senate would have greater legitimacy to introduce legislation or oppose bills sent to it from the House of Commons. On the surface this seems like a good idea. However, when we dig deeper into those proposals, it would illicit the real fear that we could end up with the kind of gridlock we see in the U.S., something which no Canadian wants to see our Parliament descend into.

This brings me to my final point that the best approach to take in order to reduce Canada's democratic deficit is the complete abolishment of the Senate. Personally, I am of the belief that when it comes to the Senate, Canadians do not need it. It is expensive. It has been packed with party insiders and we cannot trust what the leaders are going to do with the Senate.

The Prime Minister has repeatedly used the unaccountable and undemocratic Senate to kill legislation that had been passed in the House of Commons, twice killing Bill C-311, the climate change accountability act and, this spring, killing Bill C-393, a very important bill which would have facilitated the movement of generic antiviral drugs to Africa to help people living with HIV-AIDS.

These pieces of legislation, supported by wide swaths of the Canadian public, were killed by the Prime Minister's appointed senators in the Senate with no sober second thought. How can we have sober second thought when we have a bunch of Conservative Party organizers and fundraisers with obvious conflicts of interest? It makes a mockery of our democratic system.

As I noted earlier, even should the bill pass during the 41st Parliament, there is no guarantee that the government would actually abide by the rules it has put in place. Thus, we could end up with a patchwork Senate filled with a mix of elected and unelected senators.

• (1310)

I will put forward a hypothetical situation. What if the government refuses to appoint a senator who has been elected by residents of a province because it disagrees with the party banner under which that senator was elected? After all, the prime minister would not be constitutionally obliged to actually appoint them to the Senate. That is why I firmly believe the safest and most obviously beneficial approach to the Senate is to abolish it.

I will conclude my statement today by drawing attention to what the provinces, our partners in Confederation, have been saying about the Senate, both in terms of the status quo and the proposals in front of us. Both the Ontario premier, Dalton McGuinty, and the Nova

Scotia premier, Darrel Dexter, have openly called for the abolition of the Senate. The B.C. premier, Christy Clark, has said that the Senate no longer plays a useful role in Confederation, while Manitoba maintains its position of eliminating the Senate. Even more worrisome is that Quebec has called this legislation unconstitutional and has said that it will launch a provincial court appeal if this bill proceeds without the consultation of the provinces.

Why, then, is the government moving ahead with a plan that is not supported by the federal government's partners in Confederation? It seems that without the full support of the provinces this proposal will merely be a paper tiger dressed up as a solution to bring Canada's democracy into the 21st century.

What happens if certain provinces refuse to participate in the system? Citizens of those provinces would certainly be short-changed. Even more dire is the thought that this bill would lead to a constitutional crisis with multiple provinces taking action at the Supreme Court to challenge the constitutionality of this legislation. Without proper provincial consultation, which I fear has not taken place, this is an inevitability and something that should be avoided at all costs.

Therefore, I ask that the government reconsider its position on the bill until such a time as the provinces are properly consulted and sign on to these proposals.

Mr. Gordon Brown (Leeds—Grenville, CPC): Mr. Speaker, I listened intently to the presentation by the hon. member for Sudbury and I thought it was very thoughtful and insightful from his perspective. He talked about the potential for a constitutional amendment if there were to be changes to the Senate.

In the absence of the possibility of actually abolishing the Senate, would he not agree that having term limits for senators is something that Canadians would support?

Mr. Glenn Thibeault: Mr. Speaker, I am sure we will have much debate about that tomorrow night when we have a little hockey game with one another, all in good fun, of course.

The member raises a good point. Canadians do want to have a say on this. Canadians do want to express their opinions on what they feel about the Senate. I am encouraged to hear that because I would really like to see a referendum brought forward. We should put this to the Canadian people and let them have their say on what they would like to see their Senate represent.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the member made reference to the position of Manitoba. I am not too sure if any other province has done this, but Manitoba had an all party task force, with a majority of the members being New Democrats. I was actually a member of that task force. We canvassed the entire province of Manitoba, heard numerous presentations on the Senate and the overwhelming feeling was that there was value to having a Senate.

If we look at the public hearings that were conducted in Manitoba and, I suspect, if we were to canvas most Canadians and talk about having a valued Senate, we would find a majority of Canadians would support it because they see the potential value of it.

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Having said that, if a majority of Canadians do support the Senate, would the member be prepared to come on side, recognize and support having a Senate in the future?

Mr. Glenn Thibeault: Mr. Speaker, I do think Manitoba did the right thing by consulting its constituents and having that conversation. It goes back to my last answer to my previous hon. colleague. If we can get this to the Canadian people and they dictate to us that they see the Senate as something valuable, whatever position that is, then, of course, we need to listen to what they are telling us.

However, until we have the opportunity to have a referendum, to hear what Canadians want, we are going on what we are seeing from the data that we are getting. More and more Canadians are saying that we should eliminate the Senate and go with what we have in the House of Commons.

● (1315)

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, I thank the hon. member for Sudbury for his eloquent speech on the Senate. I really like his idea, or his constituent's idea, of a single E senate.

Aside from that, the Senate costs Canadians \$90 million a year, each year.

The current Prime Minister and the previous Liberal prime minister appointed bagmen to collect money for their parties at taxpayers' cost. Taxpayers pay their salary, their expenses, their employees and their travel so they can go across the country from coast to coast to collect money for the Liberals and the Conservatives.

I would like to hear the thoughts of the member for Sudbury on that subject.

Mr. Glenn Thibeault: Where do I begin on that, Mr. Speaker? We have conversations in the House and we debate policy on many issues that affect all Canadians and costs that are associated with that. Some of the things we have been saying is that many of the decisions that are made in the House we need to flip on their heads.

If I could go to the one bill that was defeated in the Senate, which was Bill C-393, the cost associated with providing anti-viral drugs to children and adults in Africa suffering from HIV and AIDS would have been minimal and we could have eased the suffering of people. Instead, we are spending money on, as the hon. member said, travel and everything else.

The decisions that are being made in the Senate are affecting the decisions that we have made in this House. We make these decisions in the House based on what we think is in the best interests of Canadians.

We need to ensure those best interests continue to be brought forward and we need the Senate to actually support these bills until they are no longer around.

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, it is my pleasure to speak for a few moments to the bill. I would like to be able to commend it as being an important piece of legislation that had been well thought out and something that was worthy of the attention of all members of the House but I am kind of flummoxed by the condition of this legislation. It does not make

sense. It is ill-conceived. The ramifications of the bill, if it passes as presented, are quite extraordinary.

I know that the government is determined to get its way with most legislation that it brings before us in the chamber. It has invoked closure on eight bills, already seven in this session alone since the middle of September, which really boggles the mind of most democratic-minded Canadians.

This is legislation that proposes to make an extraordinary change to the parliamentary system that has been in place since the 1900s, that was originally based on the British parliamentary system, on the House of Lords, and yet it is striking in how badly written it is. I will talk for a few moments about some of my concerns.

I will deal with the role that the Senate plays in this Parliament. The current Prime Minister made reference in the past to how the Senate was a relic of the 19th century, that it was developed in another time under different circumstances. I do not disagree at all with that description. However, to then move in with a proposition to change it from the purpose and the terms on which it was established and suddenly say that we will make it elected is incredibly radical. I say radical from the comments that were made in the decision by the Supreme Court in 1980 where it said:

The substitution of a system of election for a system of appointment would involve a radical change in the nature of one of the component parts of Parliament.

We have heard members of the opposition say that our solution for dealing with the problems of the Senate is to abolish it. As the member who spoke previously said, one of his constituents recommended a single E Senate, that it be known as an empty Senate. Those sentiments are well-founded because we have seen a Senate, which was originally established to represent regional voices in our country in opposition to, or in juxtaposition to, or perhaps in concert with, the elected House of Commons. That has now become, frankly, a place where former partisans of either the Liberal or the Conservative Party are allowed to sit.

Some of them sit in an honourable fashion and they bring a lot of experience, knowledge and honour to what it is they do. They conduct themselves and their business in an honourable way that most Canadians would be proud of. Unfortunately, they have no basis on which they have reached that, other than the fact that they are partisans.

● (1320)

Now we see that some of those partisans travel this country from coast to coast to coast at the behest of the Prime Minister's Office, raising money, managing campaigns and knocking on doors for provincial parties that are affiliated with their party. Their time is basically spent on partisan purposes. Surely that is not serving anyone's interests other than the partisan interests of the Prime Minister or previous Liberal prime ministers.

I recognize that something needs to be done in order to deal with this situation, but the answer is not to come in with an ill-founded piece of legislation like that, which, as the Supreme Court said in 1980, would make for a radical change.

Government Orders

For the provinces, in order to effect the appropriate change in the balance between the two chambers, there would need to be a constitutional change. Constitutional changes need the input and consensus of a majority of the provinces. Here we have a piece of legislation that has not even been run by the provinces nor has it received any consensus whatsoever from the provinces. The bill proposes that the provinces would hold elections, but some of the provinces have said they would not participate. Some of them have said that if they participated, they would hold elections on this basis or that. The Province of Quebec has said that this is unconstitutional. The premier of my province of Nova Scotia, has said:

My position on the Senate in the past has been that I think the House of Commons is elected for the purpose of representing the people of the country. The upper house is not necessary.

The problem is that the government is trying to propose a change to the status of one of the houses of Parliament which would have quite an impact on the provinces and yet the provinces clearly are not on side. They have not been consulted. In one case there has been a clear commitment to take this matter before the Supreme Court.

Why are we dealing with this? If the government were serious about dealing with the role of the Senate, which I think is something that needs to be done, then I would suggest, as members on these benches have said, that we should take the matter to the people. Let us put a referendum together and ask the people of Canada what they want to do with the Senate. I have an inkling that they would say to get rid of it. I am not going to prejudge what the outcome of that would be, nor should the members opposite, but why do we not do that?

If the government is serious about this and if it has some respect for the chambers, instead of bringing in an ill-prepared, ill-conceived piece of legislation before this House, why does it not take the matter of a constitutional change to Parliament, of dealing with the Senate, to the people of this country in the form of a referendum?

It has been a pleasure to rise in this House, as it always is, although I wish it had been a better piece of legislation before us.

● (1325)

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Mr. Speaker, I very much appreciate the discussion we are having in the House today, but I require greater clarity from the hon. member of the opposition. He was all over the map. It seems to me that he is challenging the human rights of the members of the Senate. It is not clear to me what the NDP's policy on Senate reform is. I would ask for that to be clarified by the member.

Mr. Robert Chisholm: Mr. Speaker, I will not take personally the fact that the member said I was all over the map. Unfortunately, I was trying to follow the key points within this piece of legislation, and it takes us all over the map because it is an ill-conceived piece of legislation.

I was pretty clear on two points. One, my position is that the Senate should be abolished. Two, my position is and the position of the official opposition is that the matter should be put to the people of Canada in the form of a resolution. Let us do it now. Let us put the bill aside and deal with the issue once and for all.

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, I understand that the NDP's position is to eliminate the Senate, but let us set that aside for the moment.

The legislation would permit a prime minister to use his or her discretion in choosing as senators those people who were elected in a province. Frankly, that is a situation I cannot see arising if, in this case, NDP or Liberal senators were elected in a province. I cannot see the Prime Minister exercising that discretion. I wonder if the member sees this as one huge ruse by the Prime Minister to deflect the attention of Canadians away from the real issues that are facing Canadians today.

● (1330)

Mr. Robert Chisholm: Mr. Speaker, the member has brought up an excellent point. The bill says to the provinces that individual provinces will have elections for senators, but that is not the end of the story. Then they have to come and kneel at the foot of the Prime Minister's Office. They have to come and kneel before the Prime Minister to get proper dispensation from him before the individuals can become senators.

If some of the things that come before this chamber were not so serious, it would be laughable.

I have to say that I agree to some extent with the member's premise that it is meant as a distraction, as something perhaps to say to the Conservative Party membership in a fundraising letter, "Look at what we're trying to do to get a fully elected Senate". It is a ruse. It is ill-considered, and it is beneath the people of Canada.

[*Translation*]

Mr. Denis Blanchette (Louis-Hébert, NDP): Mr. Speaker, I would like to thank my colleague for his speech.

I am going to ask him a brief question. Back in history, people said, "No taxation without representation". What we are talking about here is accountability. The senators will not be accountable. So I would like him to comment on this expression: "No representation without accountability".

[*English*]

Mr. Robert Chisholm: Mr. Speaker, when the Senate was first set up based upon the House of Lords and the British parliamentary system, there was some inkling of representation on that whole idea of representing the voices of the provinces in opposition to the great unwashed, the commoners who would be elected to Parliament. However, the establishment of the Senate has been so far removed from the concept of representation that it would be a huge stretch to ever think it could achieve that task.

I would suggest that if we were to have a referendum on the issue with the Canadian people, we may begin to get at some of that question of whether or not the Senate should exist, and if it does exist, upon what basis, so that it would be truly representative.

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, I rise today to speak to Bill C-7, an act respecting the selection of senators and amending the Constitution Act, 1867 in respect of Senate term limits.

Government Orders

The Senate was created in 1867 to mirror the British House of Lords to serve as a chamber of sober second thought, to provide regional representation, and to act as a check on Parliament. It was made as an appointed body so that it could not stop legislation from the House of Commons. It was to revise and review the legislation. It was also created to recognize the social and economic elite. It was in part created to protect the property interests of the wealthy. There was some concern by our founding fathers that an elected body, the House of Commons, would not do so. Today we know that this is not true.

The Senate is broken and no longer works in the public interest. The House knows it and so do the Canadian people. We need to go beyond simply changing term limits of the Senate. The Senate needs fundamental change.

I became convinced of the need to abolish the Senate after witnessing the vote in the Senate in 2010 that killed Bill C-311, the climate change accountability bill. That bill would have required the federal government to set regulations to establish targets to bring greenhouse gas emissions to 25% below 1990 levels by 2020 and to set long-term targets to bring emissions 80% below 1990 levels by 2050. The government must take action on climate change. This bill would have been the first step toward setting hard targets to reduce our greenhouse gas emissions. However, it has become abundantly clear that the government did not want to deal with one of the most pressing issues of our time, so it arranged for the Senate to do its dirty work.

Bill C-311 passed the House of Commons. The bill passed at committee. The majority of members in the House at that time passed the bill, yet it was killed in the Senate. Let me repeat for clarity. The unelected, unaccountable Senate shut off debate and called a snap vote to kill important legislation passed in the House of Commons.

This was an outrageous move. Canadians were outraged by this move. It was the first time since before the Second World War that the Senate voted down a bill that won the support of the majority of the House of Commons. This move did not get the attention it deserved. It was a fundamental change in the way our democracy operates.

The Conservative government is not known for its transparency and adherence to democratic principles and now it has appointed enough senators to circumvent the democratic process.

Only a short few years ago, before they were in power, the Conservatives had very real concerns about the way the Senate operates. While the Prime Minister was in opposition he claimed that he would never appoint a senator. At that time he considered the Senate to be undemocratic, and the Prime Minister was correct. The Senate is undemocratic. It is why the people of New Zealand abolished the upper house, the legislative council, in 1951.

It is amazing how things change once someone gains power. Now that the Conservatives are in power, they have completely changed their tune and are using the unelected, undemocratic body to push through their legislative agenda.

The Prime Minister has appointed 36 Conservative insiders to the Senate since coming to power. In 2008 he broke a record by

appointing 18 people to the upper chamber in just one day. The Senate is now stacked with failed Conservative candidates, party fundraisers and political organizers. Let us not forget that this was the same *modus operandi* of the federal Liberal Party. It too stacked the Senate with friends and insiders.

A senator earns approximately \$132,000 a year. The qualification to become a senator now is to be loyal to the ruling party that appointed him or her.

● (1335)

The Senate costs approximately \$90 million a year to run. Taxpayers are paying a large sum for an unaccountable, unelected body in the Senate and for senators to block legislation passed by their elected representatives.

I believe it is time, through a referendum, that Canadians have a say on the future of the Senate. A referendum will open up a dialogue on the system in which far too many Canadians have lost faith. It will allow us to engage the population in an issue that is important to our very democracy.

It is time for an examination of democratic reform. It would show Canadians that we, as their elected House, care about their participation in our political system.

This is the third time the Conservatives have introduced legislation on an unelected Senate and legislation on Senate term limits. Each time the legislation died because of prorogation or dissolution of the House.

The NDP policy calls for abolishing the unelected Senate. It is fairly clear. It is a long-standing call that dates back to the 1930s. This policy has been constantly reaffirmed by the party. We want to maintain our position to abolish the Senate. We call on the government to hold a referendum, asking the Canadian public whether they support abolishing the Senate.

Who else has called for this? Let us look across the country. Both Ontario Premier Dalton McGuinty and Nova Scotia Premier Darrell Dexter openly have called for the abolishment of the Senate. The premier in my own province, B.C. Premier Christy Clark, has said that the Senate no longer plays a useful role in Confederation. Manitoba maintains its position on Senate abolition, although it does have plans, if this bill should pass, for Senate elections. Quebec has called this legislation unconstitutional. It has said that it will launch a provincial court appeal if the bill proceeds without consultation of the provinces.

The public supports the idea of a referendum for the Senate, and it is growing. For instance, an Angus Reid survey from July of this year shows that 71% of Canadians are in favour of holding a referendum to decide the future of the Senate and 36% of Canadians support the abolition of the Senate. That is up from 25% a year earlier. We can see the momentum is growing. There have been 13 attempts to reform the Senate since 1990 and all have failed.

The Conservatives have not properly consulted with the provinces about whether they agree with the content of the bill. When the bill was first introduced in June 2011, Conservative senators, even those appointed by the Prime Minister, pushed back against plans for Senate term limits.

Government Orders

Senators will remain unaccountable to the Canadian people. By only being allowed, by law, to serve one term, senators do not have to face the public or account for the promises they made to get elected or the decisions they took in the previous nine years, and they get a pension when they leave office.

Having an elected Senate will fundamentally change the nature of politics in Canada. It will create a two-tier Senate, where those who are elected will feel they have more legitimacy. Since the Senate has virtually the same powers as the House, an elected Senate would have greater legitimacy to introduce legislation or oppose bills sent to it from the House of Commons. We could end up with the kind of gridlock we have seen in the United States.

The safest and conservative approach to the Senate is to abolish it. We know how the House of Commons works, but we have no idea what will happen with an elected Senate.

• (1340)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I appreciate just how clear the member was about the NDP's position to abolish the Senate. I have had the opportunity to ask other members of his caucus about the potential of the Senate having some value. If a majority of Canadians supported it, would the NDP support abandoning its lifelong ambition to abolish the Senate.

My question is fairly simple and straightforward. If a majority of Canadians supported having a Senate, would the New Democratic Party stop pushing to abolish it if it were deemed there was some value to it? Or, no matter what happens in the referendum it called for, would its intention still be to abolish the Senate?

Mr. Fin Donnelly: Mr. Speaker, that is a good question. The premise of the question is hypothetical. We need to have a referendum to determine that. New Democrats have been calling for a referendum to determine the matter. I think Canadians would respect that if it went to them and they were engaged by being included in the discussion beyond the House.

We will look at the results when that happens, but at this time we need to have a referendum, hear from Canadians and consult with as many bodies as we can, including the provinces, territories and other organizations, to hear what they have to say on this important matter.

• (1345)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am interested in my colleague's remarks. In the opening of his speech, he gave a graphic illustration of how the Senate was perhaps no longer just a useless institution, but actually acted as a barrier and obstacle to simple democracy.

The only environmental legislation that came out of the 40th Parliament and that wound up in the Senate was summarily dismissed. How many witnesses did the senators hear before they voted down the climate change legislation and how many days did they actually give it serious sober second thought before they destroyed it?

Mr. Fin Donnelly: Mr. Speaker, with Bill C-311, the climate change accountability act, what outraged so many Canadians was how it duly moved through the House, a momentous occasion when it finally passed at all stages. It then went to the upper house, where it should have received sober second thought. There could have been

witnesses called. My understanding is no witnesses were called, not a single person was heard. In fact, there was a snap vote. It was done in a way that it was defeated in no time at all. Unfortunately, after all that work, such good legislation, which would have been amazing for the country, was gone with the snap of fingers.

[*Translation*]

The Acting Speaker (Mr. Bruce Stanton): We have one minute left for a brief question and a brief answer.

The hon. member for Sudbury.

[*English*]

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, one thing I find very interesting about the bill is that if it were to pass, once elected, senators would never have to be accountable to the Canadian people again. They would have nine years, would serve their time and could make a whole bunch of promises, but at the end of the nine years, they would walk away. Would the member comment on that?

Mr. Fin Donnelly: Mr. Speaker, not only after that, they would get a pension. This is the kind of thing that turns the Canadian electorate off. Canadians want accountability. They have been demanding accountability. In fact, they want more representation in how elected officials are chosen, or selected or elected. They do not want to simply see appointments made where there is no accountability.

There is no way to be accountable to those who elect one into office. It is simply a matter of appointment. There is no way of letting that elected official know whether he or she is on track doing a good job or not. It is a term and he or she will serve it out regardless, and at a huge expense to the Canadian taxpayer.

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, I am pleased to join in the debate about Senate reform, albeit many of my colleagues, including the member for New Westminster—Coquitlam and the member for Dartmouth—Cole Harbour, earlier talked about our stated policy.

On questions earlier, the member from Edmonton talked about our being all over the map today. Let me be abundantly clear, and the New Democrats have been clear since the 1930s: we think the Senate should go, just as many other Commonwealth countries that took up the Westminster model decided over the years that their senates would go.

We need not look that far afield. We do not have to look to New Zealand, as my colleague talked about. We just have to drive down the 401 from this place to Toronto. Toronto no longer has a senate for Ontario. In fact, no province in this country has a senate anymore. They are all gone. The last time I checked, Alberta was doing quite well without that senate.

Government Orders

When I talk with my colleagues from Alberta, they say that not only is their economy humming, but with all the things that are happening, it is a great place to be. I was in Camrose two weeks ago and I concur; indeed, Alberta is a great place to be. It is humming along with just a legislative house and no senate. It did not need one. Everything seems to work without a hitch.

It brings me to a vivid thought I have in my mind. If I could hearken back to the days of Premier Lougheed and Premier Klein, I could just imagine Premier Klein saying, "Senate, this is what I need done", and the Senate saying to the Premier of Alberta, "Wait a minute, Premier Klein, we don't think so". I can just imagine the constitutional flummox that would have been. I can imagine Ralph standing up in Edmonton saying, "I don't think so".

What we are saying on this side is that we do not think we should keep the Senate, but we do not think it is up to us. We think it is up to Canadians. Let us let them decide. Let us put it to Canadians and ask them if they think the Senate is a valuable institution for us to keep. It is their institution, although when it was founded, it really was not about them as electors; as my friend from Cole Harbour said, it was the great unwashed, meaning supposedly us as members in the green chamber, and not them in the other place.

Clearly it was the landed gentry who said they needed to have sober second thought, just in case we did something absolutely ridiculous in this House and tried to send it along to Canadians.

I have great respect for all of my colleagues in the House. They do not do things that would be so ridiculous that we would need to send it to an unelected body for sober second thought, because quite clearly, that sober second thought is a myth.

Why do I say that? As my colleagues have rightly pointed out, when it came to Bill C-311 in the last Parliament, in which I had the great privilege to be a member, that legislation on climate change, regardless of what individuals thought in here, was passed democratically, as we would expect this institution to do, and duly presented to the Senate for sober second thought. I will agree with the "sober" part, but I do not think I could agree with the "second thought", because the senators did not give it a thought at all, not one. They simply said, "Goodbye. We do not want it. We will get rid of it. Done".

If senators were truly serious about their job, whether they liked the legislation or not, they had an obligation to look at the legislation, call witnesses about the legislation, critique the legislation, and ultimately, if they chose to, deny the legislation. That is their right.

However, to suggest that the Senate is somehow the chamber of sober second thought when the senators would not take the time to consider legislation is a slap in the face to the duly elected members. We are the duly elected members of this country, not the folks in the other place. Their actions did a disservice to their credibility, not individually, but as an institution that says it will take into consideration what the House has passed, take a look at it, investigate it, make a decision on it and, if we in the House agree, make some changes.

That has happened over the years. The Senate has indeed made some changes and sent legislation back to the House for changes. It

has happened, but in this case there was no second thought, sober or otherwise.

• (1350)

Ultimately, why do we have such a place? Does it live up to the reputation it supposedly has?

It is interesting to note what Senator Bert Brown said in his letter to his colleagues. Of course, it was not sent to all of the senators, only to those of the Conservative persuasion. That is because the other place has taken on the mantle of a partisan place, and I will speak to what the legislation says on keeping it a partisan place.

In his letter he said, and I quote:

Every senator in this caucus needs to decide where their loyalty should be and must be. The answer is simple; our loyalty is to the man who brought us here, the man who has wanted Senate reform since he entered politics, the Rt. Hon. [Prime Minister].

What happened to this place of sober second thought when the loyalty is to a Conservative caucus and to the Prime Minister of that Conservative caucus? What happened to the idea of standing back and reviewing legislation to give it that sober second thought?

In my view, it is not only diminished; it is destroyed by the very words of a senator appointed to the Senate by the Prime Minister. Clearly this senator has an understanding of where the intention is to go with this issue.

Regarding politicization in the legislation, the bill says that to run for the Senate one must be a member of a political party in the registered domain of the place one runs in, meaning either a territory or province. In other words, one could not run as an independent senator. It would seem that one would have to join a party in order to run.

We can wax poetic about the folks who are there: the ex-finance bagman of a political party, campaign managers and defeated candidates both Liberal and Conservative. It was used as a reward for those who stood aside to let someone new get a seat in the House or when a change in leadership gave different perspectives under different parties. People were rewarded by being sent to the other place. Now we are going to politicize this place, as much as all of us here know it is political anyway. Maybe the bill is just an admission that it truly is political.

Ultimately, if we are going to say that one must run for a political party to run for the Senate, how do we make those folks accountable?

As members, we are accountable. Under the Canada Elections Act we have to hold an election every five years, although usually it is shorter than that. In the last number of years it has been shorter; sometimes a Parliament lasts only a couple of years. We have to go back to the folks who allowed us to come to this place and ask them if they would like to send us back again. They have the ability to judge us on the things we have done. They can look at our record to decide if they like what we did and then support us, or not, once again.

Statements by Members

However, that would not be the case with this group. This group could promise the world during an election, and two things could happen. If the Prime Minister of the day liked the person, he or she would be appointed. If they represented the views of the Prime Minister and his caucus, they would be appointed.

However, we could also make the assumption that one could run and win an election in Alberta but not be appointed. There is no guarantee under the legislation that if elected, one would be appointed. The Prime Minister could simply refuse to make the appointment. One could wait six years and run again and still not get appointed. Therefore, even though the system down the hall in the other place is bad enough unto itself, we would make it worse.

It seems to me that if we want to reform the Senate, we should ask Canadians what they want. We should put it to them as to whether they want the other place. If they say yes, we should ask them what it should look like. We would then truly understand whether Canadians want it.

If the polls are right, more than 70% of Canadians say that the Senate's day has come. The sun has shone, and it is time to retire them all out of the chamber, roll up the proverbial red carpet and wish them all a Merry Christmas and a happy retirement.

• (1355)

That is exactly what we ought to do. We would be happy to help roll the first red carpet up as we let senators go on to whatever it is their lives will be, which is productive, prosperous and happy. We hope they enjoy the rest of their retirement.

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Welland will have five minutes remaining for questions and comments when the House resumes debate on this motion.

STATEMENTS BY MEMBERS

[English]

STATUS OF WOMEN

Ms. Lois Brown (Newmarket—Aurora, CPC): Mr. Speaker, earlier this year, the Minister for Status of Women announced Canada's support for an international day to promote girls' rights and address the challenges they face worldwide. On March 24, this chamber gave unanimous consent to Canada leading this effort at the United Nations. Yesterday in New York, the United Nations' third committee on social, humanitarian and cultural affairs passed a resolution to create an international day of the girl child.

• (1400)

[Translation]

If it is adopted, this international day will promote equal opportunities and equal treatment for girls in all regions of the world in terms of the law, nutrition, health care and education and training, and for a life free of violence and abuse. Canada has led this campaign for one reason: to bring about change in the lives of girls as citizens and as powerful voices for change within their families, their communities and their countries.

[English]

PENSIONS

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, across Canada, and particularly in the Niagara region, many are finding it increasingly hard to retire. Consecutive years of Conservative and Liberal neglect have allowed good job after good job to flee the Niagara region, often with the support of wasteful and ineffective tax cuts provided by both the Liberal and Conservative governments.

The result of this neglect was the destruction of many defined benefit pension plans and, of course, reduced individual contributions to CPP because of extended periods of layoff.

The Conservative awakening to the pension crisis in Canada would normally be a good thing. Unfortunately, the pooled registered pension plan they have put forward seems tailored more to the benefit of Bay Street than to ordinary Canadians. This PRPP is privately managed and requires individuals to invest their retirement savings in the very markets that caused a pension crisis in the first place. Of course, it is pretty tough to do if one is unemployed.

This is the perfect opportunity to remind my colleagues across the floor that it is not too late to adopt the New Democratic plan, one that would lead to the doubling of CPP, one of the safest and most effective pension plans in the world, ensuring that all Canadians can retire with dignity.

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POLISH GYMNASTIC ASSOCIATION

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, this past weekend I was honoured to join the Polish Gymnastic Association, Sokol Winnipeg, for its 105th anniversary celebration. I want to commend this organization for its extensive contributions to the Polish community and to Winnipeg.

Since it was founded in 1906, Sokol Winnipeg has established a broad range of educational, cultural, language and sports programs, establishing itself as an integral part of Winnipeg's Polish community.

I want to also recognize Marian Jaworski, who was honoured with an award by Sokol Winnipeg last weekend for his invaluable service to the Polish community. Mr. Jaworski founded the annual Sokol Days, which has become a summer festival favourite for all Winnipeggers. Also, he founded the Sokol Youth Club and the Sokol Acrobatic Rhythmic Dance Club, equipping a whole new generation with Polish culture.

I invite all members to join me in congratulating Mr. Jaworski and the members of the Polish Gymnastic Association.

SUDAN

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, while we celebrate the independence of South Sudan, this should not obscure the triangular threat and assault by the Khartoum government, including the onslaught against the Nuba Mountain people in South Kordofan; the invasion of Abyei, with the denial of its independence and the driving out of the Dinka African tribe; and the attacks on the Blue Nile; the whole with a view to creating a new north-south border incorporating the southern oil fields in the north, while the violations in Darfur continue unabated.

Accordingly, we call on the militarized regime in Khartoum to cease and desist its ongoing assaults and criminality. We call on the Canadian government to list the regime as a terrorist entity, and to work to bring the indicted war criminals, President al-Bashir of Sudan and Military Governor Ahmed Haroun, to justice.

* * *

UKRAINE

Mr. Peter Goldring (Edmonton East, CPC): Mr. Speaker, for most of the past 80 years the silence has been near complete, stifled behind a Soviet curtain of iron, ne'er to be spoken aloud, the enormity of the deliberate annihilation, unknown to the world, while Europe's bread was made from the bountiful crops stolen by Stalin from Ukraine.

Eight million perished, murdered by forced starvation in the Holodomor, the genocide of Ukraine. Then freedom was ushered in with celebrations of independence, the Soviet yoke of servitude and dictated silence lifted. The world must be told of the Holodomor, of Ukraine's genocide of such unimaginable horror in a land of such great plenty.

Civilization's failure must be put on permanent public display so that all can see the dark side of humanity and hopefully learn not to repeat.

We remember today, and for all time, the Holodomor, the genocide in Ukraine.

* * *

HUMAN RIGHTS

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, the need for greater equality is a defining issue for us as Canadians. Achieving greater equality is a key element of the new politics for our country. It is critical we put forward a broad vision that recognizes the underlying structural causes behind the growing inequality in Canada.

Canadians reject the old politics of the government that see poverty and inequality as a fact of life. We need to recognize the feminization of inequality, with women receiving only 78% of the male dollar, and fight for true gender equality. We must act to stop the racism and discrimination that are at the roots of inequality in our society. We must recognize the poverty facing aboriginal people and put an end to the third world conditions that they face. We must recognize the degree to which the erosion of collective bargaining and the right to organize affects workers' salaries and pensions. We must understand that foreign takeovers of our economy have eroded

Statements by Members

not only the ability to control our destiny but our standard of living as well.

Greater equality is key to our ability to grow and prosper as a country, our country, Canada.

* * *

● (1405)

NIAGARA REGION

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, I am glad I have a chance to respond to the positive aspects of Niagara versus what my colleague from Welland mentioned earlier in his statement.

While Canada's economic recovery is the strongest among G8 nations, we remain vulnerable to an unpredictable global economy. In the past, this meant St. Catharines and the Niagara region would be the heaviest hit by job losses. However, under our government, the unemployment rate in St. Catharines and Niagara has declined each and every month so far in 2011. This is a direct result of our government's economic investment strategy in St. Catharines and Niagara. With previous governments, St. Catharines and Niagara was not a priority. However, with this government, we have seen targeted investments in job-creating building projects like the replacement of the Burgoyne Bridge and the widening of the QEW.

With Brock University's Health and Bioscience Research Complex ready to go, we are acting in Niagara and we are responding to the needs of the community.

* * *

UKRAINE

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, between 1932 and 1933, millions of Ukrainians perished in the former Soviet Union at the hand of Joseph Stalin's man-made famine in Ukraine. This crime against humanity is known as the Holodomor and this week we observe the 70th anniversary of this tragic event.

In an effort to destroy Ukrainian nationalism, Stalin created a famine in Ukraine which starved tens of thousands of Ukrainians to death each and every day. For far too long, the Holodomor was covered up and to this day many continue to deny its existence. By educating one another on the genocide that occurred, we can stop the mistruths that deny Holodomor victims the respect they deserve and help prevent future genocides.

In 2008, this Parliament supported my private member's bill which recognized the Holodomor as genocide and designated the fourth Saturday of every November as Holodomor Memorial Day. I commend this House for taking a moral and honourable stance in recognizing that atrocity as a genocide.

By implementing this famine, Stalin's goal was to crush Ukrainian nationalism. As a member of Canada's Ukrainian community, I can proudly say he failed.

Statements by Members

[Translation]

INTERNATIONAL FORUM ON THE SOCIAL AND SOLIDARITY ECONOMY

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, I would like to draw attention to the success of the International Forum on the Social and Solidarity Economy, which was recently held in Montreal.

More than 1,300 people from 65 countries participated in discussions about how to do business differently, by putting people at the heart of their companies. As Ms. Neamtan, director of Chantier de l'économie sociale, said, "The economy is not just about profit and market speculation... It can and must take different forms; the economy is not an exact science but a human experiment. We can and must make choices about how to bring about economic development."

During the forum, those involved in the social economy reiterated the need for public authorities to give them the means to ensure that development respects the needs of communities.

At a time when people around the world are rising up to demand an economy that serves the people, I feel it is crucial that we listen to those involved in the social and solidarity economy.

* * *

[English]

AFFORDABLE HOUSING

Mr. Joe Daniel (Don Valley East, CPC): Mr. Speaker, I rise today to celebrate National Housing Day and the accomplishments of those who are working to create affordable housing solutions throughout our country. Our government is helping those seeking to break free from the cycle of homelessness and poverty.

In September 2008, we committed more than \$1.9 billion over five years for housing and homelessness. Currently, there are over 14,000 projects completed or under way through Canada's economic action plan. In addition, this year alone we will invest more than \$2 billion in housing through CMHC.

Local challenges need local solutions, which is why we are partnering with industry and organizations across the country. A new framework agreement was announced with the provinces and territories in July this year. That translates into over 50,000 housing units across Canada.

Our government believes that all Canadians deserve a stable, safe and affordable place to call home.

* * *

● (1410)

THE ENVIRONMENT

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, in a speech delivered to the Canadian Energy Pipeline Association, the Minister of Natural Resources stated:

The new Enbridge Northern Gateway project and expansion of Kinder Morgan's Trans Mountain system are currently under review by the joint panel.

Joint panel reviews combine a full National Energy Board oral hearing with the stringent Canadian Environmental Assessment Agency review panel.

We on this side of the House continue to call for maximum public input on any pipeline projects and are pleased the government has heeded our calls and committed the Enbridge and Kinder Morgan projects to the most stringent reviews possible.

As the Trans Mountain project is slated to run through my riding of Burnaby—Douglas, I have surveyed constituents; commissioned a province-wide poll; and met with dozens of stakeholders from industry, first nations and municipal governments, many of which oppose the Trans Mountain expansion. Only by carefully listening to those most impacted by the projects will we be able to develop constructive solutions and move our economy forward.

* * *

JUSTICE

Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC): Mr. Speaker, Canadians are rightfully concerned when the practice of polygamy is exposed in this country. We believe polygamy has no place in modern Canadian society. Our government firmly believes that the Criminal Code prohibition against polygamy is consistent with Canadian values, as well as compliant with the Canadian Charter of Rights and Freedoms.

We also believe that this prohibition created by Canada's elected representatives should be upheld. This is why our government has vigorously defended the prohibition against polygamy in the Criminal Code.

Polygamy is a practice which inevitably leads to the exploitation of women, sometimes even young girls, who have no other choice. This is unacceptable to our party and to our government. We have already acted to raise the age of consent from 14 to 16 years of age and currently have legislation before this House which would crack down on a wide variety of child sexual offences. I would like to assure all Canadians that they can count on us to stand up for their values and for Parliament's role in making laws which prohibit practices that conflict with those values.

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UKRAINE

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, this week, we remember Ukrainian men, women and children who lost their lives during the Holodomor. Between 1932 and 1933, under the directive of Joseph Stalin, millions of innocent people died as a result of poor living conditions and starvation. Once known as the breadbasket of Europe, Ukraine was forced to give up its grains to the Soviet regime, under an imposed system of collectivization that devastated the country.

Today, the Ukrainian community plays an integral role in Canada's vibrant culture and has no doubt been an important part in the development of our nation.

This week has been officially declared by the Ukrainian Canadian Congress as the National Holodomor Awareness Week.

In Winnipeg, the Canadian Museum of Human Rights is set to open its doors in 2012. I, with many others, look forward to seeing a permanent display of the Holodomor. It is my sincerest hope that through means such as the Human Rights Museum, people will be better informed of these past tragedies because it is so important that we never forget the genocide that occurred.

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TRADE

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, today, at the international trade committee, we heard from an anti-trade special interest group that wilfully ignored the jobs and prosperity that are created through deeper trade. It is shameful that the NDP lauded this group instead of standing up for Canadian workers and their jobs. However, that is not surprising. Just last week, NDP MPs took an anti-trade junket to Washington to lobby against tens of thousands of Canadian jobs. This week, they are lauding anti-trade special interest groups at the trade committee during our study of the EU free trade negotiations.

The NDP and its special interest groups ignore the benefits to Canadian workers and businesses from a free trade agreement with the European Union: a 20% boost in bilateral trade, a \$12 billion annual boost to Canada's economy, a \$1,000 increase in the average family's income, and almost 80,000 new jobs created.

With one in five Canadian jobs generated by trade, it is no wonder Canadians gave us a strong, stable, majority government.

* * *

[Translation]

ASBESTOS

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Mr. Speaker, the Prime Minister's position on exporting asbestos is immoral and is tantamount to exporting disease. Experts around the globe are saying so, Canadians are saying so, many associations in Quebec are saying so, and more and more Conservative members are also saying so. But they are saying so quietly and secretly, because they are afraid of their own boss.

Those Conservatives are betraying their consciences and their constituents. Those members were elected on the promise that they would change Ottawa, but instead, Ottawa has changed them. They have abandoned their ideals and have become exactly what they despised: politicians who are out of touch with reality and who have to suppress what their own conscience tells them to do.

* * *

• (1415)

[English]

NEW DEMOCRATIC PARTY OF CANADA

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, the economic policies of the NDP are truly disappointing. Rather than supporting our government's economic action plan to create jobs, the NDP supports policies that would be devastating to our economy.

Oral Questions

Last week, members of the NDP caucus were in Washington protesting against our energy sector while here at home they chose to vote against the budget implementation act.

Canadians gave our Conservative government a strong mandate to stay focused on what matters: creating jobs and economic growth.

Key tax relief measures passed yesterday include the family caregivers tax credit, the children's arts tax credit, the volunteer firefighters tax credit, tax relief for the manufacturing sector, tax relief for small businesses when they create jobs and making the gas tax fund permanent.

While the global economy is still fragile, we remain focused on what matters: a low-tax plan to create jobs and economic growth, a plan that is working.

The NDP's fiscal policies are yet another worrying example that the NDP—

The Speaker: Order, please. Oral questions. The hon. Leader of the Opposition.

ORAL QUESTIONS

[English]

HEALTH

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, the 2014 Canada health accord negotiations will finally begin this week, discussions the NDP has been calling for since before the election.

Universal health care is dear to Canadians. It is the single most important element of social and economic justice in the country, a symbol of the Canadian value of taking care of each other.

My question is for the Prime Minister. What role will the Canadian public have in these discussions?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I agree with the Leader of the Opposition that health care is probably the most important service that governments provide to the Canadian people. The Canadian people value that service.

Obviously, all governments are struggling with the increased costs we see over time. That is a discussion that I think will engage all Canadians over the next couple of years.

[Translation]

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, it is the federal government's responsibility to help the provinces improve their health care systems and to do so within the parameters of the five principles, which are: universality, public administration, accessibility, portability and comprehensiveness.

The Prime Minister must commit to reaching a new 10-year health care agreement, including 6% indexation so that the provinces and territories know what to expect in the long term.

Oral Questions

Will the Prime Minister commit to that?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, health care is the most important service that governments provide to the Canadian people. All governments are struggling with the increased costs and that is an issue we will discuss when we talk about how to maintain these programs in the future.

[*English*]

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, since the last accord was signed there has been little progress on wait times or primary care reform, a failure to hire enough doctors and nurses, a failure on pharmaceuticals, a failure on home care and a near complete failure on reporting results.

Where is the plan for improving health care now?

With two years still to go, will the Prime Minister finally take health care seriously and deliver results now on the current health agreement?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I think most Canadians recognize that the delivery of health care is principally a provincial responsibility. The principal role of the federal government has been to support it through the transfer system. Of course, under this government, we are giving a record amount of money for health care.

I agree that there are some gaps in terms of accountability and results, and those are things we are encouraging the provinces to look at as we approach 2014.

* * *

EMPLOYMENT

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the Auditor General's report speaks of "chronic and widespread" mismanagement that contradicts the government's claim about the economic action plan.

The government cannot say how many jobs were created after having spent \$47 billion of Canadians' money.

The program was so badly monitored that no one knows if it was effective. We now know that 72,000 full-time jobs were lost last month, thanks to the policies of this government.

Now that the truth is out, when will this government put aside bogus and unsubstantiated job claims and take real and immediate action to create jobs here in Canada for Canadian families?

• (1420)

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the positive impact of the economic action plan, which the official opposition voted against, can be seen in the almost 600,000 net new jobs for Canadians since the end of the recession. It was a good plan. It worked. It is regrettable that the NDP chose to vote against it.

Here is what the Auditor General actually said:

The government did a good job of monitoring progress and spending in three programs funded under the Economic Action Plan....

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, it is not bogus job claims that will get the government out of this mess.

Here is what the Auditor General said:

The lack of reliable performance information on job creation will make it difficult for the government to assess the...effectiveness in meeting one of its key objectives.

The government and the Canadian public cannot compare the goals of the Conservative plan with the outcome. That is actually what good managers do: goals, outcomes, matching it up. They did not do it. There is no monitoring. There is no transparency.

Why the lack of monitoring? Why the lack of transparency? Why did the government not get the job done?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, as my hon. colleague has indicated, this economy has created nearly 600,000 net new jobs under this government, under the economic action plan, which, as my colleague, the minister, indicated, has been praised by auditors general, and Canadians agree with that. They gave us not only strong praise but a strong mandate to protect and complete Canada's economic recovery.

They, on the other side, of course, call for higher taxes that would kill jobs and hurt the economy. Our plan is to keep taxes low, to focus on jobs and to grow the economy. I think Canadians agree with us.

[*Translation*]

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, some quotes from the Auditor General: "Farmers can wait up to two years for a payment"; the government does not know "if a visa was issued to someone who was in fact inadmissible". In terms of military equipment maintenance, "the department does not track the full costs of maintenance and repair activities".

Why is this Prime Minister running such a disorganized government?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, as I have already said, thanks to the government, the Canadian economy has nearly 600,000 more jobs.

[*English*]

We accept the findings of the Auditor General. The Auditor General has made some good findings and some good recommendations, which we are already working on.

The fact is that when we look at the state of the economy and the state of our moves to ensure we are a help rather than a hindrance, this government has gotten it right and the Auditor General agrees with us on that.

HEALTH CANADA

Hon. John McCallum (Markham—Unionville, Lib.): Mr. Speaker, that Muskoka minister has 50 million reasons to be disorganized.

The Auditor General has revealed:

Health Canada is slow to act on potential safety issues related to drugs already on the market.

He stated further:

It sometimes takes more than two years to complete an assessment and provide Canadians with updated safety information.

All rhetoric and politics aside, how can the Prime Minister tolerate such a sloppy approach to the health of Canadians. What will the government do today to fix this critical problem?

Hon. Leona Aglukkaq (Minister of Health and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, our government agrees with the Auditor General's findings and work is already under way to address those recommendations.

My department is making improvements on how Health Canada responds to concerns about products that are on the market. The health and safety of Canadians is a priority for our government and we are putting processes in place to ensure that the products on the market are safe, efficient and reliable for all Canadians.

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, the Auditor General makes it crystal clear that the government failed to meet its own standards for reviewing the safety and effectiveness of drugs at all levels, pre-clinical, clinical trials and post-market risk assessment.

In fact, the Auditor General found that the department takes over two years to inform the public of unsafe drugs on the market.

Will the minister admit that this failure endangers patients' lives and will she commit now to provide the funds and resources necessary to report drug risks to the public promptly?

• (1425)

Hon. Leona Aglukkaq (Minister of Health and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, as I said before, we agree with the Auditor General's findings.

My department is making improvements on how Health Canada responds to safety issues regarding drugs on the market. For example, our government has invested in drug safety and, in fact, the network MedEffect was created by our government a year or two ago and \$32 million were invested to support that initiative.

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[Translation]

AUDITOR GENERAL'S REPORT

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, the Auditor General's report has confirmed what the NDP has been saying for quite some time. The Conservatives have a habit of being opaque. They ignore evidence, reject the advice of experts and are not accountable to Canadians. The Auditor General said "that poor information is a widespread, chronic problem in the federal government."

Oral Questions

How can Canadians trust the President of the Treasury Board, a minister who refuses to explain his fiascos and who is unable to provide job figures for the \$47 million in investments and expenditures? He should not bring up 600,000 jobs because that is hogwash.

[English]

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, as the government has indicated in its response, the Auditor General has brought forward some helpful recommendations and we have accepted them. In fact, we are already working on implementing a number of these.

However, the facts are the same. We have been helping to ensure that our economy is moving away from the recession and toward complete recovery. We have nearly 600,00 net new jobs in this economy as a result of our activities and our actions.

On the other side of the chamber, they continue to demand higher taxes that are job killers. We want them to come on our side and say that they agree with jobs—

The Speaker: The hon. member for Trinity—Spadina.

* * *

INFRASTRUCTURE

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, is the President of the Treasury Board not supposed to stay quiet when the Auditor General's report comes out?

Even though the Conservatives deny it, too many Canadians are out of work. Today we learned that during the last round of infrastructure funding, the Conservatives were not even tracking how many jobs were being created.

What criteria did the government use to determine which projects to fund? How can we trust it to tackle the infrastructure deficit and put Canadians back to work?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, at the request of the opposition we have delivered a series of reports following up on the economic action plan. To keep Canadians informed, there will be one more final public report on the delivery and economic impact of the economic action plan which will build on the five previous reports.

One fact is clear: there are 600,000 net new jobs in Canada since the end of the recession. The economic action plan was the stimulus for that.

* * *

HEALTH CANADA

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, today the Auditor General revealed that Health Canada can take more than two years to evaluate safety issues associated with the use of prescription drugs. The report also highlights that Health Canada is falling short on conflict of interest rules. This is completely unacceptable when so many new drugs are available and Canadians need adequate, timely and transparent information.

Oral Questions

Drug safety is important to all Canadians. Exactly how does the government and the minister plan to reduce the delays that are happening? We have not heard anything specific from the minister today. I ask her to tell the House how she plans to reduce these delays.

Hon. Leona Aglukkaq (Minister of Health and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, as I stated earlier, my department is implementing the advice of the Auditor General. The Auditor General was very clear in his statements today that there were no cases of conflict of interest; however, we do agree that additional conflict of interest rules should apply to those who review drugs.

[Translation]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, we still have not been given an answer. Once again, the government has missed the boat.

The Auditor General said that Health Canada does not have a uniform mechanism for monitoring clinical trials of prescription drugs for the most vulnerable, such as children. Other countries receive industry data on adverse drug reactions in children. However, the Conservatives have not bothered with this requirement, which would protect Canadians' health. That is irresponsible.

When will the Minister of Health require pharmaceutical companies to disclose this vital information to protect children who depend on these drugs?

• (1430)

[English]

Hon. Leona Aglukkaq (Minister of Health and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, again, I agree with the Auditor General's recommendations on the department in strengthening its approach to clinical trials. New procedures are being put in place to improve transparency, and to better monitor clinical trials and adverse reaction reports.

To strengthen the pharmaceutical drug program, a new IT system has also been put in place to help better identify potential safety concerns. The audit is from 2009-10, so we have acted on a number of the recommendations already.

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[Translation]

NATIONAL DEFENCE

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, this morning, the Auditor General repeated what the NDP has been condemning at National Defence, namely that the department is broken. Decisions are made without having the necessary information on long-term costs, there is no proper follow-up on overall maintenance and repairs, and major contracts are awarded to a limited number of suppliers.

Is the government going to continue to have its head in the clouds, ignore the facts and keep telling us that everything is fine?

[English]

Hon. Julian Fantino (Associate Minister of National Defence, CPC): Mr. Speaker, we appreciate and thank the Auditor General for his work. The department has accepted his recommendations and is

already addressing each concern. A comprehensive plan is in place with activities under way, and our government has committed to providing our brave men and women in uniform the equipment and support necessary to do their jobs safely and effectively.

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, three elections promising fiscal responsibility followed by six years of fiscal mismanagement and the government continues to miss opportunities to save money and improve accountability. The Auditor General said there is a gap between the money needed for military maintenance and what is available.

Does the Auditor General's discovery of mismanagement come as a complete surprise to the minister, or can he explain to Canadians why his department is failing to give our soldiers properly maintained military equipment?

Hon. Julian Fantino (Associate Minister of National Defence, CPC): Mr. Speaker, as I indicated, we appreciate and thank the Auditor General for his work. Many of the recommendations have already been implemented. We are working actively on all of these issues and have been for quite some time. We intend to continue to ensure that our men and women receive the best equipment necessary to do their jobs and do so keeping in mind taxpayers' concerns about all spending.

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AGRICULTURE

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, in 2005 when talking about the CAIS program, the Prime Minister said, "It is complicated. It requires an army of accountants—". He promised to fix it, but AgriStability changed nothing. It is just as complicated and even more expensive for farmers.

The Auditor General reported today that some farmers are waiting up to two years for payment. When will the government fix this broken program and make it work for all Canadian farmers?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): What the member opposite should recognize, Mr. Speaker, is that the vast majority of the AgriStability program is delivered at the provincial level. What we do is transfer moneys when there are bills presented from the provinces. If he has a problem, he should probably take it up with his counterparts in Ontario.

Mr. Malcolm Allen (Welland, NDP): That is the off-load of the day, I think, Mr. Speaker.

The AG reported that the tobacco transition program failed because it was rushed out the door and had loopholes as big as a combine. By 2010 the number of tobacco farmers had doubled. There were \$300 million spent to reduce tobacco production and yet it did the exact opposite.

When will the government stop mismanaging important agricultural files and what has it done to get to the bottom of this fiasco?

Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, we welcome the input from the Auditor General on this particular valuable program for farmers in Ontario. The member opposite should know one does not combine tobacco. That is why New Democrats have no real good farm programs. They get it all mixed up and completely turned around.

Again, what we did was come to the aid of the tobacco growers in Ontario. We kept them fluid. We allowed them to transition into other programs and the province has taken over the responsibility of licensing tobacco production.

* * *

CITIZENSHIP AND IMMIGRATION

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, the Auditor General today reported that immigration officials are not adequately managing health and safety risks regarding visas. He said that officials lack the right tools and training, and decisions are rarely reviewed. Health screening has not changed in 50 years and one key manual was last updated in 1999. The audit concluded that we need a better strategy to protect the health and safety of Canadians. CIC has to get with the times.

Will the minister finally implement the quality management system recommended over 11 years ago?

• (1435)

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, I am truly delighted to hear the NDP, for the very first time, raise a concern about security and health screening in the immigration system. I would like to congratulate the member for Vancouver Kingsway for his concern about this, which I share and which is why our government has made significant investments in improving security screening.

We accept all of the Auditor General's recommendations. We think they are very constructive and, in fact, my department is already working with our security partners and the Public Health Agency to put those measures in place.

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FOREIGN AFFAIRS

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, as one committed for some time to expanded sanctions on the Iranian regime, particularly in the financial and energy sectors, I am pleased that the government has now acted. However, as the government knows, the Iranian Islamic revolutionary guard corps has emerged as the epicentre of the nuclear weaponization program of international terrorism from Argentina to Afghanistan and massive domestic repression.

Will the government list the Iranian Islamic revolutionary guard corps as a terrorist entity under Canadian law as unanimously recommended also by the foreign affairs committee, which tabled its report in the House?

Mr. Bob Dechert (Parliamentary Secretary to the Minister of Foreign Affairs, CPC): Mr. Speaker, our latest expansion of

Oral Questions

sanctions against Iran prohibit almost all financial transactions with the Iranian government. They add individuals and entities to the list of designated persons and expand the list of prohibited goods. We are taking aggressive action to cover the known leadership of the Iranian Islamic revolutionary guard corps and block virtually all transactions with Iran, including those with the central bank.

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NATIONAL DEFENCE

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, Canada already has an expensive advanced Satcom system. Therefore, I have a \$.5 billion question for the minister.

Now that he has had 24 hours to find the right briefing notes, can he tell us whether the industrial benefits of Canada's participation in the U.S. military's Satcom network will be subject to ITAR and buy American? For his and our edification, can he tell the House the meaning and significance of the ITAR provisions in the context of this contract?

Hon. Julian Fantino (Associate Minister of National Defence, CPC): Mr. Speaker, I do not know if sarcasm will advance the legitimacy of what we are doing in this government.

Operations in Afghanistan and Libya have proven that an advanced secure exchange of information is critical to the success of modern military operations. The Canadian contribution to this international partnership will guarantee our Canadian Forces access to high capacity military communications for the future.

Our investment fits with the Canadian Forces existing budget and 100% of its value will be invested in creating skilled Canadian jobs across the country.

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[Translation]

JUSTICE

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Mr. Speaker, Quebec's minister of justice came to Ottawa today, sincerely hoping that the federal Minister of Justice would be willing to listen to what he had to say about Bill C-10, dealing with criminal justice. Instead, he got a slap in the face.

Is the government listening? Does it realize that it is jeopardizing Quebec's approach to rehabilitation for young offenders? This government is disrespectful. Is it prepared to be reasonable?

*Oral Questions**[English]*

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I am always glad to welcome my colleagues from across the country. When the minister of justice from Quebec asked for a meeting on Monday or Tuesday, I was pleased to accommodate him.

I pointed out to the minister, as I have pointed out to the House on a number of occasions, that there is absolutely nothing in Bill C-10 that would in any way compromise or prohibit the province from reaching out and helping to rehabilitate young people. The bill concentrates on a small group of out of control young people who are a danger to themselves and to the public, and this is why it should have the support of all members of Parliament.

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FIREARMS REGISTRY

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, Canada's Information Commissioner has warned the government that its bill to scrap the long gun registry and delete millions of records would violate the letter and the spirit of the Library and Archives of Canada Act. This irresponsible and illegal move would get rid of records of not only shotguns and rifles but also semi-automatic and assault rifles.

The association representing Canadian archivists wrote the Minister of Public Safety telling him that destroying records for political expediency and ignoring existing legislation sets a very dangerous precedent.

Why are the Conservatives willing to break the law by destroying millions of records?

• (1440)

Hon. Vic Toews (Minister of Public Safety, CPC): Actually, Mr. Speaker, we are changing the law in order to get rid of the long gun registry, which is comprised of data that targets law-abiding Canadian citizens, including hunters, sport shooters and others.

We have consistently opposed this wasteful and ineffective measure which does nothing to keep guns out of the hands of criminals. We do not want to keep records on law-abiding citizens the way that the NDP does. We are carrying out the promise that we made to the Canadian people.

* * *

JUSTICE

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, on crime it is clear that the Conservative government would rather ram through its wrong-headed prisons agenda than work together with the provinces, crime experts, or even its own Crown prosecutors.

New Democrats are proposing changes to focus on rehabilitating young offenders, not just throwing them in prison and forgetting about them. Good rehabilitation lowers costs, reduces repeat offenders, and makes our communities safer.

Why is the government opposed to these reasonable amendments?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I appreciate that the hon. member is new to the file, but this legislation has been before

Parliament for quite some time. We have listened to our provincial counterparts with respect to pre-trial detention, adult sentences, and deferred sentencing.

The bill targets a small group of out-of-control young people who are a danger to the public and a danger to themselves, as was identified in the Nunn report.

I hope the hon. member for once would get on board and support this important piece of legislation.

[Translation]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, Quebec's Minister of Justice is leaving Ottawa upset after another unsuccessful attempt to convince this government to amend its crime bill.

The Conservatives refuse to consider the amendments called for by Quebec, yet they are unable to provide any expert study. All they are providing are the minister's personal observations. Quebec is simply asking the government to listen to the experts and take the time to do things properly.

Why is this government bent on doing the opposite?

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, why is the NDP so bent on opposing everything we do to crack down on crime in this country? That is a good question for the hon. member.

The hon. member says it is not based on studies. We looked very closely at the Nunn report that came out of Nova Scotia that identified some deficiencies within the Youth Criminal Justice Act. I very much appreciate the response and the input that we have had right across this country.

Somebody asked me why the Liberals are always yelling. It is because nobody ever listens to them.

[Translation]

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, I suppose that is why, this morning, during the first hearings on the clause-by-clause review, we adopted half of the first 100 clauses in the bill, yet the government says we do not support some parts of the bill.

What Quebec is asking is simple and reasonable. Its approach to rehabilitating young offenders is working. Moreover, a majority of provinces refuse to have to foot the bill for senseless reforms. Quebec's minister of justice feels betrayed. He says he is dealing with a Reform Party government, not with the Government of Canada.

When will this government stop making ideological decisions and do what the majority of Canadians—

The Speaker: Order, please. The hon. Minister of Justice.

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, again, I will point out that a number of the recommendations and changes to that bill have come directly from provincial attorneys general. In fact, the most recent amendment we have taken comes straight from the minister of justice of Quebec, with respect to changing the words from “encourager” to “favoriser”. This recommendation was made by the minister of Justice of Quebec.

We are happy to comply, but again the bill has been before Parliament for quite some time. We have had quite a bit of input and for once it should have the support of the NDP.

Mr. Blaine Calkins (Wetaskiwin, CPC): Mr. Speaker, our government is committed to putting actual criminals behind bars. Canadians who have been the victim of a crime should not be re-victimized by our justice system. Canadians are rightfully concerned when law-abiding citizens are unfairly arrested or even charged for simply defending their property from criminals. This is unacceptable to our government.

While the opposition is obstructing and delaying legislation that cracks down on drug dealers, pedophiles and arsonists, our government is putting the rights of law-abiding citizens ahead of the rights of criminals.

Could the Minister of Justice please inform the House how our government is acting to further protect law-abiding Canadians?

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I had the pleasure today of introducing the citizen's arrest and self-defence act.

The member is correct that Canadians are rightly concerned when law-abiding citizens are re-victimized by the justice system simply for defending their property. While Canadians should contact the police if their property or personal safety is threatened, we recognize that it is not always feasible in the circumstances. The legislation we introduced today expands, simplifies and clarifies the laws when individuals need to respond to immediate threats.

I know the opposition is focused on farmers and duck hunters, but this should have its support for a change.

* * *

● (1445)

THE ENVIRONMENT

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, climate change talks start next week in Durban, and the government cannot seem to get its stories straight. First, it claims to be committed to the environment, but then it muzzles its scientists. Then it claims to target redundancies in the system, but we have a senior government official who says that there are no redundancies. Therefore, we know we will be a laughingstock at Durban because we cannot even get the job done at home.

When will the minister realize that he is the Minister of the Environment and actually take action on the government's appalling environmental record?

Hon. Peter Kent (Minister of the Environment, CPC): Mr. Speaker, I welcome my colleague back from her treacherous

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adventure abroad. I am sure Canadian workers and our resource industries will rest much more quietly now that she is back in this place.

Canada goes to Durban with a number of countries sharing the same objectives, and that is to put Kyoto behind us and to encourage all nations and all major emitting countries to embrace a new agreement to reduce greenhouse gas in a material way.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, there is a hole in the ozone above the Arctic that is twice the size of Ontario and the government's solution is to muzzle the scientists who found the hole and slash the budget of the people who monitor it. This hole is allowing harmful ultraviolet rays into our communities. Therefore, this is about protecting our children and our grandchildren.

When will the minister put down his talking points, listen to the scientific community and his own advisers and become the Minister of the Environment? It is never too late to learn.

Hon. Peter Kent (Minister of the Environment, CPC): Mr. Speaker, I thank my colleague for those gracious words and I will reassure her again that my department, Environment Canada, will continue to monitor ozone. I would remind her, in this week when parties to the Montreal protocol were so effective in addressing contaminants in the atmosphere that depleted ozone, that Canada is once again taking a leadership role.

[Translation]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, the former Conservative environment minister said yesterday that Canada must improve the oil sands' environmental record. Jim Prentice said it himself: to do so will require work and investments.

If nothing is done, we risk losing access to markets such as Europe and the United States.

When will this government come up with a plan for the sustainable development of our resources?

[English]

Hon. Peter Kent (Minister of the Environment, CPC): Mr. Speaker, the opposition, and I have said this many times in the House, should celebrate Canada as an emerging clean energy superpower.

If I could offer my colleague a quote from the former minister yesterday, he said:

I think there's been substantial progress made, but I think as events have unfolded, both in the United States on Keystone and on other issues, it highlights how important it is that Canada be not only a producer of energy, but an environmentally responsible producer of energy.

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[Translation]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, it is not an environmental activist who said this but a former Conservative environment minister, who is calling for a sustainable plan for oil sands exports. On Monday, he even said that Alberta's oil sands industry has an extremely negative reputation on the world stage. He added that it was important that Canada be not only an energy producer but an environmentally responsible energy producer.

Will the government listen to its former environment minister?

[English]

Hon. Joe Oliver (Minister of Natural Resources, CPC): Mr. Speaker, the NDP should know that it is always risky to alienate one's political base, but especially when one is in pre-merger discussions.

I will list the labour unions which support Keystone because it will create thousands of jobs, and I may run out of time. The list includes the International Union of Operating Engineers, the Laborers' International Union of North America, the International Brotherhood of Teamsters, the International Brotherhood of Electrical Workers, the Building and Construction Trades Department, AFL-CIO, the United Association of Journeymen, Apprentices of the—

•(1450)

The Speaker: I am afraid the hon. minister is out of time.

The hon. member for Random—Burin—St. George's.

* * *

SEARCH AND RESCUE

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, just days before the Minister of Fisheries and Oceans was in St. John's, where he refused an invitation to visit the Maritime Rescue Sub-Centre, members of the Canadian Marine Advisory Council, the body Transport Canada consults on marine safety, were signing a petition in Ottawa, calling on the government to rescind its decision to close the centre.

Since the Minister of Fisheries and Oceans will not visit the centre, see the operation first-hand and see the need to keep it open, I ask the Minister of Transport, Infrastructure and Communities to do so and stop this reckless move.

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, the member's question has been addressed thoroughly. The efficiency measures under way will maintain the present levels of marine safety and service. The member may be forgetting, however, that while Liberals were content to tie up ships to rust at the dock, we have done the exact opposite.

Just last week I had the great honour to attend the naming ceremony for the first of the Hero class mid-shore patrol vessels being built.

PHARMACEUTICAL DRUGS

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, a constituent on chemotherapy cannot get his decades-old drug for nausea. Another cannot afford the brand-name drug to replace a missing generic. The drug shortage affects a wide range of medications.

In the U.S., President Obama just took decisive action. Yesterday, our minister was pleased that drug companies would voluntarily give notice of impending shortages.

When will the minister be pleased to get to the bottom of why Canadians are suffering from these shortages and what to do about it?

Hon. Leona Aglukkaq (Minister of Health and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, our government is taking a leadership role when it comes to dealing with drug shortages. This summer, I told the drug companies that if they did not take action, our government would look to regulations to require action.

I am pleased to report to the House that these companies have responded positively to my request.

* * *

[Translation]

AFFORDABLE HOUSING

Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, I would like to point out that today is National Housing Day. I am pointing this out because there is nothing to celebrate. This government does not have a long-term strategy for affordable housing. Right now, 1.5 million Canadian households are living in inadequate housing and over 150,000 people are living on the streets. For them, every day is a day without affordable housing. This day reminds us of the government's inaction.

Why is this government complacent about the fact that there are so many families who do not have decent housing?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we have invested a lot of money to help people in need of affordable housing. For example, as part of our economic action plan, we have invested \$2 billion, which has helped to build or renovate 14,000 houses. That means that 14,000 families have benefited from our efforts. Unfortunately, the NDP voted against all these initiatives.

[English]

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, 14,000 renovations are not new homes.

Today is National Housing Day, another reminder that the out-of-touch government is failing families. A staggering 1.5 million Canadian households are at risk unless the government commits to more affordable housing. Aboriginal communities are living in tents, seniors are still paying for mortgages, families are falling deeper into debt. Yet the government's so-called plan is too little too late.

When will the government get serious about our housing crisis? When will the government implement a real national, affordable housing strategy?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the real question is this. When will the NDP stop complaining and start doing something to actually help those in need?

The facts are that we have 14,000 projects, which is more than 14,000 families, and 1,200 alone were renovations. There are new projects and new builds. We had specific funding for affordable housing for seniors, the disabled, for those off-reserve and on-reserve. The NDP members voted against helping those people every time. Shame on them. They have no credibility on this issue.

* * *

• (1455)

THE ECONOMY

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): Mr. Speaker, while our Conservative government is focused on jobs, the NDP is bashing the Canadian economy.

First, the NDP tries to hike taxes on Canadians from a \$10 billion a year hike on employers to a GST hike on families and more. Second, the NDP travels to Washington to join fellow left-wing radicals to attack our country's economy and good Canadian jobs. Finally, last night, the NDP shockingly voted against implementing the next phase of Canada's economic action plan.

Could the finance minister please explain what the NDP tried to kill last night?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I thank the hon. member for the erudite question about budget voting.

Last night the budget was voted on at third reading and it was passed in this place, but without the support of NDP members. They walked away from the job creation tax credit for small business. They voted against the family caregiver tax credit. They voted against the children's arts tax credit. They voted against the volunteer firefighter tax credit. They voted against tax relief for the manufacturing sector and making the gas tax fund permanent for municipalities in Canada.

* * *

INFRASTRUCTURE

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, the Cape Breton regional municipality has a major problem cleaning up its waste water systems. It has a declining population and a \$100 million debt. With the previous Liberal government's tax rebate, the mayor and council have put many new systems in place. However, it is not enough. The province has stated that it will not give any more money and the Conservative government has unfair deadlines.

Will the Prime Minister come forward with more dollars and extend the timelines for these small communities across Canada, like CBRM?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr.

Oral Questions

Speaker, I was mayor during the time of the former government. Our government delivered more than that government for many years. Our government made, and continues to make, significant investment in waste water infrastructure across Canada. Since 2006, we have invested \$2.1 billion in waste water projects and we will continue to do so.

* * *

[Translation]

CITIZENSHIP AND IMMIGRATION

Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP): Mr. Speaker, the government is imposing sanctions on Iran, but at the end of September, it allowed Mahmoud Reza Kavari to enter the country. He was the head of Bank Melli, which was involved in a financial scandal.

I think the government needs to be reminded that Bank Melli has been on the government's blacklist since 2010 because it is suspected of funding Iran's nuclear program.

It took a month to launch an investigation.

Why is the government allowing Canada to become a refuge for people who fund the Iranian regime?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, first of all, the hon. member must understand that under the Privacy Act, the government and its ministers cannot comment on specific cases.

That said, I have seen the media reports saying that this man received Canadian citizenship in 2005. Obviously, we have launched an investigation regarding foreigners who fraudulently obtained Canadian citizenship, and we intend to review the period in question.

* * *

[English]

NATURAL RESOURCES

Hon. Rob Merrifield (Yellowhead, CPC): Mr. Speaker, our government is defending Canada's interests around the world, and why would we not? That is what we were elected to do and that is what Canadians expect us to do. Meanwhile, the NDP consistently tries to undermine Canada's interests, whether that is in Europe or whether that is in the United States.

Would the Minister of Natural Resources give the House an update on the latest ridiculous NDP anti-trade mission?

Points of Order

Hon. Joe Oliver (Minister of Natural Resources, CPC): Mr. Speaker, last week the NDP refused to attend a forum organized by a union representing 200,000 oil and gas workers. This week the NDP is promoting an event with European socialists in support of the fuel quality directive. This unscientific initiative unfairly targets the 200,000 workers the NDP refused to talk to.

We now know the NDP's priorities: their foreign socialist comrades and billionaire U.S. limousine liberals, and not the hundreds of thousands of Canadian workers in our energy sector.

* * *

• (1500)

FISHERIES AND OCEANS

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, the fisheries and oceans minister admits Canada's fishery is broken. He blames the mess on so-called red tape and inefficiency. His answer is to slash the department's budget, fire the scientists we need to help fish stocks recover, and eliminate regulation. It is like burning down one's house because the paint is peeling.

Instead of making the situation worse, when will the minister wake up and fix these problems?

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, there is no question that the fishery is in need of change. With an aging workforce, aging fishers, we need to position the fishing industry to attract new and younger fishers to that industry.

Just last week, for example, I was in Newfoundland to announce the government's investment in an \$18 million program to restructure the lobster industry. Fishermen were not nearly as downbeat as the member opposite suggested. In fact, they were very positive and said such things as, "It's a good day for the lobster industry in general and for the province".

* * *

[*Translation*]

JUSTICE

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, Minister Fournier came away from this morning's meeting with his federal counterpart empty-handed. The federal minister told him that he did not have confidence in the statistics provided by Quebec, the expertise of Quebec's lawyers or the opinion of the Barreau du Québec.

Furthermore, a survey revealed this morning that only 22% of Quebecers believe that Bill C-10 will help reduce crime and 65% believe that the federal government should pay the additional costs associated with this bill.

Is this the federal government's idea of open federalism? Is this its new way of co-operating with Quebec, that is, telling it to take a hike?

[*English*]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, we have listened very carefully to our provincial counterparts. I pointed out there is an

amendment to Bill C-10 that was proposed by the Province of Quebec. We were very pleased to receive that.

The hon. member is looking for statistics. There is one statistic I was very pleased to see. Leger Marketing recently published a survey which showed that 77% of Quebecers support tougher sentences for criminals. That is a great statistic, and I agree with that completely.

* * *

PRESENCE IN THE GALLERY

The Speaker: I would like to draw the attention of hon. members to the presence in the gallery of recipients of the 19th National Aboriginal Achievement Awards: Candace Sutherland, Elder Dave Courchene Jr., Dr. Leona Makokis, Richard Hardy, Dr. Janet Smylie, Violet Ford, Grand Chief Edward John, Minnie Grey, Senator Gerry St. Germain, and in the Ladies' Gallery, recipient Richard Peter, and finally, the hon. Minister of Health, who is in her seat in the chamber.

Some hon. members: Hear, hear!

[*Translation*]

The Speaker: Please join me for a reception to honour the recipients in room 216 north after question period.

* * *

POINTS OF ORDER

ORAL QUESTIONS

Mr. Pierre Dionne Labelle (Rivière-du-Nord, NDP): Mr. Speaker, in his response earlier to my colleague from Halifax, the Minister of the Environment called her a traitor. Since when do we call someone a traitor for going to meet with elected representatives in another country? Why is the environment minister keeping tabs on the people the NDP meets with? We maintain valuable relationships with progressive people in the United States. Instead of keeping tabs on us, he would do well to keep an eye on the hole in the ozone layer.

• (1505)

[*English*]

The Speaker: I will certainly review the comments in question.

The hon. member for Avalon is rising on a point of order.

COMMENTS REGARDING THE SPEAKER

Mr. Scott Andrews (Avalon, Lib.): Mr. Speaker, this relates to some comments I made on November 3. I was not here last week and I would like to clarify, retract and apologize. I said, "The last time I checked, the Speaker is a member of the Conservative Party and the Conservative caucus". I apologize. He is not a member of the Conservative caucus. There was no intent to call into question your impartiality, Mr. Speaker.

Mr. Speaker, I would like to clarify for the record a little bit earlier in the conversation on that particular matter where the member for Elgin—Middlesex—London said, “The Speaker of the House of Commons now makes those two appointments in the interest of greater impartiality and independence”. He went on to say, “...a three member boundaries commission chaired by a judge and comprising two other members appointed by the Speaker”. In the next paragraph he said, “The goal is a readjustment process that is generally free of partisan considerations”.

Mr. Speaker, I would ask you to review those particular comments in light of my apology regarding bringing into question your impartiality. I believe that these comments require some consideration.

I apologize for my comments.

The Speaker: I thank the hon. member for his retraction and for his apology.

I understand the hon. member for Mount Royal is rising further to his question of privilege.

* * *

PRIVILEGE

TELEPHONE CALLS TO MOUNT ROYAL CONSTITUENTS

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, I rise to make an additional submission relative to the question of privilege I raised in this place last week regarding phone calls to constituents in my riding asking them if they would support the Conservatives in the impending, if not imminent, byelection in my riding.

Clearly, as long as I am standing in this place there is no byelection in my riding. Equally, if not more important, I am as engaged now as I ever have been on the issues of the day, both domestic and international, on this the 12th anniversary of my first election in November 1999.

It is not only that the false and misleading information overshadows and overtakes my involvement, whether it be on the domestic justice issues of the day or whether it be on my urgent legal representation of an Egyptian political prisoner, but rather that my constituents hear only the false rumours that I have stepped down rather than reports of what I am in fact engaged in.

While my office has provided the table clerks with a list of constituents who were contacted as well as some of the correspondence my office has received, I rise because there is some new information that I believe must be made known to the Speaker and all members of the House before the Speaker's ruling is made.

I stressed in my first intervention that my concern about this reprehensible practice was not a personal one, but rather one that affects all members of this place.

Indeed, a story that aired on CBC Montreal about this found that some of the people contacted do not even live in my riding of Mount Royal. One Montrealer said in the CBC story, “Somebody told me that they were representing the Prime Minister and they were asking me for my support in the upcoming byelection. I asked him what byelection he was talking about”.

Privilege

I believe this case study illustrates my point in the sense that the constituent who reported to me that she resides in the riding of Westmount—Ville-Marie said that she was politically aware enough to know that I was not stepping down. However, I can imagine that someone who follows politics less and lives in the riding of Westmount—Ville-Marie might have been made to believe that in fact the member for Westmount—Ville-Marie had resigned or was planning to resign, so it goes beyond me in this regard.

While I am aware that it is not up to me to make a privileged submission on behalf of that hon. member, I again draw the attention of the House to the pronouncement from Speaker Bosley, reprinted on page 113 of O'Brien and Bosc, which states:

It should go without saying that a Member of Parliament needs to perform his functions effectively and that anything tending to cause confusion as to a Member's identity creates the possibility of an impediment to the fulfilment of that Member's functions. Any action which impedes or tends to impede a Member in the discharge of his duties is a breach of privilege.

Indeed, while I contend the practice has breached my privilege, I believe it has also, at least in this instance, breached the privilege of the member for Westmount—Ville-Marie, as it would also breach the privilege of any member whose riding is so targeted or whose constituents receive such calls.

I say this, lest there be any confusion, that we all understand that political parties engage in fundraising, outreach and the like when Parliament is sitting. Such actions are perfectly permissible provided the rules are respected, the law is followed, and no privilege is breached. This practice, however, breaches my privilege by implying that I am not in this place and fulfilling my duties, as I could not be if I had indeed stepped down. As I said, it causes confusion in the minds of my constituents as to whether I am currently their MP and what in fact I am doing in this place.

Moreover, in the case of calls outside my riding, it may cause confusion to the electorate in other electoral districts as well.

This is far different from the usual party activity when there is no election. It is one thing to do a general fundraiser, as many members do, or even send literature, although as Speakers have ruled in the past, and in the case of my riding, this too may breach a privilege in certain situations.

The problem is that these misleading calls misrepresent an alleged imminent byelection. While the notion of an impending byelection may drum up support for it, it implies a sense of urgency. Stating that there is a byelection, in effect, implies a great deal about the member presently serving or, indeed, if he or she is even serving at all. Indeed, it implies that he or she is not serving and will not serve much longer.

● (1510)

Thus, while I wholeheartedly welcome disagreement and debate about my politics and positions, and this is a fundamental activity that must be protected in a free and democratic society, I must reject any assertion or implication that I am not here in this place acting as I should and advocating on my constituents' behalf.

Privilege

Indeed, I have been in committee with hon. members on the other side in all parts of the House from 8:45 a.m. today, exiting only for question period and this statement, and will be there until midnight tonight and tomorrow as well to propose my amendments to the crime bill, Bill C-10.

This is the important point, and I do not wish to sound self-serving in any way, but all this gets overshadowed and forgotten if my constituents do not think I am even here and it overtakes them finding out what in fact I am doing when I am here. In fact, the press tends to only ask me questions about these phone calls without seeking to understand positions I may be taking on other compelling issues of the day in concert with members of the House.

Further, we now have some new information about the source of these calls. Whereas in my initial submission I identified the firm, Campaign Research, ties to the Conservative Party have since become clear. Indeed, the person who was the Conservative candidate in the last election in my riding and who was rumoured to be candidate in the imminent byelection, though I stress again, should any constituents be watching, there is no byelection, imminent, pending or the like, he said, "I have nothing to do with it, it is a party thing".

That is a quote in a document presented to the table officers, which I will provide to any members who may wish to see it.

Further, news reports cite Conservative Party spokesman, Fred DeLorey, saying that the party "does not comment on operation matters", when asked, which, to my mind, implies some level of involvement.

While I still believe the matter constitutes a prima facie breach of privilege and, as such, should be referred to the appropriate committee for inquiry and investigation, I believe it is now imperative that the committee be given the matter to investigate given that there are obviously individuals who could be called as witnesses on this matter.

Indeed, Mr. Speaker, as your predecessor once noted in 2007, though I suspect that the comment may have been made partially in jest, and I so characterize it:

...I hate to deprive the Standing Committee on Procedure and House Affairs with an opportunity to examine witnesses on a question that I know would thrill the members of the committee.

Whether it is thrilling or not, I do not know, but I know it is sufficiently serious to warrant referral.

Should the committee find that the practice is indeed a breach of privilege, fines could be imposed for making such calls, individuals who ordered them might arguably be found in contempt of the House or, short of this, and I believe it would be in line with the established way privilege matters work, those responsible might acknowledge that the practice occurred on their watch, apologize for having engaged in it and the damage it has done, and all parties would undertake not to engage in such behaviour.

This would establish a welcome precedent that in the view of the House it is not proper for anyone to tell one's constituents that a member has resigned or is resigning when he or she remains a quite active and involved member of this place.

I have one last point. Unless the government plans to break its own election law and dissolve Parliament, the next election is clearly not impending or imminent as is being implied to my constituents, and, indeed, at such time it would then be a general election and not a byelection.

On the point of byelections, O'Brien and Bosc note on page 189 that byelections only occur when there is a "vacancy in the representation", and further, precisely on page 241, that:

A person ceases to be a Member of the House of Commons when:

that person dies;

that person resigns his or her seat;

that person has accepted an office of profit or emolument under the Crown;

that person has been elected to sit in a provincial or territorial legislative assembly or on a municipal council;

the Member's election has been overturned in accordance with the Canada Elections Act; or

the House has, by order, declared that the Member's seat is vacant and has ordered the Speaker to address a warrant to the Chief Electoral Officer for the issue of a writ of election for a new Member.

At the risk of reiterating the list, I have mentioned the list only so that it would be clear that none of these items accord with the present circumstances or my circumstances in any way.

Mr. Speaker, I assure you that there is no pending, let alone impending, byelection and all calls to the contrary are false, misleading and prejudicial to the workings of this House, to my constituents and to myself.

• (1515)

The Speaker: I thank the hon. member for his further contribution on this point.

The hon. member for Richmond—Arthabaska.

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I find this matter to be very troubling. This is not the first time I have heard the hon. member talk about what is happening. Now he is adding new elements. For the Bloc Québécois, this is not only troubling, but it is indeed a question of privilege. As the hon. member says himself, if there is a rumour in his riding of a byelection, the hon. member becomes a lame duck. To the people in his riding, the current hon. member will probably step down and might be less interested in doing his job.

It is a question of privilege when an hon. member is prevented from doing his job properly, and that is precisely what is happening to the hon. member. The media fuel the problem. We know full well that there is no byelection in his riding, that this hon. member is working for his constituents and that he has not left. Nonetheless, I am sure that the people who received these telephone calls wondered about that. There was therefore a direct impediment to the hon. member's work. We have to shed light on what is happening.

This is not the first time this hon. member has had to deal with a problem. The Conservatives at the time sent flyers, what we call ten percenters, to his riding to attack him on a very delicate matter. I do not know whether we are dealing with a relentless attack, but we have to get to the bottom of this.

Government Orders

I agree with the hon. member: the Standing Committee on Procedure and House Affairs has to deal with this immediately to find out what happened, to put an end to this, and to ensure that we know if this ever happens to other hon. members and that they tell you about it, Mr. Speaker.

[English]

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, the question of privilege raised by our hon. friend, the member for Mount Royal, is deeply disturbing and it is more than rumour. He has had several ways of confirming that such calls are being made into his riding. With what he has put forward to the House today, he was able to provide further details that suggest, although we do not have 100% proof, that Conservative Party operatives are spreading false rumours within his riding.

I rise on this question of privilege because I think it is a more generalized question of privilege for many members in the House. If this becomes a tactic, if this becomes something that is used to destabilize the ridings of anyone elected to this place, then it does in general speak to a question of privilege and offends the rules of the House.

On page 113 of O'Brien and Bosc, we find the story of what occurred in 1985 and Speaker Bosley dealt with it. There was a newspaper advertisement that suggested someone else was the member of Parliament other than the sitting member and Speaker Bosley ruled on this and said:

It should go without saying that a Member of Parliament needs to perform his functions effectively and that anything tending to cause confusion as to a Member's identity creates the possibility of an impediment to the fulfilment of that Member's functions. Any action which impedes or tends to impede a Member in the discharge of his duties is a breach of privilege.

I suggest that this is mischief-making at a local level in relation to a member's intentions and to the member's good standing. I must say that, as a former minister of justice, the member for Mount Royal is, in my mind, one of the finest parliamentarians in this place. That such mischief should go on in his riding means that none of us are secure. We need a clear ruling from you, Mr. Speaker, to put an end to this practice. It may be that party machinations go on without direction from the top, but this is mischief-making that is not coordinated, that it is a random act of breach of privilege.

Mr. Speaker, your ruling on this kind of unhelpful, deliberate misleading of the electorate, which is clearly anti-democratic at its very base, will put it to rest and make it stop.

● (1520)

The Speaker: I thank the hon. member for her contribution as well to the question currently before the Chair.

GOVERNMENT ORDERS

[English]

COPYRIGHT MODERNIZATION ACT

The House resumed from November 14 consideration of the motion that Bill C-11, An Act to amend the Copyright Act, be read the second time and referred to a committee, and of the amendment.

The Speaker: The hon. member for Burnaby—New Westminster has five minutes left to conclude his remarks.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, unfortunately, I would need to take a lot more time to paint the portrait of what the Conservatives have done in this particularly bad bill.

When I was speaking a few days ago, I was particularly incensed and appalled by the lack of knowledge of a number of Conservative members. Even though they were here to speak to Bill C-11, they obviously had not read the bill. The New Democrats on this side of the House always do our homework. We read the bill. We heard repeated comments that the retroactive book burning provisions of Bill C-11 were not in the bill. Many Conservatives have risen in the House and said unabashedly that there were no book burning provisions in the bill. What we were referring to were the retroactive electronic books that would be destroyed by this particular legislation.

It is important that Canadians understand what is in the bad bills that the Conservatives bring in front of the House. I will read directly from page 23 of Bill C-11, clause 30.01. It reads:

(5)...the student shall destroy the reproduction within 30 days after the day on which the students who are enrolled in the course to which the lesson relates have received their final course evaluations.

It could not be clearer than that. It says it in black on white right in the text of Bill C-11. As a result of the government's incredible irresponsibility in drafting this legislation, students across this country who get electronic books will need to destroy their course material. I will read it one more time, "A student shall destroy the reproduction within 30 days". If not, they contravene the bill. They break the law.

I know the Conservative Party pled guilty to law-breaking just a few days ago. What the government is saying to students in this country, and educational institutions as well, who get their material and go through the course, is that the moment they receive their final course evaluations they must destroy all of the information they accumulated through the course of the lesson.

Having gone to university a number of years ago, I have kept much of my course material. My management and accounting courses still serve me when I do a variety of things in the House. A lot of the things that I learned in university continue to be useful today. The Conservatives are now saying that they will retroactively force students to burn their textbooks, destroy all that information, and they are doing it because lobbyists said that should be put in the bill.

The member for Timmins—James Bay, who is our digital critic, has talked about some of the other aspects of the bill and how they would make criminals out of ordinary Canadians. The government seems obsessed with trying to make everyone a criminal. However, the government has also put anti-circumvention rights on digital locks within the bill. This means that the simple action of copying information for personal use would make those individuals criminals. We are talking about very draconian penalties of up to \$1 million that are contained within the bill.

Government Orders

We have spoken out against the digital lock provisions. We have spoken out against the retroactive book burning that the Conservatives now want to force on every student in the country who gets electronic textbooks. We have spoken out about that because Bill C-11 is simply bad legislation.

We are standing up for the rights of students to keep their course material. We are standing up for the rights of Canadians to copy material for personal use. We have said that we need to modernize the Copyright Act but not in this right-wing, ideological, lobbyist-based crusade that the Conservative government has brought about with some of the provisions in the bill.

We have offered to bring forward constructive amendments to change the retroactive book burning provisions and to change the incredible aspects around the digital locks and the criminalization of Canadians. However, the Conservative government, in its incredible arrogance, has said no, that it will not listen to Canadians on this. It will not even listen to Canadians in committee. It will simply try to ram the bill through.

Well, we are speaking out against this legislation and we are speaking out against the bad provisions that the Conservatives have put in it.

• (1525)

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, it is good to hear that the hon. member is changing what he said last time. The last time he stood in the House, he talked about students having to burn their course notes; he has somewhat modified that statement, because he knows it is not true. The other thing he mentioned was making consumers into criminals for circumventing digital locks. He says he has read the bill, so I will ask him about two sections.

First, where in the bill does it say that individuals who circumvent digital locks will be made criminals? What part of the bill criminalizes them?

Second, could he point out any part in the bill that talks about students having to burn their personal course notes? I am talking about students who have created notes and done their work. Can he point out the specific clauses of the bill that criminalize individuals for breaking digital locks and point out any place in the bill that says students have to burn their personal notes?

Mr. Peter Julian: Mr. Speaker, the member is doing it again. He is doing it yet again. The poor quality of interventions from Conservatives in the House of Commons is incredible.

He did this a few days ago in debate. He tried to confuse course textbooks with handwritten course notes. Of course, everyone asked what he was talking about, and he was unable to explain it. He still continues to deny that course textbooks are in the bill.

I just read proposed subsection 30.01(5) twice. I read it twice, yet he still stands and says he has not read it anywhere. He has not read the bill and he has not bothered to look at the bill. I am not going to read proposed subsection 30.01(5) for a third time. I am simply not going to do it yet again, because the member should be doing his work and reading the bill on his own. Then he would realize that this is bad legislation and that he should be voting against it.

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, I listened with great interest to the member's speech and I too am appalled with this bill.

As an educator and a textbook author, the reason I write textbooks is not to make money but to provide students with information and material that they can take with them not only during the course but afterward. They can refer to it for future courses and, as the member alluded to, later in life when they have graduated. I wonder if my colleague would elaborate on that aspect a bit further.

Mr. Peter Julian: Mr. Speaker, I compliment the member for Burnaby—Douglas for his questions and the interventions he makes in the House of Commons. He comes from a proud history of NDP representation in Burnaby—Douglas: former members Svend Robinson and Bill Siksay. He has filled very large shoes. He is filling them in a very compelling way, and very eloquently. We are happy to have him in the House of Commons.

• (1530)

Mr. Royal Galipeau: Tommy Douglas.

Mr. Peter Julian: The member points out Tommy Douglas, but that was not the riding of Burnaby—Douglas. That was the riding of Burnaby as a whole, which is now half mine and half his. I thank the member for Ottawa—Orléans for his point on that.

Proposed subsection 30.01(5) is absolutely deplorable. Within 30 days of their course evaluation, any students listening to us today would have to burn the course textbooks they received electronically. As the member for Burnaby—Douglas just pointed out, textbooks are essential for the long-term education of our students. Even today, students who graduate continue to use their course textbooks. It is absolutely absurd for the Conservatives to say they should be ripped up and burned and that students who did not do so would be breaking the law.

It is becoming evident in this debate that no Conservatives have actually read the bill. What they have done is read the PMO's talking points. They have not read the actual legislation. I implore them, before it is too late, before the vote, to read the bill and find out what it actually contains.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, perhaps the previous speaker could give me a copy of that bill. I can read it to them another time.

Everyone agrees that Canada needs copyright reform. Everyone agrees that this reform should be fair to all parties, creators and consumers. Striking this balance is not an easy task. Given this general consensus, I am disappointed that the Conservatives' copyright bill has very little to do with the interests of Canadians and everything to do with appeasing U.S. studios and other large content owners. When will Canadians have copyright legislation that works for us?

Government Orders

The Conservatives ignored expert opinions raised in the committee and the findings of their own copyright consultations in 2009. Artists, educators, consumers and students all weighed in during the committee hearings, providing the Conservative Party with balanced information and weighted insight. Unfortunately, this information has been summarily ignored. As a result, the bill in front of us is a misguided piece of legislation and may end up doing more harm than good.

The copyright modernization act essentially gives with one hand while it takes with another. Conservatives continue to not deal with the issue of extending the private copying levy, as the NDP and many experts propose. The private copying levy has worked efficiently in the past for cassette tapes, CDs and DVDs. While this bill contains a few concessions for consumers, they are unfortunately undermined by the government's refusal to compromise on the single most controversial copyright issue in this country, which is digital lock provisions.

Digital locks supersede other rights guaranteed in the charter. They are a blunt instrument that does not distinguish between personal use and copying with intent to sell. In the case of long-distance education, for example, people in a remote, isolated community would have to burn their school notes after 30 days. This is hardly an improvement or an appropriate use of copyright law. Just in case our Conservative friends across the way do not know that section, I will remind them again that it is proposed subsection 30.01(5), and I will read it again if they choose to ask me their questions.

If we begin from the premise that a successful act would balance the right of creators to be compensated fairly for their work and the right of consumers to have reasonable access to content, then we can only conclude that Bill C-11 must undergo revision before this act can serve Canadians.

Here is what the Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic said on the digital lock provisions. It stated, in part:

Unfortunately, the bill also succumbs to U.S. pressure and makes fair dealing—including the new exceptions for the many ordinary activities of Canadians—illegal whenever there is a "digital lock" on a work. A digital lock will trump all other rights, forbidding all fair dealing and keeping a work locked up even after its copyright term expires. Overall, these digital lock provisions are some of the most restrictive in the world. To achieve a fair balance between users and copyright owners, the government needs to fix the digital lock provisions before this bill passes into law.

The Writers Guild of Canada said:

The only option that [the bill] offers creators is digital locks, which freezes current revenue streams for creators, and creates an illogical loophole in the copyright Bill by taking away the very rights the Bill grants to consumers in its other sections.

The government has said it is giving rights holders the tools they need in order to develop products, market them and get paid for them, and that this is about protecting creators from piracy, but digital locks are neither forward-looking nor in consumers' or creators' best interests. Digital locks, at the best, will simply freeze current revenue streams for creators.

• (1535)

On the one hand, the bill will deprive some citizens of access to works they have already paid for and have every right to use. It will be illegal to remove a lock, even if done so for a lawful purpose. If someone locks himself or herself out of the house, we do not drag

them off to jail for trying to enter his or her locked property; why should digital property be any different?

On the other hand, the rights and interests of creators are not being supported either. It should simply be enough to quote SODRAC, the Society for Reproduction Rights of Authors, Composers and Publishers in Canada, which states that:

...the bill tabled in the House of Commons will significantly affect creators' revenues.

By that I believe SODRAC talking about at least \$30 million.

It continues:

Moreover, the desired balance between the interests of creators and those of consumers and users is, in our opinion, completely absent. Thus, it is imperative that [the bill] be revised before it is ultimately adopted into law.

We believe this copyright modernization act should not make criminals of everyday Canadians who break digital locks for personal non-commercial use.

We support amendments that actually benefit Canadian content creators, as these artists need the revenue streams. We do need a copyright modernization act, but we need one that is balanced and genuinely concerned with Canadian artists and Canadian consumers. Right now, the bill will leave all sides unhappy. It is one that has fallen short of its responsibility.

As I have a few more minutes, I will once again read the section that my friends are talking about. My colleague read it twice, but maybe after three or four times they may finally get it.

This is proposed subsection 30.01(5) at page 23 of the bill. It is speaking to reproducing lessons. These are students who are using notes.

It states:

It is not an infringement of copyright for a student who has received a lesson by means of communication by telecommunication under paragraph (3)(a) to reproduce the lesson in order to be able to listen to or view it at a more convenient time. However, the student shall destroy the reproduction within 30 days after the day on which the students who are enrolled in the course to which the lesson relates have received their final course evaluations.

I know how students work. Sometimes an assignment can be given for a term. When students have a document in front of them, it is not always possible to deal with all elements of that document within 30 days. Some documents, although they have been received completely legally, take a lot more time to go through.

The bill was introduced on September 29. We are near the end of November. If some members of the Conservative team over there have taken more than a month and a half to read the bill, how could they expect students to take a document that they have a right to study and destroy it within 30 days? That does not make sense.

Government Orders

Certainly, this component makes criminals out of ordinary Canadians. The people who would suffer most would really be the students and the artists who are not getting the fair compensation they should. We all know that these artists help to create an identity for Canada. A lot of artists live in poverty; they need more funds, and this bill does not serve them.

● (1540)

Mr. Gordon Brown (Leeds—Grenville, CPC): Mr. Speaker, I listened very closely to the hon. member's presentation on the bill.

We all know that the government had serious consultations across the country on this bill over the last couple of years. This is the same bill that was Bill C-32 in the last Parliament. I happened to have been the chair of the special legislative committee that looked at the bill and heard from well over 100 witnesses from 75 different groups.

We heard time and time again that Canada was seen as an outlaw. Canada had become a haven, an enabler, for pirates to steal intellectual property. Investments have not been made in our country in terms of businesses that want to have protection for intellectual property.

Would the hon. member support getting this bill to committee, so that once again we could hear those facts and stop Canada from being a haven for outlaws and pirates that steal intellectual property, so that investments in the Canadian economy can be made?

Ms. Olivia Chow: Mr. Speaker, I do know that Canada needs a new copyright act. No one would deny that. It needs a balanced act that would benefit artists and ensure that the people who are using the materials legally are not punished.

I was at one of the consultations in Toronto when the former minister of industry, now the President of the Treasury Board, was there. It was at the Royal York Hotel. However, the Canadian Federation of Students tried to come in to express their point of view and for some reason they were not allowed to do so. It was quite unfortunate because one of the fatal flaws of the bill is that it punishes students.

If some fundamental amendments could be made to this bill that deal with the digital lock issues and compensation for artists, then it could be a balanced bill.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, this is to follow on the point of my hon. colleague from Leeds—Grenville who said yes in the House to send the bill to committee to make fundamental changes.

I had discovered several years ago, and it is one of the major issues that I bring up from time to time, that we cannot make fundamental changes once we have said yes in principle to the bill. At second reading, if the majority votes for it, we have accepted the principles and the scope of the bill. Therefore, the fundamental changes that one had wished to put into the bill would not be accepted by the Speaker. It does not matter if everybody in the House agrees with the fundamental changes. The Speaker has the ultimate responsibility to see if it goes beyond the scope and principles of the bill.

To the point made by the hon. member for Trinity—Spadina that there is no grey area on some kind of recourse for a purchased

material that could be transferred to another device, that can be trumped by the fact that we have what is called a digital lock. The bill would give us one of the harshest provisions for digital locks in the world.

● (1545)

Ms. Olivia Chow: Mr. Speaker, I agree that a bill cannot be fundamentally amended that way. The Speaker would say that it would not be in order. In the past the NDP has sometimes tried to get a bill through without a vote at second reading and send it to committee without recommendations so that it could be fundamentally amended. I think Canadians want us to work together that way so that some of these amendments could be accepted at committee. However, I do not think that is how the Conservative government wants to work in this term unfortunately.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am pleased to rise in the House today to speak to Bill C-11.

Like the member for Trinity—Spadina, we both represent ridings, mine in Vancouver and the hon. member's in Toronto, that do have many artists and people who work in the cultural sector. We very much share that in terms of our ridings. We know how much concern there is about the bill and whether or not it does indeed strike the right balance.

Sometimes legislation can go through Parliament and not be noticed very much. Other times we find there is a huge amount of interest in legislation and there are campaigns to try to stop something, like we have seen with Bill C-10, the omnibus bill on drug crimes and other measures.

The bill before us has been very surprising because it is highly technical in nature. It is a complex issue when it comes to talking about copyright. Yet, in my community of east Vancouver, over the last couple of years, there has been significant debate about this issue because people recognize that copyright modernization is long overdue. They have of course been aware that the Conservative government was bringing forward legislation and in fact we have seen a previous version of the bill. It was identical in the last Parliament.

I have actually been surprised in a good way that there is so much debate out in the community about copyright, about the needs of cultural workers, artists, creators, as well as libraries. I am sure like many MPs, I have had visitations from, in my case, the Vancouver Public Library. I think I have met with them two or three times over the last few years about copyright issues.

A hallmark of public libraries is public accessibility. It is one of the few remaining places in our society where, no matter who individuals are, whether they are very wealthy or they are living on welfare and below the poverty line, they have access to a public library. It is a public institution. It is publicly owned and the services are publicly accessible.

Government Orders

Issues of public access and copyright are critically important when it comes to public libraries. The Canadian Library Association, the B.C. Library Association and the Vancouver Public Library have all brought forward very thoughtful comments, proposals and ideas about copyright, and what needs to be done. It has been a very interesting process to see the level of engagement around the bill.

Our copyright critic, the member for Timmins—James Bay, has done an incredible job of staying on top of this issue. As New Democrats we do believe that copyright modernization is long overdue. There is no question about that. I do not think there is any disagreement from any of us about that reality.

Obviously, the issue before us here today, though, is the bill. Does the bill, as it is currently manifested, contain the right balance in terms of public access for students? We just heard from the member for Trinity—Spadina who read one clause of the bill that seems particularly onerous. Is there an adequate balance of those rights and provisions in terms of protecting creators' artistic copyright as well as ensuring that there is public access?

Our member for Timmins—James Bay has gone through this with a magnifying glass in great detail and has also had numerous public consultations, town hall meetings, and an enormous response from stakeholders. He has come to the conclusion, and we have had discussions about this within our own caucus as well, that the bill unfortunately does not have the right balance and, in fact, there are many glaring problems. In some situations, and this is very unfortunate, the bill itself would even create problems when none existed before.

● (1550)

The principle of modernization is good but, of course, the devil is in the details, as we all know. It is really important that if this particular bill, as it is being debated in the House at second reading, which is in principle, does go committee, and I assume that it will because the government has a majority, there be a very close examination. We want to ensure that copyright laws in Canada can balance the right of creators to be fairly compensated for their work and the right of consumers to have reasonable access to copyrighted content.

I know that the government believes that the bill would do that. Unfortunately, upon close examination, we believe that there are serious problems with the bill, that there are flaws, and that if there is a genuine interest to work on the bill and to improve it, then I think we could end up with a bill that would actually reflect the balance that we all want to see.

I say that with maybe some optimism and hope, but also with the knowledge that this is the government that has rammed through legislation in the last few weeks since we came back and brought in time allocation, I think it is seven times now, and is hell-bent on forcing Bill C-10 through committee and having it come back into the House.

I truly believe that if as legislators we are to do our job, one of the most important processes of the legislative process is what happens in committee and it is not a matter of just playing for time or being frivolous. There is a real process that takes place. I have been part of that on a number of committees over the years and I know other

members of this House have as well. When that happens, we actually can end up with something that is a better product, that is truly a reflection of what experts are telling us and what the perspective is of the political elements within this House.

I do hope that on this bill, because it does have such a long history and it is now the third time around that it has come forward, there actually will be a commitment from the Conservative government and the minister to allow the committee to actually do its work, and then it would not just simply be rammed through.

There are people in Canadian society who are incredibly expert on this issue. They do need to be heard. Now, I know the government is going to say it did all these consultations and it has done it all. This is before a legislative committee, though. This is part of a real process where people need to be heard.

The NDP is willing to work on this bill. We think there are serious problems, but we are willing to work on it. However, in its current form, it is not something that we think is supportable.

In terms of some of the specifics which I would just like to go into, one of the problems that we have is that this bill would formally enshrine in legislation commonplace grey area practices that enable users to record TV programs for later viewing as long as they do not compile a library of recorded content, which is often called time shifting, transfer songs from CDs onto their MP3 players, called format shifting, and make backup copies.

We are also very concerned that it would create new limited exceptions to the fair dealing provision of the Copyright Act, including the exceptions for educators, and exceptions for parody and satire that Canadian artists have been asking for. The exceptions to fair dealing contained in Bill C-11 represent some of the most contentious elements of the proposed legislation.

I know that there is also a very serious concern about the digital locks and that this would override many aspects of the balance that is being sought here. Experts like Michael Geist and the cultural industries have all spoken to this issue. For example, Michael Geist, who is a renowned technology commentator, said:

The foundational principle of the new bill remains that anytime a digital lock is used—whether on books, movies, music, or electronic devices—the lock trumps virtually all other rights.

This clearly is a problem and something that needs to be fixed.

● (1555)

The statement of cultural industries, which represents 80 arts and cultural organizations across the country, argues that the bill may be “toxic to Canada's digital economy” and has a lot of concerns about the bill. The bill needs to be changed and fixed. If there is goodwill from the government to do that, and it acts in good faith, then maybe that is possible to do.

Government Orders

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, could the hon. member expand a bit on some of the discussions she had with the stakeholders with respect to online piracy and how we could do a better job to ensure Canada would no longer be a haven for online pirates?

We know that in Europe there is much greater support for TPMs and that has not actually reduced the availability of content online. Does she have any rationale for thinking Canada's less stringent use of TPMs through the bill would somehow reduce the availability of content for Canadian consumers? How can we on one hand suggest that we will protect Canadian consumers, but on the other hand try to bring forward a levy that would make it far more expensive for consumers to access these types of products?

Ms. Libby Davies: Mr. Speaker, we believe a bill can be formulated that strikes the right balance. Unfortunately, this bill does not do that. I have a whole list of organizations and individuals. I mentioned one, Michael Geist. I mentioned the statement of cultural industries. However, many other organizations and individuals are bringing forward very legitimate concerns, not only on the digital locks but on other issues. They include the Writers Guild of Canada, the Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic, the Society of Composers, Authors and Music Publishers in Canada, Howard Knopf, who is a patent lawyer, the Society for Reproduction Rights of Authors, Composers and Publishers, and the list goes on and on.

It is very difficult to deal with the individual aspects of the bill. This is why what we want to hear that the government is committed to hearing what these people have to say in committee and that it is willing and open to addressing the inconsistencies and problems within the bill.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I am not sure if I agree with the statement about TPMs being harsher in other regions of the world. Other people dealt with the same issue, when digital locks were really stringent in the beginning, and then eased back on some of those restrictions later on, especially when it dealt with the education exemption.

One thing that gets overlooked in the House, and also gets overlooked in the bill, is the issue of artist resale rights. Basically, it allows artists in many other countries, especially Europe, to gain a percentage of sales as they sell their works of art. This would be a great situation for Canadian artists. As the art appreciates in value over the years, that percentage will certainly be beneficial, especially in the aboriginal communities where we have a lot of art at play. Could my hon. colleague comment on that?

• (1600)

Ms. Libby Davies: Mr. Speaker, again, I know in my community we have very well-known and renowned artists who travel internationally and have shows. Our ability to support our artists in the international setting is very important, but it is also important to ensure that as artistic creators they have some control over their work, that where wealth and value is produced, they have the ability to share in that. That is a very important principle.

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, over the last six months I have heard a number of debates in the House. From what I have seen in the last six months, the Conservatives are against small businesses because they will be increasing taxes. They are against veterans because they cut their funding. With this bill, it would appear they are against the consumers. Could my hon. colleague elaborate on that?

Ms. Libby Davies: Mr. Speaker, that is one of the problems with the bill. It includes some very onerous provisions in terms of public access, but it also has problems for artists. I guess we could add two more groups to the list the member has brought forward, and that is consumers and artists. Many of these groups want to speak out on the bill.

Again, we want to know if the government is willing, in good faith, to work on the bill, to hear what people have to say at the committee and to fix the flaws in the bill.

[*Translation*]

Mr. Matthew Dubé (Chambly—Borduas, NDP): Mr. Speaker, I am very pleased to rise to talk about this bill. In Quebec especially, we understand the importance of protecting our creators and being able to use their creations. That is the crux of the NDP's position on this bill. A balance must be struck between protecting consumers and allowing them to contribute to our culture in that way, and the creators' right to be adequately protected.

In my speech, I am going to address a specific aspect of the bill: its impact on education, and opportunities for teachers to teach and for students to take advantage of what is provided for them during their studies.

By way of introduction, I am going to cite a few interesting statistics. Libraries are increasingly popular in Quebec. There has been an uptick in revenue and the number of items loaned by libraries since 2002. It is worth noting that in 2007 alone, there were about 300 million items loaned out by libraries in Quebec. There is a clear trend in terms of Quebecers' desire to share and participate in this creation, in culture, in education and in teaching.

Having said that, I have had the opportunity in recent months, since the beginning of my mandate, to meet with many stakeholders on this issue, particularly from the education community. For example, the Fédération des associations étudiantes du campus de l'Université de Montréal, the Association of Universities and Colleges of Canada, and the Canadian Alliance of Student Associations have all had an opportunity to share their opinions on this bill. Having referred to these groups, I would now like to turn to their opinion of this bill.

The major problems with this bill have been discussed on several occasions, but I would like to revisit the issue of fair dealing. The bill has a clause that pertains to "fair dealing" in an educational context. It is important to stress that other clauses in the bill contradict the concept of fair dealing. Allow me to explain.

Government Orders

To begin with, there is the concept of digital locks. This is the kind of proposal that requires a collaborative effort on the part of both government and opposition members. As my colleague from Vancouver East mentioned, we agree entirely that in this digital era, in 2011, it is very important to take a look at technology and its potential impact on creations and copyright. However, in the case of digital locks, there is no fair deal for students and teachers. They would be treated in exactly the same way as an individual flouting copyright.

That means that if a student or a teacher uses a creation that is available in a digital format for purposes that do not breach copyright, they would be punished in the same way as an individual engaging in piracy. It would be tantamount to breaking the law and breaching copyright. The other factor that impinges on fair dealing is the mandatory destruction after a five-day period of digital documents obtained via inter-library loans.

When you are a university student, you often have an opportunity to take part in programs for sharing between various libraries. When I was attending McGill University, I was able to borrow documents from other universities such as the Université de Montréal, Concordia University and the Université du Québec à Montréal—UQAM — and it was very helpful. Not all universities have expertise in every subject and they do not all have the same resources. So this allows a student or professor to share various resources and thus to expand their knowledge and the knowledge of the people they teach.

• (1605)

In this case, it is completely absurd to say that the documents should be destroyed or returned after five days. To think that in five days a student will be able to get everything they need out of the documents they have borrowed and be able to use them in their work for the purposes of education is to fail to understand what life is like for students today.

This is the kind of thing we could rework to be sure we find a happy medium, to take into account the reality of the digital era in 2011 and at the same time allow students to get the full benefit of works that have been produced precisely to contribute to their education.

And the third point that runs counter to the fair dealing aspect in this bill is the destruction of course notes 30 days after the end of a session. Once again, this presents a problem, because we are talking precisely about copyright, when the student has already paid for the copyright attached to their course notes. They contributed to that process, and they would be obliged to destroy their course notes.

This is not the only problem. First, a student who has already participated in a process and who wants to benefit from a situation and benefit, by personal use, from the education they have paid for is being prevented from doing that. That being said, we are talking here about private and personal use and not public use, which actually would infringe copyright. And second, this situation also affects professors who want precisely to adapt the material so they are better able to work with students who need special material because of a disability, for example.

This problem has been raised by the students I have had the good fortune to meet during my term, and in my opinion it is a very serious problem.

I also mentioned that we have had an opportunity to meet with professors. That is interesting, because often, at the university level, professors are not just the people who communicate the information in question, they are also the creators, the authors in this situation. I am thinking in particular of the people at the Fédération québécoise des professeurs et professeurs d'université, who were so kind as to share their concerns about this bill with us. Specifically, they talked about the three points I have just mentioned, which run counter to the concept of fair dealing. But they also talked, in their own way, about teaching their courses better.

That is a very important point, because not only would students have to destroy class notes, but the course instructors would also have to destroy their course plans. And that is problematic. First, course instructors have to start somewhere. They have to learn from their own mistakes or successes in doing their job. They should be able to reuse a course plan—something they created from whatever was available—to do a better job the next time or improve on a job well done.

There is another, similar problem: course instructors are often asked to come up with innovative ideas and improve how they do their job, but they are also asked to find ways to keep youth interested and make the education system and teaching interesting. If the instructors know they will be forced to destroy their work 30 days after a session ends, where is the incentive to work hard to improve the process? They will not want to put in more time than necessary, knowing full well that in a year or in four or six months, they will have to start over. Those are a few of the issues that come up.

To conclude, as my colleagues said, we are looking for a compromise. We know that we need to adapt to the digital age and that important provisions need to be implemented. However, this needs to be done for creators and consumers, not for the large corporations and big businesses that will reap the benefits to the detriment of our creators and users.

• (1610)

Mr. Tarik Brahmī (Saint-Jean, NDP): Mr. Speaker, I thank my hon. colleague and neighbour from Chambly—Borduas. I really liked his approach and his perspective when he talked about the fact that, when it comes to academic work and students, the goal is not to make money, but really to enhance students' knowledge and enrich this country through our students.

I wonder if my colleague could elaborate on the point of view of students, specifically, the fact that they do not want to profit or make money from course notes, but rather enhance knowledge and improve the lifeblood of the future.

Mr. Matthew Dubé: Mr. Speaker, I thank my hon. colleague and neighbour. We share a very beautiful region. That said, he raises an excellent point, because I think that is where we wanted to go with our comments and arguments about this bill.

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For instance, the United States has the Copyright Act, which protects schools, libraries and their staff—including librarians, researchers, teachers and users such as students—in situations in which, as we know, the use of the information and the creations in question is meant to benefit the individual, the student in this case, in the context of his or her instruction and education. In such a context, I think any reasonable person would agree that this use does not infringe copyright. No one is trying to pirate anything or do something that goes against the interest of an author or creator; rather, they are simply trying to improve themselves and take part in a dialogue when it comes to artistic, cultural or other creations.

[*English*]

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, I hate going back to this section, but the bill just simply does not say, as the member for Trinity—Spadina and the member said, that students will need to burn their school notes after 30 days. It is simply not in the legislation. I am not certain why the NDP continues to suggest to Canadian students that they are going to be forced to burn their school notes after 30 days when it is just simply not in the bill.

Could the member point out the section where it specifically says that students will need to burn their notes with respect to the course material? It is not the section he is reading, because I read it in French and English and it does not say that. It says nowhere in the bill that students will need to burn their course notes.

The second point is about balance. The member says that we need to protect creators, but then he says that those creators who want to protect their works with a digital lock are somehow wrong.

How does putting a levy on consumers protect or help consumers? How does it make it more affordable for consumers by putting on a levy such as the NDP is suggesting?

• (1615)

[*Translation*]

Mr. Matthew Dubé: Mr. Speaker, there are many points to address in my colleague's comments. I will try to do so in the time available to me.

First of all, I would say that we are not talking about punishing creators. I do not see a contradiction in what I said because, in this situation, we are talking specifically about having a certain flexibility in the bill with respect to appropriate uses, as in the case of education. Naturally, if we are talking about an artist who makes music or a movie, for example, in that case we are very open to finding ways to protect creators and to ensure that they receive their fair share because they make a substantial contribution to our society. At the same time, it is very important to point out that, in this case, we really are trying to make exceptions for students for the purposes of education to improve our society.

I will quickly touch on the other point mentioned by my colleague. The bill does not specifically state that students have to burn their course notes. However, it is understood that this is implied by the bill. These are concerns expressed to us by students and professors, and not the other way around. As the elected members of this House, we must convey the concerns of the people in an environment that benefits greatly from these creations.

[*English*]

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, I rise today to speak to Bill C-11, the copyright modernization act.

This bill is a redirection of Bill C-32 from the last Parliament, that contains sweeping changes to our copyright laws and it has received a huge amount of opposition. I have received hundreds of letters from my riding, which I will talk about later.

The copyright modernization act in this country is long overdue. There is no doubt about that. Changes need to be made. Unfortunately, my Conservative colleagues have taken the wrong approach on this and the result is that Bill C-11 is filled with holes and problems. Conservatives could have used the expert opinions heard in committee to help draft this legislation or they could have followed the findings of their own consultations in 2009. Instead, as we have seen many times, they ignored the facts, and they have also ignored the facts from the experts, and ended up reintroducing fundamentally flawed legislation. This does not reflect the best interests of Canadians and might end up doing more harm than good.

I have received hundreds of letters from my constituents and talked to a number of them over the phone. Here are some of their concerns. They say that their rights are trumped by an all-encompassing protection for digital locks and that the empty circumvention provisions included in Bill C-11 give too much power to corporate copyright owners to exercise absolute control over Canadians' interaction with media and technology. The letters say that they are concerned about the bill's unintended consequences generated by the broad protection for digital locks and they do not want to hand control of Canadian digital rights over to corporations.

I am going to read some of their names so their opposition to this bill will be recorded in this House. I received letters opposing Bill C-11 from: Christopher Madge, Tyler Goulding, Kyle Geddes, Nick Gailloux, H. Hinkel, Michael Leung, Philip Qumsieh, David Martin, David Lysne, Lance Hathaway, Reg Natarajan, Darya Smirnow, Quinton Weir, Bill Dagoe, Rod Kovacs, Amanpreet Bains, Vah Jazle, Luke Zukowski, Alex Weatherston, Michael Ross, Daryl Christensen, Owen Morley, Sally Hawkins, Colinda Lovely, Ross Smirnov and Gloria Maria Fredette.

These people are moms and pops, consumers, educators, professionals. They come from different backgrounds. They cover a very wide perspective in opposition to Bill C-11.

I responded to these constituents by telling them that New Democrats believe strongly that Canada's copyright legislation needs to be brought into a digital age, that we need to fix this. There is no doubt about it, from this side of the House, and we have pushed to make this happen. Members have heard the speeches we have made here this afternoon and no Conservative is speaking up on this particular bill. New Democrats share the concerns. I share the concerns that my constituents have shared with me and that is why I am speaking here today, on their behalf.

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• (1620)

New Democrats believe that access for consumers and remuneration for artists are crucial to copyright in a digital environment. Rights that are guaranteed to citizens under existing copyright legislation should not be overridden. Furthermore, we oppose the digital lock provisions that go well beyond our obligation under the WIPO copyright treaty.

Another concern is that this bill offers consumers rights they will not be able to exercise. The blanket provisions for digital locks would allow corporate interests to decide what legal rights people may or may not exercise, which would ultimately hurt artists, educators, students and, of course, many other consumers.

Unless the government is willing to amend the digital lock provisions and restore royalty provisions for artists, frankly, I cannot support Bill C-11. There are measures within the bill that New Democrats cannot support and measures that we can support. We would like to see this deeply flawed piece of legislation improved and I request that of my colleagues opposite.

We would like to amend the digital lock provisions to make sure that there is a balance between the rights of creators to protect their work and the rights of consumers to access content to which they are legally entitled. We want to make sure that students and educators have fair access to works in the classroom. I encourage the minister and members of the government to listen to the concerns of citizens across this country. Educators, students, artists and many others are writing letters, signing petitions and speaking out against the glaring problems contained in this flawed legislation, Bill C-11.

There are many groups validating our position: the Writers Guild of Canada; the Society of Composers, Authors and Music Publishers of Canada; and over 80 arts and cultural organizations from Quebec, British Columbia, Ontario and across the country. I encourage my colleagues to listen to their concerns so that we can make amendments that make sense for Canadians and we can have a balanced bill that works in the best interests of Canada.

We need to create a fair royalty system for creators, one that supports the digital economy and the creation of creative content by Canadians. Copyright laws in Canada can balance the right of creators to be compensated fairly for their work and the right of consumers, educators and students to have reasonable access to copyrighted content.

We need to make our copyright laws better, there is no doubt. New Democrats are willing to work with the Conservatives to move this copyright bill into the 21st century. I urge my colleagues to listen to the suggestions that we have offered to amend the bill and make it better, so that we can move into the new digital age.

• (1625)

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, I was listening to my colleague's speech and I wanted to raise something really important to all Canadians. It is about jobs and the economy.

I would like to mention an industry that he should be aware of because it is a huge industry in British Columbia and in Quebec. It is the video game industry. I will give an example. A video game

company spends literally tens of thousands of hours to put together a video game. This intellectual property is very important to them for their business model. Theoretically, a member of Parliament in the NDP could take that video game and, because of the technology, the member could break that lock and upload it onto the Internet. Everyone around the world could now be utilizing that intellectual property, that video game that the creator or the industry put tens of thousands of hours and millions of dollars into developing it.

I see that as a fundamental breach of personal rights and property rights. If the NDP holds onto this position, as the member has said, the NDP will not supporting any piece of legislation that has digital locks, hundreds of jobs in British Columbia would be lost and hundreds or thousands of jobs in Quebec would be lost.

I was wondering how the member could reconcile this. Different models can be put forward on the Internet. People can download and share games in different ways. However, if I, as a consumer, choose to buy a video game that has a digital lock, what is wrong with that? What will the member say to all of his constituents in British Columbia who could lose their jobs because of this irresponsible policy of the NDP?

Mr. Jasbir Sandhu: Mr. Speaker, it is funny that the member talked about jobs. We have lost 72,000 jobs in the last month and that is because of economic inaction on the government's part. We have been encouraging the government to get an economic policy in place so that we can generate jobs. I am glad the member is talking about jobs. Small businesses are the ones that generate jobs in this country. They are the drivers of our economic engine and yet the government will be raising taxes on small businesses beginning in the new year.

I want to answer the member's question very briefly. We need to take a balanced approach. I urge my colleagues to work with the NDP so that we can have a balanced copyright modernization act.

• (1630)

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windor, Lib.): Mr. Speaker, my hon. colleague from Oshawa makes some good, valid points. I think we are getting off the topic of copyright again.

However, before we go on, he is right in the sense that there is a fundamental role for digital locks played in that particular area. As a matter of fact, I think digital locks for the video game industry is a good thing. It is a fundamental concept of protecting the investment to which the member spoke.

The problem is that the digital lock becomes the ultimate machine in the operation, if I can use that term. There are no ways to test, like the burn test, the burn convention test, and the three-step, six-step test, those sorts of thing, that allows, in certain circumstances, such as education, to circumvent that digital lock, the flexibility and freedom of fair dealing. I think that is at the core of it. The points from the member from Oshawa are correct.

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Unfortunately, because the digital locks have gone that far it does not give us much flexibility, so the balance that he is seeking here could be worked out with things like a six-step or a three-step test process?

Mr. Jasbir Sandhu: Mr. Speaker, absolutely. We have been pushing to work with the government, not only on this bill but many other bills, co-operatively to look at solutions and how we can move forward as a country, whether it is on the omnibus bill, the gun registry or the Senate reform.

The NDP has put forward a number of amendments and solutions. We need to have a balanced approach. I would agree with what my colleague has said, that we need to have that balanced approach.

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to rise today to speak to Bill C-11, the copyright modernization act.

As my colleague said earlier, we believe that changes to the Copyright Act are long overdue and we need to bring Canada up to current standards in the tech industries and to meet industrial standards in other countries.

As we can tell from the debate in the House today, this is an extremely complex issue. There are many interests to be considered and it should not be rushed through. That is why we are saying that the overwhelming message from this side of the House is that we have to take in the interests of all groups when we are moving ahead with such a complex piece of legislation.

The key word that we should focus on is balance. We need to find the right mix between the different interests in Canada and to ensure the bill strikes the right balance and that one group is not favoured too much over another group. We, on this side of the House, believe that the bill does not actually hit the right mix and does not actually provide the right balance.

For example, we have heard a lot of talk today about digital locks. We are saying that the provisions on digital locks are too stringent. They tip the balance too far in favour of the very big corporations and do not really look after the interests of a number of consumers and, in fact, may actually hurt artists, not the large corporate artists but the smaller artists.

There is a real danger that consumers will be unable to access content they have already purchased, for example. This tips the balance toward protecting large corporations and not really allowing consumers full access to something they purchased. In some sense, it will actually be more like renting the information than owning it.

We think the bill is tipped too far in favour of industry and needs to be rethought. This whole debate reminds me of the same debate we had in the 1990s concerning drug patents. There again, the balance was not achieved between consumers and businesses. Consumers and one part of the drug industry ended up on the short side of the stick, where the giant pharmaceutical companies ended up with most of the benefits.

I will take hon. members back to that time. In 1992, Brian Mulroney's Conservative government modified the Patent Act under Bill C-91, the Patent Act Amendment Act. The bill eliminated compulsory licences for pharmaceutical products and the law tipped

the balance to patented drugs manufacturers and greatly injured mostly Canadian-based genetic drug industry. There was a huge controversy.

The number of responses that my colleague from Surrey has mentioned and that we have all received on this all say that there is huge controversy on the proposed bill, that we are just rushing through it and that again we are tipping the balance too much toward industry.

In this case, in the reform of the Patent Act in 1992, we really hurt the generic drug industry. Drugs are now more expensive and the R and D that was promised by the giant pharmaceutical companies was not actually invested in Canada as was promised. Bill C-91 was viewed by many as a major victory for giant pharma. It offered greater patent protection to those big companies, it abolished compulsory licensing and it created regulations to ensure generic drugs did not infringe upon the patent.

As we argued in that case and we will argue in this case, we need to look at all the people who would be affected by the bill, and we are not feeling that the current bill, Bill C-11, hits the right mix.

We do think, however, that modernization is long overdue, as we have stood up and said many times in the House. However, the bill has too many glaring problems and, unfortunately, it even creates problems where none currently exists. The ultimate test of bad policy is when we actually cause more problems than we are fixing.

We have suggested and will continue to suggest a system to create a fairer royalty system for creators. These industries generate a lot of profits but we want to ensure they are shared evenly among creators.

I find it troubling how Bill C-11 would wipe away millions of dollars in revenue for artists, local artists, artists from the Canadian Independent Musical Artists. It would hurt this community and it really would not provide any new opportunities for artists' remuneration. It would give with one hand and take away with the other.

● (1635)

Many people share our fears. We on this side of the House are not making this up. We have had plenty of people say that they are against this. For example, the Society of Composers, Authors and Music Publishers of Canada, which is a group I used to be part of when I was a professional musician, say that these:

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...copyright law amendments should facilitate access to creative content on new media and ensure that creators are fairly compensated for the use of their creative content on new media. Access must go hand in hand with compensation. Without this balance, the creation of creative content will eventually decrease, as Canadian creators will be unable to make a living.

As a former independent artist, we all know that local artists do not make any money from selling albums. They make money from playing live. We are not talking about Céline Dion or Bryan Adams or any of the large, multinational corporate type of entertainers. We are talking about local entertainers. For example, we are talking about Joel Plaskett Emergency, Stars, The Weakerthans, Said The Whale, Caribou, D.O.A., Arkells, City and Colour, Dan Mangan, Valentines and Billy the Kid, just to name a few artists who are working to produce material to entertain and bring joy to people's lives. They are being left aside under this copyright legislation.

The government tends to favour the big corporations, but does not look after the smaller producers. I will give a sense of what independent artists make. They make about \$12,000 a year. I know this having been one of those artists in the past, I know that members from Toronto and northern Ontario have performed in independent Canadian bands and have travelled in what I deem to be stinky bands, driving from venue to venue. However, artists are not making a lot of money off their album sales. They use their albums to promote themselves and try to draw people to their live gigs where they make their modest living.

The bill should look at the majority of artists in this country who are independent artists eking out a living and make sure that we strike a balance with the laws we are putting in place, not only to protect large corporate interests but also to make life easier for the artists and all the people they entertain.

Other validators of our position on this bill include Michael Geist, a well-known technological commentator. He says:

The foundational principle of the new bill remains that anytime a digital lock is used—whether on books, movies, music or electronic devices—the lock trumps virtually all other rights.

Again, this is where balance has not come into play in the bill. In fact, it is a bit of overkill that we have seen time and time again from the government. It is tipping things too far to one side and not really taking the interests of all Canadians into consideration.

Mr. Geist says that the new digital lock means that “both the existing fair dealing rights and...new rights all cease to function effectively so long as the rights holder places a digital lock on their content or device”.

I will switch as an educator again and speak about the textbooks that I have authored. It is a shame that, under the bill, students, in some cases, would be penalized from keeping those textbooks and using them later in life. They would essentially, as my colleague says, need to burn them because they are digital, which would limit education in this country. Everyone knows that we do not absorb all the information from a textbook. We go back and refer to it as we go through life.

The legislation misses the mark. We need more balance and we are hoping to work with the government to achieve that.

● (1640)

[*Translation*]

The Acting Speaker (Mr. Bruce Stanton): Before moving on to questions and comments, 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 Vaudreuil-Soulanges, Infrastructure; the hon. member for Beauport—Limouliou, Small and Medium-Sized Businesses.

[*English*]

Mr. Gordon Brown (Leeds—Grenville, CPC): Mr. Speaker, I listened closely to the hon. member's presentation. It is clear the NDP and the member will not support the bill. Earlier we heard earlier the member for Trinity—Spadina say that the bill was all about pleasing American movie studios.

The fact is that foreign location production is at \$1.5 billion annually. Film and TV production generated more than 117,000 full-time job equivalents in 2009-10, including 36,000 in foreign location and service production. A lot of jobs are at stake. We have heard that many companies are concerned about the fact that Canada is very much an outlaw in terms of protecting intellectual property.

The hon. member represents a riding in Vancouver and Vancouver is an area that has benefited from much of this film production. Would the hon. member not agree that we really need to protect investment in Canada, even in his own city of Vancouver?

Mr. Kennedy Stewart: Mr. Speaker, that question points out to me how the government has missed the point here. It is not that we are against modernization. It is not that we are against helping companies protect their interests or their intellectual property. What we are against is how far this legislation would go, and it is too far. As with the patent drug act in the 1990s, it will hurt other sectors of the Canadian industry that really need to be protected.

I hope the government will look at the legislation again because there are deep flaws in it.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the bill does send some mixed messages to individuals who are following this debate. On the one hand, we recognize that jobs in the gaming industry for example, whether in Winnipeg, Vancouver or Ontario, are important and valuable. We also recognize that individuals have the right to protect their interests. On the other hand, this legislation gives us serious concerns because it deals with what a student at a local university would be able to keep, that the student would have to dispose of homework. A lot of university students love to keep the work they did during their studies. Some of them will keep it for years. Could the member provide his thoughts on that issue?

There are some good things in the bill, but there are also some things which would have a profound negative impact.

● (1645)

Mr. Kennedy Stewart: Mr. Speaker, as an educator for decades and as somebody who writes textbooks, what often happens is students are not aware of what they are learning as they go through their courses, but it is only upon further reflection that what they are learning sinks in deeply.

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From my understanding, 30 days after a course ends a great deal of the material that a student might collect has to be destroyed. That is contrary to my sense of what learning actually is. The government has to take another look at this because that is not going to move Canada ahead. It is going to undermine our education system. The government has to have another look at it.

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, I also want to share concerns from my area. A couple of universities are in my riding, Simon Fraser University and Kwantlen University.

My colleague has quite a bit of experience as he was a professor at a university. Would he comment briefly on the impact this legislation would have on educators and students?

Mr. Kennedy Stewart: Mr. Speaker, my colleague from Surrey North is a fine educator of high repute in his own right .

The problem is this law is so complex that the ramifications have probably not filtered down to universities and colleges and perhaps even to high schools. That is why we need to discuss this more. The government should ensure that it consults a bit more and talks to universities to find out what they will do to ensure that education continues in the way it should.

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Mr. Speaker, I am pleased to rise today in the House as a representative for the people of Scarborough—Rouge River to join this debate. The issue of copyright modernization is on the minds of many of my constituents and I am happy to bring their concerns forward today.

Copyright modernization is definitely required to bring Canada into the 21st century and to catch up with the technological advances that we have seen since the creation of the existing copyright legislation. We need to reform our copyright legislation in a way that will create a balance between the two fundamental principles that drive copyright legislation: ease of access and the right of remuneration for the creator.

Bill C-11, which is exactly the same as Bill C-32 that was brought before the previous Parliament, does not create balance between the ease of use and the right of remuneration. Instead, the bill is about corporate rights, which is different from copyrights.

The right of artists to have remuneration for their copies is under direct attack point after point in the bill. Instead, there are areas in the bill where the right of artists to be paid is taken away and replaced by a false right, the right to lock down content.

The Conservative government is very partial to locks. We know that. It really understands prisons and locks.

In the introduction to the bill, we heard the minister say that the digital lock would restore the market. I am very skeptical about that. Through my conversations with constituents and friends in the music industry, I have never met an artist who could feed his or her family on a lock. Instead, these artists feed their families on the right they have as artists to be remunerated through their mechanical royalties, television rights and book rights. Mechanical royalties provide a small amount of return for their efforts, but that return is crucial to them, especially to young aspiring new artists.

Therefore, when the government comes along and attempts to strike out, as it does in the bill, the mechanical royalty rights that have been guaranteed under the Copyright Board of Canada, it deprives artists of the millions of dollars that actually make it possible to carry on the works. How is this restoring the market? I do not understand.

The other crucial element, one which New Democrats have asked for again and again, is copyright reform that addresses the needs of Canadian consumers, artists and students in a digital realm. This element is one of huge importance to my constituents.

The bill poses a fundamental problem with its education provisions. The restrictions it would impose on students and teachers are extremely problematic.

Copyright has historically been based around the idea that creation and knowledge must be shared. Historically, copyright law has been designed to facilitate education. Actually, the first piece of copyright legislation ever adopted was Britain's act for the encouragement of learning. Canada's original copyright legislation was designed with similar intentions. The reforms in the legislation proposed by the bill do not, unfortunately, maintain the same founding principles and completely ignore the original intent of copyright legislation in Canada.

The Scarborough campus of the University of Toronto and the campuses of both Centennial College and Seneca College border my riding. The restrictions imposed by Bill C-11 are of great concern to the instructors, professors, students and administrators of these colleges and university as well as other colleges and universities across the country, as I speak to them as the official opposition's critic on post secondary education.

The legislation would require students to dispose of their digital class notes after 30 days, as well as destroy course plans and course notes by professors and instructors after 30 days of the completion of their course. Failure to do so would mean that these students would be infringing copyright legislation. This raises a number of red flags for me. How does this facilitate education?

With advances in technology, more and more students are accessing their post-secondary education in a variety of new ways. Through the use of technology, we can now offer programs in distance learning. This means that students in remote locations, or in locations where their course of choice is not available, can access courses and course material online. With the changes to the copyright legislation that are proposed in the bill, this course material will only be available for 30 days. After such point, the students will be required to dispose of the material at the end of their course.

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•(1650)

This change would not only pose a problem to those pursuing their education online, but to virtually all students. Anyone who has been enrolled in a post-secondary education program or who knows someone who is enrolled in a post-secondary education program recently understands the shift in the digitization currently being made by professors and instructors at many institutions of post-secondary education. I recently attended three of them.

More and more instructors and professors are not only posting their notes, their course outlines and their lesson plans online, along with an array of the supplementary course materials, but they are also providing online forums that encourage the sharing of notes and the continuation of discussion once the lesson is completed for the day.

With the reforms proposed in this legislation, posts that students have put up would now have to be deleted or removed after 30 days. This would be problematic for many reasons, as many of my colleagues have mentioned.

First, this creates a modern book-burning regime, whereby countless sources of information and new thought will be lost forever.

Second, it creates a two-tiered rights system between an analog and paper system versus a digital system, whereby students who keep written notes are not forced to destroy those after 30 days and students who keep digital notes are forced to destroy them. The mandatory destruction of course notes and material is detrimental to all students. Students routinely keep their notes to allow for them to go back and use these notes for further study and completion of related courses. Also, students keep these notes year after year to build a body of work toward getting their degree, certificate or diploma program.

I kept notes from my second and third year courses to use in my masters program and textbooks from my undergraduate degree for my masters program. Now I would not be able to do that.

Last, it creates an unfair barrier to students with different learning styles. This legislation does not allow for an exemption to organizations that provide educational resources in alternative formats to increase accessibility and success of those with learning disabilities. It discriminates against people with learning disabilities.

Related to this, many students are not capable of taking notes, for a variety of reasons, and have notes taken and provided to them by note-takers. Note-takers are of huge importance to the success of many students. Without these note-takers, post-secondary educations would not be accessible to these students. Note-taking also provides a small income to those who attend these extra courses and provide others with notes.

How would the notes of note-takers be affected by the proposed legislation? Would this not hurt them along with the students they provide the notes for if they have to be destroyed?

It is completely shocking and absurd that after 30 days students would not be able to access their own class notes that are made digitally. I have met with many people throughout the education sector and I have never once heard that the destruction of class notes

after 30 days is a good idea. In fact, I have heard the complete opposite. This provision is unacceptable. It is backward thinking and it is needless. It would not protect any business model, but it would have a major detrimental effect on students and on education in our country.

Therefore, for the betterment of our society, that provision has to go. I implore the government to look at this and ensure that it is removed.

The other issue that is of great importance to me and my constituents is that of the digital lock. There is a very important right of creators to protect their work. One of the ways to protect this work is through digital locks. While the protection of a creator's work is extremely important, the anti-circumvention rights for content owners included in the legislation would create a situation in which digital locks would supersede virtually all other rights, including fair dealing rights for students and journalists. Because of this, a situation would be created where digital locks would supersede other rights guaranteed in the charter, such as changing format in case of a perceptual disability. It would also pose a very real danger that consumers would be prohibited from using content for which they had already paid. This would be problematic for many artists and many creators in my community.

* * *

•(1655)

MARKETING FREEDOM FOR GRAIN FARMERS ACT

BILL C-18—NOTICE OF TIME ALLOCATION

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, we know that Canadian grain farmers have what it takes to succeed in an open market, as demonstrated by the staggering growth in recent years of farmers' production of canola and pulses. In order for farmers to realize the potential they have, we need to provide them with certainty for the upcoming growing season and pass Bill C-18 before we rise for Christmas.

I must advise that an agreement has not been reached under the provisions of Standing Orders 78(1) or 78(2) concerning the proceedings at report stage and third reading of Bill C-18, An Act to reorganize the Canadian Wheat Board and to make consequential and related amendments to certain Acts. Under the provisions of Standing Order 78(3), I give notice that a minister of the Crown will propose at the next sitting a motion to allot a specific number of days or hours for the consideration and disposal of proceedings at those stages.

Mr. Kevin Lamoureux: On the same point, Mr. Speaker, I just want to make it very clear that the Liberal Party of Canada does not support the actions that are being taken by the government, knowing full well that a vast majority of prairie grain farmers—

The Acting Speaker (Mr. Bruce Stanton): Order. This is in the form of a notice under a standing order. It is not debatable. The member may know that debating this point is not in order.

The House appreciates the information from the hon. House leader. I am sure members will find the information important for the proceedings.

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●(1700)

COPYRIGHT MODERNIZATION ACT

The House resumed consideration of the motion that Bill C-11, An Act to amend the Copyright Act, be read the second time and referred to a committee, and of the amendment.

The Acting Speaker (Mr. Bruce Stanton): Questions and comments, the hon. Parliamentary Secretary to the Minister of Health.

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, I was listening intently to my colleague's speech and I want to ask her a question about jobs and the economy.

She comes from Toronto, where one industry that relies on digital locks is the video game industry, as I mentioned a little earlier. As a consumer, I have the right to purchase copies of video games in many different formats and utilize them in many different fashions. For example, I can go online and find companies that will sell previews of their games. If people like a game, they can sign up and do it month by month. One business model is to purchase one copy of a game on a disk and utilize that game for one's enjoyment. The business relies on that model to employ thousands of Canadians in her riding and the area of Toronto.

I believe in property rights myself. It is a fundamental right that if I own property, I should be able to utilize it at my desire. If a company wants to sell a locked copy of a digital game, which is its business model, and I as a consumer want to buy it, what is wrong with that? We have heard over and over from New Democrats that they are not going to support any legislation with digital locks, but Canadian jobs depend on this in the member's community. What is wrong with consumers choosing to purchase a certain format and utilizing it as they wish? What does the NDP have against that?

Ms. Rathika Sitsabaiesan: Mr. Speaker, jobs are being lost in this country. There were 72,000 full-time jobs lost in one month. I see that as a big problem. I know that many of my constituents are in precarious employment situations right now and that many of them probably did lose the good full-time jobs that the member across is speaking about, but copyright legislation was created to protect the creators and to have a balance between the rights of creators and consumers. This legislation does not respect that balance.

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Wind-
sor, Lib.):** Mr. Speaker, once again we have gotten off the rails in our debate, which is on the idea that digital locks have become way too powerful. Smashing a mosquito with a sledgehammer is a little much, and we end up without the flexibility around this issue that we need in order to be successful.

I agree with my colleagues about the video game industry and how digital locks protect that investment. There is no doubt that they do, but I would be careful in marrying oneself to the idea that we have to legislate around a particular business model by which this legislation will change every year, not just every five years, as this legislation would suggest.

My question for the hon. member is about the consultation process. What I find particularly egregious is that we have heard from a few particular people and should probably hear from them

again at committee, because she, as a new member, has not heard them yet. I would like her comments about all the people who should be involved in the special legislative committee.

Ms. Rathika Sitsabaiesan: Mr. Speaker, it is important for me and for many of the new members of the House who did not have an opportunity to participate in the consultation process during the last Parliament to hear not only from corporate Canada, large movie-makers and industry but also individual artists, educators and students who are being affected by this legislation.

This legislation affects and boosts not only large industry players; it also affects the small people, the individual students, the universities, the colleges, the professors and the textbook authors who will now have to ensure that their textbooks will not be available to students 30 days after the completion of their course. That is problematic for me.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise to speak on Bill C-11, An Act to amend the Copyright Act, joining other colleagues who have found some of the aspects of this bill problematic.

I am going to approach this bill a little differently from the way some other members have. I think we need to recognize the context of where we are at second reading. This bill is going to go to committee. What I would like to do is dedicate my remarks and focus on a rather direct appeal to members on the government benches to take the opportunity to seize a victory that they could have by putting forward a bill that would have the support of all the groups that are now being critical. I do not think that is impossible at all.

We recognize that there have been some improvements. There is general agreement by all knowledgeable people in this area that we need to modernize the Copyright Act and that we have significant challenges with new technologies. I sometimes think about this place, this room, this House of Commons, and try to imagine our predecessors in Parliament in the 1930s trying to grapple with what we are speaking about today. It is all new, and it changes fast.

Almost as quickly as we might legislate this bill, we will find that we need to make additional changes to deal with new implications and new ways in which copyright becomes recognized and the way in which copyright is challenged creative rights need to be protected.

What I would like to do is concentrate my remarks not in attacking the bill so much, although I do have to attack sections of it, but with a goal of hoping that when this bill goes to committee, amendments will be allowed.

We have seen a worrying trend in this 41st Parliament; it is as though amendments to legislation after first reading are somehow incremental defeats of the government of the day, whereas in fact it is common practice in Parliaments around the world, and certainly in the Canadian Parliament, to recognize that a bill at first reading is not perfect. It can use improvement, and using the committee in as non-partisan a way as possible will bring improvements to the legislation.

Government Orders

When I look at this legislation and what the government has said, I see in the preamble, which always guides statutory interpretation:

...the Government of Canada is committed to enhancing the protection of copyright works or other subject-matter, including through the recognition of technological protection measures,

—and this is the important part—

in a manner that promotes culture and innovation, competition and investment in the Canadian economy;

It goes on to say:

And whereas Canada's ability...is fostered by encouraging the use of digital technologies for research and education;

A tremendous balancing is being suggested here and is being aspired to by the government in its preamble. It falls short, but we do not need to be condemnatory; there is much in the bill that is an improvement. The problems that remain tend to focus in one specific area, and that area has been referenced a good deal in the debate today: digital rights management and the use of devices and technology such as digital locks.

That is just a preamble to my point. We also see in the very beginning of the bill, in the preamble, that the Government of Canada wants our legislation to meet new global norms. It specifically refers to the World Intellectual Property Organization, which I will just refer to as WIPO. That WIPO treaty is one to which Canada wants to adhere.

However, numerous commentators have pointed out that the legislative approach in this bill exceeds anything required by WIPO. I am hoping that the government can pull back slightly—in a significant way, actually—from the parts of the bill that members on the opposite benches find unacceptable. Really, the government has accommodated a lot of concerns and has improved the bill. I know it is virtually the same as Bill C-32 in the last Parliament, but it has gone through some improvements from its first iterations. We are close.

Government members on committee, with the direction from the Prime Minister's Office, I am sure, taking a keen interest in this bill, could actually accommodate the different concerns of critics and emerge with a bill that would earn praise across all parts of the House of Commons.

Professor Michael Geist has been referred to in the debates this afternoon. He is a professor at the University of Ottawa and is the Canada Research Chair in Internet and e-commerce law. I found his comment quite appropriate to my own sense. He criticized the bill initially as flawed but fixable. He still holds to that view—flawed but fixable—so let us fix it.

What he said he finds problematic is that as he sees it, the bill is an omnibus bill that combines two different pieces of legislation.

● (1705)

The first piece is the part that I think I can speak for all members of other parties, but I think it is fair to say that most members in the House find the first bit, which he described as the copyright modernization act, to be quite acceptable, generally good. Maybe some of the restrictions go too far, but overall, it is good progress in copyright modernization.

He describes the other part of the law, which we find unacceptable, and he has given it a title, “The reduce U.S. pressure copyright act”. The problems have emerged in that area.

The problems are in two areas, and I will refer to the first. Briefly, it is constitutional. The constitutional problem is simple to describe. Copyright is clearly an area of federal jurisdiction, whereas property rights are provincial. To the extent that we have intruded into property rights, and provincial jurisdiction, we have a problem. This has been described in a learned article published by professors Crowne-Mohammed and Rozenszajn, both from the University of Windsor, in the *Journal of Information, Law and Technology* in which the authors describe the problem this way:

The DRM provisions of Bill C-61 represent a poorly veiled attempt by the Government to strengthen the contractual rights available to copyright owners, in the guise of copyright reform and the implementation of Canada's international obligations.

Let us de-link them. Let us protect the rights and protect copyright reform without acceding to pressure from U.S. interests, which want to have excessively restrictive controls in the form of digital locks. That is setting aside the constitutional issue.

The next set of concerns I would like to raise really relate to public policy concerns. One of the very strong groups of critics on this matter is the Public Interest Advocacy Centre. I should confess that the Public Interest Advocacy Centre was the organization that initially brought me to Ottawa in 1985. I left a law practice in Halifax to become senior general counsel to the Public Interest Advocacy Centre, not really a conflict of interest but a convergence of my history. I wish to quote their legal position:

Consumers enjoy certain rights to use content without infringing copyright. The presence of technological measures doesn't change that, and neither should anti-circumvention laws. Consumers must be able to circumvent technological measures, like DRM, providing that their access to the underlying content does not infringe copyright.

It goes on to say, “Anti-circumvention laws shouldn't statutorily undermine the values that are invoked in public policy goals such as consumer welfare, free speech, and innovation”. That is a public policy concern that comes from the Public Interest Advocacy Centre.

As members throughout the House will know, the bill has been criticized by many groups, but those criticisms are not in multiple sections of the act. They focus very clearly on the problem of digital locks.

Another group that has taken the digital lock section in its crosshairs is the Canadian Internet Policy and Public Interest Clinic, also based at the University of Ottawa. They point out:

Unfortunately, the bill also succumbs to U.S. pressure and makes fair dealing—including the new exceptions for the many ordinary activities of Canadians—illegal whenever there is a “digital lock” on a work. A digital lock will trump all other rights, forbidding all fair dealing and keeping a work locked up even after its copyright term expires. Overall, these digital lock provisions are some of the most restrictive in the world.

Government Orders

This again is an issue where we are exceeding what is required of us to meet international norms under the WIPO Treaty. The digital lock provisions go too far.

We have heard from members opposite on the government benches that the bill needs to do all these things because we must protect Canadian jobs. I just want to speak to that.

The Canadian arts and culture industry, as we realize, is a very important part of our economy. It is a \$46 billion industry annually. It employs over 600,000 people. The government should take note of the fact that most of the professional organizations that represent the creative force in the arts and culture community collectively and separately have called on the government to amend the legislation, have urged it to amend the legislation.

I will not read out all the names of the organizations, but there is an organization to which I also confess to belong, the Writers' Union of Canada, but beyond that there is also the Royal Canadian Academy of the Arts, Société québécoise des auteurs dramatiques, and the Writers Guild of Canada.

• (1710)

Therefore, I ask the government to consider, why would it be that just about every organization in the country representing creative people appreciate some portions of the bill and find others go too far? With that, I ask the hon. members opposite to please consider amendments, improve the bill—

• (1715)

The Acting Speaker (Mr. Bruce Stanton): Questions and comments, the hon. member for Leeds—Grenville.

Mr. Gordon Brown (Leeds—Grenville, CPC): Mr. Speaker, I know my friend from Saanich—Gulf Islands has put some effort into learning about this issue.

I was first elected back in 2004. I sat on the heritage committee. We heard at that time that Canada had signed the WIPO agreement back in 1997 and yet in 2004 it had not complied with what it had in fact signed. We are now almost 2012 and still we are not compliant with WIPO.

I chaired the special legislative committee on Bill C-32. We heard from 100-plus witnesses. A lot of work has been done on this.

I know that the hon. member has spoken about some very positive aspects in the bill. There is one aspect I want to ask her about because in one part of the bill there is a provision for a mandatory five year review.

The digital economy is changing rapidly. Is that something the member sees as a positive aspect of this bill?

Ms. Elizabeth May: Mr. Speaker, any piece of legislation that includes a mandatory review is a good idea. However, I have had a lot of experience with mandatory five year reviews. I recall the first mandatory five year review of the Canadian Environmental Protection Act. The review took seven years.

I do not think we can count on mandatory reviews every five years, when we know we have an opportunity right now to get it right. Therefore, let us get it right in committee, bring it back to the

House at report stage for its passage, and have it go on to the other place with the digital lock provisions fixed.

This is a rare piece of legislation and that one fix will bring most of the critics on board.

Mr. Jasbir Sandhu (Surrey North, NDP): Mr. Speaker, we have seen over and over where the Conservatives have been inflexible. They have been very extreme in their measures, whether it is the omnibus bill, the amendments being introduced by the opposition, or the gun registry data that the province of Quebec wants to use to establish its own gun registry.

Does the member think that a balanced approach would be more acceptable?

Ms. Elizabeth May: Mr. Speaker, I do. This is a piece of legislation that is so close to fixed that it is in fact fixable. There is one form of pressure, which we believe comes from U.S. interests that want excessive protection through digital locks.

If we look at what Canadians are saying, namely, legal experts, academic experts, and those in the vast field of creativity, whether they are songwriters, writers or artists, they are all saying one thing; that is, fix the digital lock provisions and then we will have a bill we can support.

Mr. Scott Simms (Bonaville—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, my hon. colleague is well-read on this issue. She talks about the preamble very eloquently and brings up some aspects that were pointed out to me, especially with respect to the five year review. Sometimes when one thinks about it, that is even too long itself.

She mentioned WIPO, which was signed around the mid-nineties. It seems as though every time technology pushes ahead, the legislation's regulations are way behind and trying to catch up on how it works. For example, look at how long it took Tim Hortons to catch up with a cafe latte. That is an idea of what we are talking about.

Therefore, if we look at it in this particular sense, I would like the member to comment on artists. One of the glowing omissions to me pertain to artist resale, which is an intensive issue throughout Europe and the world really. For some reason, it is not taken as seriously here.

Ms. Elizabeth May: Mr. Speaker, there are a few holes in the legislation. I have spoken primarily to the digital lock provisions and to the conflict that exists constitutionally. However, there are a number of places where the artists' interests are not adequately protected.

One that comes to mind is what is called the YouTube exemption, where user-generated content might be exempted in order to allow things to be posted on YouTube without going back to the creator and without ensuring that this will really work in the interests of our creators.

Government Orders

Other members have said this today. Most of the people in the artistic community in Canada are not Céline Dion. Most are struggling and producing their income through their performances. They need to protect their creative material. This legislation goes some of the way, but fails to protect them as completely as they should be protected.

• (1720)

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I too am pleased to take part in the debate on Bill C-11. I have been listening for some time to the speeches, comments and remarks made by members on both sides of the House. I feel like I am back in the previous Parliament, when the same legislation, namely Bill C-32, was introduced. Unfortunately, the government does not seem prepared to accept the proposed amendments.

The government often tells us, and members opposite like to mention, that hundreds of people appeared before parliamentary committees, particularly the Standing Committee on Canadian Heritage, regarding this issue. They say that everybody was heard. I do not think so, as evidenced by the fact that, in the end, the government came back with a cut and paste version of Bill C-32. It sure did not listen much to those who spoke on this issue, because no changes were made.

Yet, as my colleague mentioned a few moments ago, it would have been possible to make the necessary changes to this bill. Many people, including composers, are currently experiencing problems because of the new ways used to record music. After expressing their views, they would have liked to see some changes in the new Bill C-11, so that copyright is truly respected and artists, who do not work for free, can be paid based on the fair value of their artistic or creative work.

It is the same thing with piracy. Some witnesses who appeared before the committee when we were dealing with Bill C-32 told us that this legislation did not really deal with what is happening now with the new technologies, which allow people to steal works at will. Obviously, this is also not an issue that was examined when Bill C-11 was drafted because, as I said, it is a cut and paste copy of Bill C-32.

Consequently, there is no way the Bloc Québécois can support Bill C-11 in its present form. It was the same thing with the previous legislation. Our position was exactly the same.

Since I am short on time, I shall limit my comments regarding the Conservatives' bill to the issue of copyright. I do wish to say, however, that a fundamental principle has been forgotten in this bill, and that is that artists need an income to survive and to continue to create. Had this simple principle been upheld—a principle that undoubtedly in the eyes of everyone here is nothing but common sense—we could perhaps have talked business, so to speak.

I would like to remind the House that almost a year ago, on November 30, about 100 Quebec artists came to Parliament to express the opinion I just stated. The brother of our acting leader, Luc Plamondon, was in attendance. Robert Charlebois, Michel Rivard and Richard Séguin were also there. I met someone from my riding, the artist Dumas. All of these people came to Parliament Hill

to tell the heritage and industry ministers, as well as the entire Conservative caucus and every member of the House of Commons, that they wanted nothing to do with the copyright bill that the government was bent on introducing.

I do not think I would be far off the mark if I were to speak on their behalf today and say that they still hold this opinion, since the bill has not been amended.

We know that no one can work for free. If we stop paying artists royalties for their copyright, if we literally take away their livelihood, consumers will also lose out, as they will be deprived of new artistic creations.

We know how things work today. I am a good example of this. I am no whiz kid when it comes to technology. My younger brother is more technologically minded. He is perhaps more of an expert in technology than I could ever be, but what I do know is that I bought a little iPod to jog with. I have a second one that I carry around with me and use in my car. I download music legally. I make purchases, pay the charge, and then I enjoy the music that I have downloaded to my iPod. The upshot is that I am no longer a big consumer of CDs. My wife always asks me what I am going to do with the hundreds of CDs I have collected over the years. I am a little nostalgic and, I guess, conservative—this is perhaps the only area in which that is the case—but I want to hold onto my CDs. They are more of a souvenir than anything else.

• (1725)

Even if there is a compact disc player in the car and at home, people always end up plugging in the iPod. Given that artists are selling fewer and fewer CDs, they have to be able to receive payment for their work in return. If I do not pay them, the artists will no longer produce music, having no resources to do it. So I have just penalized myself because I cannot listen to them any more. I referred to Dumas earlier. I have bought his CDs and I downloaded his last one to an iPod. I have done the same thing for Vincent Vallières. I did not buy his CD, I downloaded it. But these and other artists, France D'Amour and company, have to receive royalties for that.

Nowhere in Bill C-11 do we find solutions to this problem. At present, creators are not receiving their due. The Conservatives refuse to let them have royalties for the use of their works on new media: MP3s, the Internet, iPods and so on. I do not want to be advertising for anyone here, but everyone has them these days. The Conservatives are engaging in enormous demagoguery when they say we want to tax purchases of those devices. In any event, royalties are already being paid. We used to pay them on blank discs and cassettes. That is another problem my wife and I have. I have kept my old cassettes in big boxes. We paid royalties on blank cassettes so the artists could receive their due. Today, those media have changed to MP3s, iPods and so on.

Private Members' Business

We are in favour of a reform of the Copyright Act, but not the reform presented by the government in its Bill C-11. With this bill, the government claims to be protecting creativity. But creators themselves do not share that opinion, including all the ones I listed earlier and many others who returned to the charge on the Hill some time ago. Nearly all MPs had an opportunity to meet with artists who told them the same thing.

Artists' associations have come out against the bill in its present form; they include the Association des professionnels des arts de la scène du Québec, the Association québécoise des auteurs dramatiques, the Conseil des métiers d'art du Québec, the Regroupement des artistes en arts visuels du Québec, the Société des auteurs de radio, télévision et cinéma, the Société professionnelle des auteurs et des compositeurs du Québec and the Union des écrivaines et des écrivains québécois. There are also associations of performers like the Guilde des musiciens et musiciennes du Québec and the Union des artistes. And there are copyright collectives like the Society for Reproduction Rights of Authors, Composers and Publishers in Canada, the Société de gestion collective de l'Union des artistes, the Société québécoise de gestion collective des droits de reproduction and the Société québécoise des auteurs dramatiques. And that is just for Quebec. There are other associations elsewhere in Canada that have said they are dissatisfied with the bill as it now stands.

I want to get back to users and consumers. All of these groups, collectives and organizations work directly with artists. We could say that the users and consumers watching at home who are less familiar with the bill—Bill C-11 is rather technical—will be happy with Bill C-11, since they will be able to more freely use any works they have acquired. At least that is what the government claims. But I want to tell the government that the Canadian Consumer Initiative, which includes the Union des consommateurs and Option consommateurs, has spoken out against the fact that with its copyright bill, the federal government is once again abandoning consumers by giving in to corporate demands.

We are told that the consumer rights provided for in the bill to strike a balance could be restricted or even denied by the entertainment industry. This bill causes problems for both creators and consumers. It must be amended before the members of the Bloc Québécois will support it.

• (1730)

The Acting Speaker (Mr. Bruce Stanton): The hon. member for Richmond—Arthabaska will have five minutes remaining when the House resumes debate on the motion.

It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

EMPLOYMENT INSURANCE ACT

Hon. Denis Coderre (Bourassa, Lib.) moved that Bill C-291, An Act to amend the Employment Insurance Act (waiting period and

maximum special benefits), be read the second time and referred to a committee.

He said: Mr. Speaker, there are times in our lives as parliamentarians when we can and must make a difference. On June 2 of next year, I will celebrate 15 years as the member of Parliament for Bourassa. Every day brings its share of wonderful surprises and small pleasures, and most importantly, we have the opportunity to meet with people who help us do a better job. The person I met with—who is watching us now and to whom I pay tribute—has met most representatives of the political parties. I am talking about Marie-Hélène Dubé.

Unfortunately, following a third relapse of thyroid cancer—she is doing better and we wish her the best—she noticed that there was something unfair about the Employment Insurance Act. Since 1971, there has been no change to the act regarding benefits for persons who have suffered a serious injury, have a serious illness or, due to their individual circumstances, cannot enjoy a normal standard of living. She has cancer, children, and noticed that she was not entitled to the 15 weeks of employment insurance benefits. Obviously, we can always look back and ask what we did when we were in power. We made changes concerning family caregivers, and we did what it took, but it is time in my opinion to play a leading role on this issue.

It is not the first time that this bill has been discussed. We in the Liberal Party have done so, as have we. The NDP and the Bloc Québécois supported it, and members from the Conservative Party did so as the minority government at the time was sympathetic to this cause. It is therefore in a spirit of non-partisanship that I stand before my colleagues and call on them to support my bill, C-291. This will achieve two things. First, it will extend the benefit period from 15 to 50 weeks. Second, there is the infamous two-week waiting period. When you are faced with a major and tragic event in your life, when you are receiving chemotherapy, when you have children to look after, a two-week waiting period is an eternity. It does not make sense. For purely compassionate reasons, I do not see why this person would have to wait two weeks before receiving her first payment.

Honestly, I do not understand the 15-week benefit period. Some have brought forward a petition and have worked with Marie-Hélène in Vancouver. Some people are forced to remortgage their houses, others have to take a part-time job when they are able to work, and then there are those who have to deal with specific family circumstances, and in most cases these are single-parent families. It is not easy.

The role of a government, of a Parliament, is to improve people's quality of life. We do not need to ask 25 questions. It is only logical, since our role is to ensure that our constituents live a decent life. Some of them are terminally ill. The least we can do is tell them that they do not have to worry about other problems. Increasing the benefit period from 15 to 50 weeks would be a good way to tell Marie-Hélène and the 500,000 petitioners that we support them. The NDP has presented a petition. I myself have presented petitions signed by over 75,000 people, and the Bloc Québécois has also done so.

Private Members' Business

If we turn to our families, if we look at our friends and loved ones, there is not likely one member here who does not know someone who is going through this exact situation right now. Unfortunately, cancer is everywhere. I think it is our role, through this private member's bill, to bring them a little peace of mind. It is called solidarity. It is called dignity. This bill could be called "an act to ensure dignity for those who are suffering". This is not a partisan issue. This is not to say that some people are better than others. There is no point in talking about what was done in the past. This is to say that, right now, we are looking towards the future and working together to tell Marie-Hélène Dubé and everyone else going through this problem that we support them and we are working with them.

• (1735)

There are other people, like Carlo Pellizzari of Vancouver, who has lymphoma and, at the age of 26, is facing a situation similar to that of Marie-Hélène. Like her, people decided to not only sign the petition but also bring this situation to our attention.

Our role today is to invite everyone who is watching the proceedings of the House to first sign this petition and to then continue to exert pressure. They can sign the petition on Marie-Hélène's website, which is found at <http://petitionassuranceemploi.com/en/>.

The site provides information and a brief explanation of the situation. Basically, there is a call for an amendment to subsection 12 (3) of the Employment Insurance Act, which would provide some relief for people in this situation. Unfortunately, as I said earlier, they are often in the terminal phase of the illness. However, I believe that it is important for us to do this.

We in the Liberal Party have taken similar action in certain cases. Clearly, this is not the first time that we have reviewed matters related to employment insurance. There are precedents in which, as a government, we took certain action. For example, we increased the period for parental benefits from six months to a year.

The Employment Insurance Act is living legislation. It is economic legislation that requires flexibility. Sometimes, we have to help people who are having difficulty. We cannot be perfect and we cannot fix everything at once, but with this ode to tranquility and dignity we are acknowledging that there are times in our lives when we have to take action. We have conducted pilot projects. When it comes to employment insurance, there are realities and situations specific to the regions. That is why I am putting myself in the shoes of these men and women who are going through extremely difficult times. Do we think that—and forget about the lists or documents that the government would have us read—we can in all decency tell a person with cancer or a person who has sustained a serious injury that he or she will receive 15 weeks of benefits?

Some of us here have had cancer or are in remission and we know that it can take 5 to 15 weeks or even more to recover from chemotherapy or radiation. Imagine what it is like for people in this situation. They are being told that they have completed their chemotherapy and that they are still sick but that they will not receive any more benefits. It is not right. It does not make any sense. Let us ask ourselves this question: when someone is in that situation, is it right that they should have to wait for two weeks before they

receive their first cheque? There are quick ways to eliminate this waiting period.

I would like to pay tribute to my colleagues who brought this issue before the House before me, namely Jean-Claude D'Amours and Michael Savage. These people from my party moved this forward. The member for Acadie—Bathurst has also worked on this file, and my colleague from Jonquière—Alma will be talking about it shortly. It is truly non-partisan. We need to reach out, show solidarity and work together to make a difference. I did not reinvent the wheel. This is not my work; it is the work of a Parliament that has experienced this sort of situation. I had the opportunity and pleasure to table a bill so that we could find a concrete solution to this situation.

• (1740)

[*English*]

Everybody knows of a friend, a member of his or her family, or a constituent who lives in that situation. Our role is to ensure that those people who have already suffered enough have the capacity at least to take care of their kids, and to ensure they do not have that social pressure.

Some of them lose their jobs. Some of them have to take out another mortgage on their homes. They are suffering enough. The least we could do as parliamentarians is to raise the number from 15 weeks to 50 weeks. Also, instead of waiting for two weeks before getting their first cheque I think those people should get them right away.

In a non-partisan way, I am asking all my colleagues to make that gesture of solidarity and support my bill.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, I want to commend the hon. member for Bourassa for his efforts to help people who are unemployed receive benefits sooner.

I wonder whether he has any thoughts on the difficulties that people who have become unemployed in the current economic downturn are having. I am certainly getting complaints about this. They are waiting so very long just to get someone on the phone to help them find the way to get their benefits.

[*Translation*]

Hon. Denis Coderre: Madam Speaker, there are far too many examples.

There is a problem with personal service. People are waiting on the line and are told that their call is important; press 1 if there is an issue; press 2 if they would like to have the question repeated; press 3 if they want a break. And their call might be answered in the next 15 minutes.

That is the problem. I have nothing against technology, but there is nothing better than personal service and a human voice. At the very least, if the service cannot be personal, the process should be. And when people call Service Canada, they should be able to get an answer.

Private Members' Business

Unfortunately, too often, staff are hired temporarily as a way of avoiding having to create permanent positions. We cannot defend the indefensible. I agree with the hon. member. Not only should people be treated decently and receive more benefits without a waiting period, but unemployed people who have needs should also have their calls answered.

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Madam Speaker, thank you for giving me the floor.

I also thank the hon. member for Bourassa for reintroducing this bill which, as he mentioned, is an extremely important measure. I am also pleased that we recognize the non-partisan nature of this initiative because, as the hon. member mentioned earlier, that bill was presented to the House before and the time has come to pass it in a non-partisan fashion.

The hon. member for Bourassa referred to Marie-Hélène Dubé, who is a fellow citizen of mine in the riding of Alfred-Pellan. I salute her today. Marie-Hélène, our thoughts are with you. I wonder if the hon. member could elaborate on the human side of this bill and on its non-partisan nature. I wonder if he could also tell us why it is so important that we all get together to pass this legislation.

• (1745)

Hon. Denis Coderre: Madam Speaker, the difference between a government and a business is that a government must first and foremost look after people. When the economic situation becomes uncertain, the role of the state is to ensure that we help the poor and those who are experiencing difficulties. That is why at the time, even when I was a minister, when decisions had to be made, we always had to keep in mind that citizens, that people were most important. We made changes—to which I referred earlier—to parental benefits and other things. We tried a number of times. The bill was not adopted for all sorts of reasons, but today the reality speaks for itself.

For example, cancer is everywhere. In the case of most single-parent families, it is women who have the responsibility of holding the family together. If, in addition to that responsibility, these women must deal with a disease and do not have the means to support their children, are we going to tell them, after 15 weeks, that they will have to rely on social assistance? In Maslow's hierarchy of needs, self-esteem is at the top of the pyramid. Our role is to ensure that people are always at the top of the pyramid and that we work to protect their self-esteem.

I know that the Bloc Québécois and the NDP agree on this, and I know that, deep down inside, Conservative Party members will have to make a decision to that effect. When we talk about the economy, we must talk about helping people. If there is one important thing that we must do now, which would not cost hundreds of millions of dollars but which would have a definite impact on our community, it is to pass this bill.

Mr. Claude Patry (Jonquière—Alma, NDP): Madam Speaker, I am addressing my dear colleagues today to urge them to support Bill C-291, which would create an employment insurance system that is fairer and more just for Canadian workers.

This bill would amend the Employment Insurance Act to extend the maximum period for which special benefits for illness, injury or quarantine may be paid from 15 weeks to 50 weeks. It would also eliminate the two-week waiting period in these specific cases.

As members of Parliament, we all aspire to improve the economic situation of workers, and as we work to that end we are confronted every day with new and bigger challenges in the House of Commons and in committee. However, before we look at new issues or new studies, is it not time we reviewed what is no longer working and what should be modernized? Before offering generous tax cuts to the richest among us, is it not time we took care of families, workers with no job security and the disadvantaged members of society?

When it comes to special illness benefits, the Employment Insurance Act has not been amended since 1971. So it is not surprising that it no longer meets people's real needs today. It must be amended to adapt to Canadians' realities, which have changed since 1971.

Some members may be having déjà vu with this bill. I will admit that this is not the first time it has been introduced in the House of Commons. The NDP has always called for a fair and modern employment insurance system that is adapted to Canadian workers' needs. Furthermore, we want to abolish the two-week waiting period. I should point out that this measure was in the NDP's platform for the May 2, 2011, election. Eliminating the waiting period in the case of special illness benefits is a step in the right direction.

We cannot simply blame the Liberals for dipping into the employment insurance fund, which had a \$57 billion surplus, nor can we fault them for not fixing things when they were in power. What we must do is support what they are currently proposing, since they are actually adopting the NDP's position on employment insurance. Above all, we must think about the most vulnerable members of society and leave partisan politics to our adversaries.

We must not forget that when it comes to employment insurance, we are talking about money that belongs to the workers and the employers and not to the government. We have to remember that the Conservatives refused to return that money to the EI fund and chose instead to create the Canada Employment Insurance Financing Board, whose objective is to limit the account surplus to \$2 billion.

The account is currently running a deficit. The Conservatives should use all or at least most of the surplus to improve special illness benefits. It is time the Conservatives realized that the money in the employment insurance fund does not belong to them. They have to manage that money to meet the needs of the public.

I want to take a minute to talk about the case of Marie-Hélène Dubé, a young, 40-year-old mother dealing with her third bout of cancer in five years. She circulated a petition to extend the period of employment insurance benefits payable in the case of illness. To date, she has collected almost half a million signatures. Ms. Dubé even appeared on the popular television program *Tout le monde en parle* last March.

What is more, the NDP has publicly supported her initiative on several occasions. It is important to underscore her determination and the strength of her commitment. For this courageous woman and for everyone suffering from a serious illness, I ask that you to vote in favour of the bill, in the name of solidarity and compassion, but especially in the name of common sense.

Only 15 weeks of benefits to recover from an injury or a serious illness is simply not enough. We want to alleviate the financial burden for people affected by an illness or a serious injury so that they can focus on healing without having to worry about how they are going to pay their bills, pay their rent or feed their children.

The Conservatives are quite simply out of touch with reality.

● (1750)

Unfortunately, what they say is not what they do. They say they want to help the economy and cut useless programs, but they are harming families and reducing the present and future purchasing power of workers who are struggling with health problems that are often temporary. I will say it again: taxpayers' money should go back to the people.

In 2008, when the Canada Employment Insurance Financing Board was created by the Conservative government, the Canadian Chamber of Commerce, the Canadian Labour Congress, the Canadian Federation of Independent Business and the Canadian Institute of Actuaries stated that the employment insurance operating account needed a surplus of at least \$15 billion to ensure healthy management of the program.

This surplus would have absorbed the effects of the economic crisis and could have funded the modernization of the system, including extending the number of weeks of special leave. The Conservative government had the opportunity to fix the employment insurance program in 2008 and, against the advice of experts, it chose not to.

The size of Ms. Dubé's petition, which I spoke of earlier, is proof positive that Canadians want a more human employment insurance system. Instead of wasting taxpayers' money as their predecessors did, the Conservative government should bow to the will of the people. If it wants to be seen as a defender of the economy, it needs to start by really looking at the situation and putting the money back into the employment insurance fund so that the system can finally be modernized.

A vote for Bill C-291 is a vote for workers and their families, for the most vulnerable in our society. Please, vote for common sense.

Cancer is not the only disease. There are other long-term illnesses, such as cardiovascular disease and kidney disease. Treatment for breast cancer lasts 38 weeks. After 15 weeks, how can anyone be expected to recover and go back to work? I have documents here that prove that people do not have time to heal; they have not finished their treatment and yet they have to go back to work. Some people have even lost their jobs because their employers could not accommodate them. A large portion of workers in Canada are not unionized and the only means they have for getting treatment and having an income is employment insurance benefits. Other workers have collective agreements and disability insurance that can help, but at this time, some people have nothing after 15 weeks. It is ridiculous.

If the \$57 billion that was in the EI fund was still there, we could make improvements and help these people. Now we are told that in order to manage the fund, it takes \$15 billion. It makes no sense. Just ask any member of this House.

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I am proud to rise in this House. I have only seven months of experience and I would like to contribute to society so that these people can get proper treatment.

I would also like to mention that among the G8 countries, Canada does not have the best-paying system. We are not among the top countries; we are among the bottom. Some countries pay up to 12 months of benefits. Generally speaking, Canada pays 15 weeks and the United Kingdom pays 52 weeks. In France, we are talking about 12 to 38 months, depending on the illness. In Germany, it is 78 weeks. In Japan, it is between six months and three years, depending on the category of employment, and in Russia, we are talking about 12 months. We see that we are quite behind the other G8 countries. They could teach us a thing or two.

What I am saying is just common sense. People want change. We are talking about illness, but not everyone needs illness benefits for 38 to 40 weeks. There is a limit. I had this data. For the plan we are talking about, it would cost roughly \$1 billion more for 50 weeks. If the \$57 billion was in the government's coffers, we would have enough money for this.

Almost 328,000 special illness benefit claims have been filed, but only 31% of the beneficiaries used 15 weeks. That means that not everyone used the maximum benefit. The average amount paid was \$334 a week. In 2009-10, the cost for illness was \$1,075,200,000.

If we are human here in this House and we think about the public and the people we represent, we should all support this bill, including the Conservatives.

● (1755)

[*English*]

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Madam Speaker, if I could be allowed half a minute, my mom is an avid watcher of the parliamentary channel and I have not seen her in three weeks. I want to remind her that it is November, and her pride and joy is doing this to raise money for prostate cancer, I want to make sure she makes her donation. My moustache is much nicer than my colleague's from Saint-Léonard—Saint-Michel.

I want to commend my colleague from Bourassa for putting this bill forward. The class of 2000 celebrates its anniversary next week and I congratulate two Conservative colleagues across the way on their 11th anniversary. Some say it was probably one of the strongest classes to come to the House in many years.

An hon. member: After 1997.

Mr. Rodger Cuzner: After 1997.

When I arrived here, I had certain preconceptions about employment insurance. It would be valuable for some of the new members if I give a bit of history about the changes that took place through the mid-1990s. There was a Liberal government in place that made fairly dramatic changes in the mid-1990s that sort of swung the pendulum out of favour with workers. The Auditor General had made a recommendation, because the EI fund had been bankrupt under the past Conservative governments. The Liberals put the money into a general fund. Changes had to be made to make sure that the fund was well established and well funded, and that the actuaries considered it a self-sustaining program.

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Cuts had been made that disadvantaged a great number of workers. It worked for a fair number of people, but not for everybody. When I first got here, I thought that EI should be blown up and we should start again. However, once the books were balanced, budgets were surplused and reinvestments were made in social programs, we discovered that we could make changes to the system that would be of benefit to large numbers of people. The Liberal government was able to go back to the best 14 weeks. About 38% of EI recipients were impacted by that; that is a fair number of people who benefited.

The changes increased the amount of money people were able to earn while on benefits and working, the black hole. My thoughts had changed from blowing the whole program up to working hard to try to make changes that benefit the greatest number of Canadians who needed the help most.

This brings us to today's debate and the private member's bill put forward by my colleague from Bourassa. It is probably one of the most significant changes that we could make to the EI program and it would benefit the most vulnerable and needy Canadians now. Those are Canadians who, because of illness, find themselves not able to work. Their household incomes are impacted and sometimes eliminated. The changes that are being put forward by my colleague are right and positive and I hope will be embraced by the entire chamber.

• (1800)

We have seen a similar private member's bill. My colleague from Sydney—Victoria in the 38th Parliament put a similar bill forward, motivated by two of his staff: Darlene Morrison and Lindsay MacPhee. Service Canada employees have to deliver the news to people who are trying to recover from something catastrophic like a double lung transplant, or who are battling cancer, that their 15 weeks of EI sick leave has lapsed and they are no longer eligible for EI benefits.

That is a tough message to send to someone in that state. Mentally, physically, financially and emotionally, the stress on that person because of dire circumstances is substantial. Both Darlene Morrison and Lindsay MacPhee had health concerns and went through protracted periods of time where they faced substantial challenges with their health. They were off for extended periods and lived the reality of going without a paycheque. Fortunately they had other supports.

In the 38th Parliament, the legislation passed second reading and it went to committee. As my colleague from Sydney—Victoria sat before the finance committee, he had beside him the president of the Canadian Cancer Society and the president of the Canadian Heart and Stroke Foundation. I sat in on the presentation that day and the testimony was powerful. I was moved by the support that the leaders of those two organizations offered for this change in the EI program.

They are not the only organizations. When we look over the years at the groups that have advocated for this, such as the CLC and the Building Trades Council, every major union has advocated for a change in EI because when their members experience health challenges, they know the hardship that it places not only on the members, but on their families.

My colleague from Bourassa made note of a petition that had been circulated about Marie-Hélène Dubé. If members want to read something that is inspirational but straightforward and addresses the reality, the information is online about the situation of this young mother who battled thyroid cancer.

I initially thought that an overall revamping of the EI system would best serve Canadians. In retrospect, in my experience here, we can make a difference in people's lives by supporting this private member's bill, this change in the EI regulations.

My time is almost up but I certainly want to commend the member for Bourassa for putting this important piece of legislation forward. My caucus colleagues and I look forward to supporting this piece of legislation when it comes up for a vote.

• (1805)

Mr. Devinder Shory (Calgary Northeast, CPC): Madam Speaker, I am pleased to respond to the hon. member for Bourassa on Bill C-291 an act to amend the Employment Insurance Act (waiting period and maximum special benefits).

I truly sympathize with those Canadians who are battling cancer or other illnesses, that last longer than 15 weeks. For example, we know that 70 Canadian men will be diagnosed with prostate cancer every day and 11 of those 70 men will die from it.

Thousands of Canadians, including my executive assistant, Kenton Dueck, my EDA president, Steven Ladd, my son, Chetan Shory, and members from all sides of the House are fundraising this month to fight prostate cancer and I applaud them for that. These battles have no partisan or political lines.

However, my colleague's bill would cost approximately \$730 million a year, which, I am sure most of us would agree is a significant expenditure of public moneys in a time of fiscal restraint. We need to ask whether increasing the maximum for special benefits from 15 weeks to 50 weeks is necessary or justifies the moneys that would have to be spent. I would respectfully argue that the targeted changes our Conservative government has made to the benefits system is a smarter way to support Canadians facing health and other life challenges.

Our Conservative government has made the employment insurance system more accessible and fair for millions of Canadians, especially in the face of the challenges many of us have experienced during the global economic recession.

There are several ways in which the federal government provides for those facing a long-term disabling illness, particularly through the Canadian pension plan long-term disability pension. This is in addition to provincial social assistance programs and private long-term disability insurance. This benefit is meant to be a temporary measure for temporary illnesses that prevent someone from working.

In a clear majority of cases, the program does meet the needs of individuals, as 70% of individuals do not exhaust the current 15-week sickness provision.

Hard-working Canadians deserve to be able to balance work and family life. Our government believes in a strong EI system, one that delivers fair and equitable benefits for those who need them most.

During the global economic downturn, our government moved quickly to preserve and create jobs and to help families, workers and businesses.

In fact, we have rebounded quite substantially. More than 600,000 new jobs have been recovered since the depths of the recession in July 2009. Our unemployment rate is now down to 7.3%, one of the lowest levels since December 2008.

However, the economic challenges are not behind us. Our Prime Minister has been clear on the direction the government will take on fiscal matters when he said, “We have sought to strike the right balance between supporting jobs and growth, and reducing our deficit in a responsible manner.”

When Canada was hit hardest by the global recession, our government demonstrated its flexibility by putting temporary measures in the employment insurance program to assist Canadians, both workers and employers.

The economic downturn created exceptional circumstances for our government that required an exceptional response, and respond we did.

For example, we temporarily provided an extra five weeks of EI benefits to help those hardest hit by the recession. I am pleased to say that about 1.3 million EI claimants benefited from this initiative.

We have also helped long-tenured workers renew or upgrade their skills under the career transition assistance program. Close to 15,000 long-tenured workers have participated and around \$95 million in benefits has been paid.

We further demonstrated our commitment to help workers and employers through temporary work-sharing measures. About 300,000 employees have participated in more than 10,000 work-sharing agreements since 2009.

●(1810)

Work sharing helps employers and workers avoid layoffs, while redistributing the workload when there is a temporary reduction in the normal level of business activity. In fact, Canada has been a world leader in work-sharing agreements and governments around the world are looking to Canada's program as a model.

I should also point out that, through the Minister of Finance, we introduced a bill to support Canadian businesses that included a temporary hiring credit for small business to encourage further hiring.

Economic challenges during the global recession have placed significant pressures on the Canadian labour market and, in turn, the EI program. That is why we took decisive action to freeze premiums for 2010 and to limit the rate increase for subsequent years.

Now, this is the key. In an uncertain economic environment, a balance needs to be struck between supporting the recovery and ensuring that the program can survive over time. I think we can all agree that we want a sound system in place for many generations to

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come, for our children, our grandchildren and so on. The decisions we make today will affect the future of this program.

Our government has shown fairness by extending access to EI special benefits, including maternity, parental, sickness and compassionate care benefits to the self-employed who opt into the EI program. By extending special benefits to the self-employed across Canada, we are supporting them in balancing their work and family responsibilities.

Our government introduced a measure to extend the EI parental benefit window for Canadian Forces members who are ordered either to return to duty while on parental leave or whose parental leave is deferred as a result of a tour of duty. Supporting our men and women in uniform is simply the right thing to do. We all know they have sacrificed and put their lives on the line for Canada, so we must stand up for them when they need us.

Compassionate care benefits are available to persons who have to be away from work temporarily to provide care or support to a family member who is gravely ill with a significant risk of death. The eligibility criteria of the EI compassionate care benefit has been modified by broadening the definition of a family member. Now it can mean a sibling, grandparent, grandchild, in-law, aunt, uncle, niece, nephew, foster parent, ward, guardian or someone a gravely ill person considers the claimant to be like a family member. This what we mean when we talk about allowing more flexibility and fairness in the system.

We have taken actions to enhance and expand the EI program to help both workers and employers weather the economic storm. We have also enhanced and expanded the EI program through a number of legislative measures to ensure that it meets the needs of Canadian workers and their families in a fair and flexible way. These are real people we are dealing with, and we can never forget that.

That said, our government has a responsibility to Canadian taxpayers and we take that role very seriously. In Calgary Northeast, for example, if I ask Romi Sidhu and Pawan Sharma, who are self-employed, running small businesses, whether they want their taxes to go up, what are they going to say? Simply, they will say, “No way. You're sounding like a Liberal or an NDP.” During the last election, Canadian voters were given two very distinct visions when it came to our economy. They could opt for the tax and spend Liberals-NDP-Bloc coalition, or they could choose a strong, stable, national Conservative majority government under the leadership of our Prime Minister, a government that would focus on protecting jobs and economic growth during these uncertain times.

●(1815)

We all know that Canadian voters made a clear choice and this bill, as it stands, would require a significant expenditure of public moneys in a time of fiscal restraint. For that reason, despite our greatest sympathies, we cannot support the bill.

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Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Madam Speaker, I am pleased to rise in the House to speak to Bill C-291. The member for Bourassa acknowledged, in presenting this bill, that New Democrats have been at this for a number of years. I know New Democrats have presented this bill in various forms, whether it was the member for Acadie—Bathurst or the former member, Dawn Black, from British Columbia.

I also want to acknowledge the member for Jonquière—Alma who ably outlined why the House should support the bill.

I feel quite fortunate to follow the Conservative member across the way in speaking because I feel I have an opportunity to set the record straight about some of the claims that were made.

The employment insurance fund is funded by employers and employees. It is their money. This does not come out of the general revenue fund. Employers and employees pay this money for just the kinds of circumstances the member for Bourassa outlined.

We have people who are ill. We have their families often in crisis. I heard the member say that if their EI ran out after 15 weeks, they could apply for welfare. I do not know what province he is from, but in the province I come from, British Columbia, welfare rates are not enough to pay bills. In many provinces across the country, before going on income assistance, people have to liquidate all their assets. For those suffering from cancer or some other disease that they are struggling to recover from, the member says that we will pay them for 15 weeks and then they must liquidate their assets in the middle of their chemo, radiation or whatever other treatments they are undergoing, so they can go on income assistance. That does not sound like a compassionate society to me.

I need to put a few facts on record.

First, under regular employment insurance, under the so-called progressive rules we have before us, less than 50% of Canadians now qualify, despite the fact that they may pay into employment insurance.

Second, Statistics Canada's studies show that 20% of sick leave lasts 17 months or more. They also show that 60% of these sick leaves are from 17 to 28 weeks and 40% are 29 weeks or more. Currently, only 31% of beneficiaries collect the maximum 15 weeks of sick benefits.

Despite what the government claims, we do not have massive numbers of people that will collect long-term sick benefits. Therefore, if we were to be a compassionate society, all members of the House would support the bill.

I heard the member talk about the NDP-Bloc-Liberal coalition as if that would be something scary for Canadians. The New Democrats would bring to the table the kinds of changes that have been proposed for a number of years to employment insurance funded by employers and employees, to ensure that the most vulnerable in our society are well looked after instead of saying, "Suck it up, you get 15 weeks and forget it".

A recent study called *Making It Work: Final Recommendations of the Mowat Centre Employment Insurance Task Force* made a number of recommendations. I want to touch on a couple of those

recommendations because they relate directly to the bill proposed by the member for Bourassa. The task force talks about the two-week waiting period and how it applies to all employment insurance claims, whether regular or special benefits claims. The task force makes the recommendation that the two-week benefit period should be eliminated for special benefits. It says:

After eligibility is established, applicants must wait two weeks for payments to begin. The two-week waiting period applies to special beneficiaries just as it does to individuals...

It goes on to say:

Other than cost containment, there is no clear justification for the waiting period for special benefits, and it may cause inconvenience or hardship for individuals.

Eliminating the waiting period for special benefits would have a relatively small impact on program costs. As most recipients of special benefits exhaust them, eliminating the waiting period for these beneficiaries would in most cases imply providing the same total benefits earlier.

Eliminating the two-week waiting period for special beneficiaries is an easy and affordable way to enhance support for new parents and caregivers. It would also support the reforms to sickness benefits discussed below.

I want to talk a bit about the proposed changes to sickness benefits. I think a number of us in the House have had meetings with people with episodic disabilities and the severe impact it has their ability to stay in the workforce because of the way sickness benefits are currently set up.

● (1820)

Under recommendation 17, the task force states:

TEST A CHANGE TO SICKNESS BENEFITS TO SUPPORT LABOUR MARKET PARTICIPATION OF PERSONS WITH DISABILITIES

To support the labour market participation of persons with disabilities, periodic use of sickness benefits should be tested. This would allow individuals to qualify for benefits once, and with medical certification take benefits periodically throughout the year without having to re-qualify.

It goes on to say:

There is currently no income support available to help individuals with sporadic or episodic illnesses or disabilities to remain in the workforce or to avoid other forms of assistance, such as provincial social assistance for persons with disabilities or Canada Pension Plan-Disability.

Of course even when people go on some of these other systems, there is a problem for them if they want to rejoin the workforce.

To give a rationale for this change, it states:

In coming decades, Canada will experience labour shortages and an aging population. More Canadians are finding themselves on long-term provincial disability programs. This is not an efficient use of our human capital. Canadian social programs should not create barriers to labour market participation or disincentives to work for those who would like to.

In some ways, Canada's income security framework currently categorizes individuals as either able-bodied and employable or disabled and unemployable. This blunt categorization can be demoralizing for individuals who have the capacity to work part-time and can discourage self-sufficiency. It may also place unnecessary pressure on disability support programs.

It goes on to say:

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The OECD recognizes the lack of supports for employment as a primary weakness in Canada's approach to income security for persons with disabilities. "Similar to a number of other OECD countries, Canadian disability benefit systems still too often appear geared to steer people into welfare dependency and labour market exclusion rather than participation"...

Moreover, "the 'all-or-nothing' nature of most disability income supports leaves these individuals with no realistic alternative to long-term dependence on disability income programs, and no realistic opportunity to contribute to society"....

That is an important point to raise. We often hear issues around Canada's productivity, about needing to increase labour force participation. Here we have mechanisms with the employment insurance sickness benefits to encourage that very participation.

I know people in my riding, who have episodic disabilities, have approached me. There are periods of time in their lives where they are very capable of working. Sometimes they are capable of working full time for a number of months and then of course they need to go back on sickness benefits. We need to encourage that participation in the labour market and at the same time provide some income security. That is a valuable resource for employers.

I will touch briefly on the sickness benefit aspect of it.

I know we have had a number of people talk about various cases. I want to talk about the case of Jennifer McCrea. She was about eight months into maternity leave with her second child when her doctor discovered early stage breast cancer. Her doctor told her that she needed six weeks to recover after being on a maternity claim. She went to the employment insurance people and said that she needed sick benefits. She was told that since she was on maternity leave and not available for work she was not eligible for that benefit.

Imagine a young mother struggling with a new child, which can be a challenge at times, and on top of that needing some radical surgery as a result of an early detection of breast cancer being told that because of the way the rules were set up she was not eligible for EI.

Oddly enough, there was another case where Justice Marin ruled that legislative changes to the EI act were intended to give women on maternity leave access to additional sickness benefits immediately before, during and after receiving maternity and parental and that although the regulations required a person to be available for work, it was impossible for a woman on maternity leave to be available for work. Therefore, he said that there needed to be a more liberal interpretation and that the government should change the rules.

The human resources minister agreed, yet we are now in November 2011 and there are still no changes. Women are still losing that ability to have both maternity and sickness benefits where it is required.

We can cite any number of cases where a compassionate, caring, concerned society would say that we need to support people. These are some of the most vulnerable people. When people are sick, they really need that support. If we want to demonstrate that compassion and caring, as the money is there, employers and employees pay for it, members should pass the bill.

• (1825)

Mr. Mike Wallace (Burlington, CPC): Madam Speaker, I am honoured to talk about Bill C-291. I appreciate the bill from the hon. member from the opposite side. For myself, there have been severe

cancer issues in my own family. I have a family member with lung cancer. It has made it very difficult for that person to work and so on. Also, in my little block alone in Burlington, Ontario, there are three women with MS. The issues are very familiar to me, not just as a member of Parliament, but to me personally.

My issue with the bill is one that I have with a large number of private members' bills. It is asking us to invest past the 15 weeks, but a proper financial analysis has not been done. I would have preferred if the mover of the motion had moved not a private member's bill, because private members' bills are making law, but a motion for the House to consider. The government could then consider the issues and the financial implications.

There are no financial implications in many private members' bills, but I challenge the members to look at the private members' bills that have financial implications. In this one, we are not sure what they are.

We have a Parliamentary Budget Officer from the Library of the Parliament who could do a review of what the financial results would be if the bill passes. I think the bill should be brought there to have a review of what it actually is so we could have an intelligent—

• (1830)

The Deputy Speaker: Order, please. The hon. member will have about seven minutes remaining when this bill returns to the order paper.

[*Translation*]

The time provided for the consideration of private members' business has now expired, and the order is dropped to the bottom of the order of precedence on the order paper.

Pursuant to Standing Order 37, the House will now proceed to the consideration of Bill C-304 under private members' business.

* * *

[*English*]

CANADIAN HUMAN RIGHTS ACT

Mr. Brian Storseth (Westlock—St. Paul, CPC) moved that Bill C-304, An Act to amend the Canadian Human Rights Act (protecting freedom), be read the second time and referred to a committee.

He said: Madam Speaker, it is an honour to be here to present a bill that is very near and dear to my heart and to the House of Commons.

I would like to begin by first thanking the people of Westlock—St. Paul for the trust that they have placed in me in a third consecutive election to bring forward their concerns in this august chamber.

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I would also like to thank my friends and family for their support and dedication over the last six years; my parents for their willingness to always pitch in and help; my children, Ayden and Eastin, for their endless patience and love; and, most importantly, my wife Amel, who is my best friend and the rock that anchors our family. Without their love and support, this job would be so much more difficult.

I would also like to thank my colleagues, both past and present, who have stepped forward to support Bill C-304, protecting freedom.

While my bill will have some technical amendments at committee stage, it would help to protect and enhance our most fundamental freedom, and that is the freedom of expression and speech. As George Washington said, "If the freedom of speech is taken away, then dumb and silent we may be led, like sheep to the slaughter".

Truly, without freedom of speech, what is the use of any other freedoms, such as the freedom of assembly or the freedom of religion?

The freedom of speech is the bedrock that all other freedoms are built on. This, along with the concept of natural justice and due process, has been woven into the fabric of our great country over the last 144 years. As we were reminded only a few short days ago during Remembrance Day, tens of thousands of Canadians have given their lives to protect these fundamental freedoms. That is why I stand before the House today.

Section 13 of the Canadian Human Rights Act eats away at this fundamental freedom. Most people are shocked when I explain to them that in Canada, right here in our own country, a person can be investigated under a section 13 complaint for having likely exposed a person or persons to hatred or contempt by reason of the fact that the person or persons are identifiable on the basis of a prohibited ground of discrimination.

The key word is "likely" to have exposed. I think we can all agree that this is a very subjective and unnecessarily vague definition, not one of the narrowly defined legal definitions that would be far more appropriate for this clause. This is where section 13 truly fails to make a distinction between real hate speech and what I often term as "hurt speech", or speech that is simply offensive.

This means that if someone has offended somebody and is investigated under section 13 of the Canadian Human Rights Act, intent is not a defence. Truth is no longer a defence. The person would no longer have the right to due process, the right to a speedy trial, or even the right to a lawyer to defend himself or herself. In fact, in 90% of the human rights investigations under the Canadian Human Rights Act under section 13, the defendants do not even have legal advice, because they simply cannot afford it. When the people of Westlock—St. Paul hear about this, they are shocked. This is simply not the Canadian way.

Facing intense criticism in 2008, the Canadian Human Rights Commission hand-picked Professor Richard Moon to provide an evaluation of section 13 of the Canadian Human Rights Act. On page 31 of his report, in regard to the repeal of section 13 and reliance on the Criminal Code hate speech provisions, Dr. Moon states:

The principal recommendation of this report is that section 13 be repealed so that the censorship of Internet hate speech is dealt with exclusively by the criminal law.

This recommendation was dismissed by the Canadian Human Rights Commission, which in turn provided a list of recommended amendments to Parliament in 2009, none of which has been implemented to date. Thus, even the Canadian Human Rights Commission has admitted with its own recommended amendments that there are serious flaws within section 13.

Section 13 of the Canadian Human Rights Act has been a contentious topic for a number of years now, and it has been widely acknowledged that it does, in fact, impede paragraph 2(b) of the Charter of Rights and Freedoms, which states that everyone has the fundamental freedom to "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication".

• (1835)

This conflict between section 13 of the Canadian Human Rights Act and paragraph 2(b) of the charter has been reaffirmed by the Canadian Human Rights Tribunal, which found that section 13 was in fact unconstitutional in September 2009.

A common argument in favour of section 13's right to censorship and its constitutionality is the overruling powers provided by section 1 of the Charter of Rights and Freedoms, an argument that I am sure the opponents of my bill will bring forward.

Section 1 does provide a provision within the charter to ensure that all guaranteed rights and freedoms are subject to:

...such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

There are but a few issues with applying this provision to section 13.

Most importantly, section 13 lacks the ability to demonstrably justify the limits that it imposes on our society. It does not define the difference between hate speech as opposed to hurt feelings and offensive speech.

Second, how can a loosely written, highly subjective, vague law such as section 13 override the Charter of Rights and Freedoms in a free and truly democratic society?

Section 13, which is intended to protect people from extreme acts of discrimination with regard to hate messages, as previously defined by the Supreme Court of Canada, has instead been used to address differing values or opinions and impedes one of the most basic civil liberties that we hold dear to our hearts, the freedom of expression.

I believe the true issue of debate here is this: at what point and to what extent is censorship justified in Canada today?

As I debate this question, I think of my good friend and constituent Bob Herrick, from Waskatenau, Alberta.

Bob is a very bright and very successful man who, like many in his generation, has had a tremendous life and tremendous experiences to go along with it. He holds some very diverse opinions. No matter what topic we are discussing, from hunting to political philosophy, Bob loves to test our convictions and boundaries. Often while trying to challenge someone's assertions, Bob will go well beyond political correctness and often be even a little bit offensive. It is his ability and his freedom to push the limits of political correctness, however, that truly test the merit of our own beliefs. In society, when we lose the ability to test limits for freedom of expression, we also lose the ability to grow and adapt peacefully as a country.

It is through freedom of speech and expression that we change governments here in Canada, not through riots and revolts. This is one of the unique factors that sets us apart from many countries in the world.

Women such as Nellie McClung gained the right to vote by testing societal norms through expression and freedom of speech.

Layer by layer, brick by brick, our country has grown and successfully developed by utilizing and enhancing our fundamental freedoms. Today that we must continue to fight the tyrannical nature of the bureaucracy to censor free speech and to tell us what boundaries should be placed on our society and what rights we have as individuals.

One might ask how we can ensure individual freedom of speech and at the same time protect people and identifiable groups from direct harm if we repeal section 13 of the Canadian Human Rights Act. The answer to the question is that we must direct these complaints to a fair, open and transparent judicial system, one that has been tested for hundreds of years within our own country.

With the repealing of section 13, individuals would still have recourse through both the civil and criminal justice systems. Sections 318 to 320 of the Criminal Code provide protection for identifiable groups when public communications invite hatred or harm against them. The continued use of the Criminal Code to address hate messaging would ensure that all individuals would be protected from threatening discriminatory acts while preserving the fundamental right to freedom of expression in our country.

An integral component of the Criminal Code is the need for the Attorney General to approve a claim. This prevents frivolous claims or claims made because an expression merely offended another individual.

It is also important to note that the Criminal Code provides basic provisions to the defendant that are not available through the Canadian Human Rights Act. I repeat. The provisions I am about to talk about are not actually available to Canadians under the Canadian Human Rights Act. These are provisions such as allowable defences; the right to face one's accuser; the right for the defendant to recover costs if a claim is dismissed; and the right to an open, fair and transparent trial.

• (1840)

Those are just a few of the basic liberties available under the Criminal Code. This is a system that has been tried and tested, a system with checks and balances and a system with which our

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society has entrusted its fundamental freedoms and has seen fit to enforce the rule of law in our country.

John Fitzgerald Kennedy described it best when he said:

We are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies, and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.

Freedom of speech and the use of censorship on that freedom is not a matter to be taken lightly and should be entered into with the utmost of caution. That is why I personally find it highly alarming for our Canadian human rights investigator, someone entrusted as a gatekeeper of our fundamental freedoms, this valued freedom of speech in Canada, to claim it merely to be an American concept.

This is precisely the mentality that section 13 of the Canadian Human Rights Act is harbouring and just one more example of how unfit section 13 and the commission are to handle any level of power to censor speech in our country.

Freedom of speech is just as valued here in Canada. In fact, it is the only real tool that free and democratic societies like our own have to fight bigotry and ignorance. Any imposed censorship on this freedom must be taken very seriously and not met with casual disregard.

The solution here is not to fiddle with a broken, repetitive and unnecessary system. I believe the solution is to use the laws we already have and provide authorities with the tools and support necessary to properly and carefully enforce these laws.

The government has already announced that support to enhance the ability of the Criminal Code to better address hate messaging. This step, as well as the one year implementation period in my bill, would ensure the successful transition to a system in which true democracy and freedom of speech can thrive.

It is time we retract the power entrusted to the quasi-judicial bureaucratic system to deal with hate messaging in prevent the future abuse of the system. Freedom of speech is the bedrock upon which all other freedoms are built and, therefore, is too precious to leave under the thumb of censorship imposed by this system. Without freedom of speech, what good are our other freedoms, we may ask.

Finally, I would like to encourage all of my colleagues to stand up and protect our fundamental freedoms, the same freedoms for which we have asked our soldiers to put their lives on the line to protect time and time again. This truly is not an issue of blue versus orange versus red. This is an issue of freedom, transparency and balance for all Canadians.

[*Translation*]

Ms. Françoise Boivin (Gatineau, NDP): Madam Speaker, I would like the members opposite to be as respectful of the right to freedom of expression as they have such little respect for the right to debate. The Conservatives' like freedom of expression, but do not really like debates, as they are constantly shutting us down. At times we do have to question the logic and the merits of Conservative positions.

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I would like to pose a question to the member who introduced Bill C-304. Being cognizant—at least I hope he is—of the different burdens of proof in the Criminal Code and the Canadian Charter of Rights and Freedoms, does he not think that eliminating recourse to section 13 of the Charter increases the burden of proof and makes it difficult to have any recourse against hate propaganda?

• (1845)

[English]

Mr. Brian Storseth: Madam Speaker, at the beginning of my hon. colleague's question, she talked about the ability to debate a bill. I would remind her that this is a private member's bill, not a government bill, and that it actually was the NDP that filibustered my even having the ability to speak last Wednesday.

That being said, I think it is very important that Parliament is not scared to have an open, honest, respectful debate on the important issues of our country. That is what engages the citizenry of our country.

I met with My Canada this week, which is a great youth group in our country with over 5,000 participants. They strongly endorse my bill and they endorse the ability to engage in the freedom of speech in this country and change the fundamental values of our country to mould it to the way that they see it, to the way the youth see it moving forward in our country. That is very important, because it is very true that the only real way to fight ignorance and bigotry in our country is by enhancing the fundamental freedoms, like freedom of speech, so that we can be a true and democratic society that continues to grow, thrive and foster.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Madam Speaker, I commend my colleague, the member for Westlock—St. Paul, for this courageous and principled initiative, which many of us in the House have known for some time, has been a necessary step to protect our inheritance of freedom of speech, which is a fundamental principle of our constitutional inheritance of our country's political values.

I wonder if the member could comment on some of the groups that have long called for the repeal of this much abused section of the Human Rights Act. I understand that there others, such as the Canadian Civil Liberties Association, the Canadian Association of Journalists, the Muslim Canadian Congress and organizations that span the entire political spectrum, from the Toronto *Star* to the *National Post*, that have all called for the repeal of this legislation.

Could the member please comment on the breadth of support and consensus that seems to exist for this bill?

Mr. Brian Storseth: Madam Speaker, I thank the hon. minister not only for his gracious words but his dedication to freedom of speech, freedom of religion and assembly, which he has fought for his entire political career.

He is absolutely correct. Bill C-304, protecting freedom, is not about left versus right. This has support from the Muslim Canadian Congress, civil libertarian groups and journalists across the political spectrum. The only thing lacking today is support throughout the House of Commons. I would like to see all members of Parliament set their partisanship aside and vote on an issue like this with their own principles rather than what the party whip wants them to do.

At the end of the day, it is debates like this that we need to have in a respectful fashion, but Canadians also expect us to vote our consciences when it comes to these types of issues. That is why it is so very important that we not only keep this debate respectful but that we also engage in an open, honest and transparent debate.

[Translation]

Ms. Françoise Boivin (Gatineau, NDP): Madam Speaker, I am not really convinced by my colleague's answer to my question, but I am very open to debate in the House, to open and willing debate by those who wish to express their opinion about an issue. A number of important questions were raised in the House and they were all quickly dismissed by the government.

I am willing to believe that this bill is sponsored by a member who is not a minister, parliamentary secretary or other government member, but that does not mean there is not a problem in the House. People are constantly being prevented from debating. I was just informed that we will be voting tomorrow, once again, to limit debate at third reading. We come to the House and are told that we will be debating a certain issue. Bills are introduced. Sometimes the bills are very lengthy and require examination from different perspectives. However, as soon as there is an objection, limits are imposed on the time for debate. At second reading, we are told that we can debate the bill during the clause-by-clause study in committee. I just came from a committee meeting studying Bill C-10. We are practically being subjected to closure again in order to end the clause-by-clause study. We are talking about 208 clauses in a bill that will fundamentally change many things.

We have been told this evening by someone opposite that Bill C-304 is being introduced to protect freedom of speech. I have a great deal of difficulty believing words like that coming from anyone on the government bench and believing in their sincerity.

The people watching us are entitled to know what Bill C-304 is all about. Basically, it repeals section 13 of the Canadian Charter of Rights and Freedoms, which prohibits hate speech.

This section was deemed to be consistent with the law by the Supreme Court. A few years ago there was a decision by a commission. It would follow the normal course. Since then, it seems to have put a chill on everyone. However, the Supreme Court had already ruled in Taylor that section 13 was within the law and that it was required in a free and democratic society.

It is important to understand that the Canadian Charter of Rights and Freedoms imposes limits on each right and each freedom. For one person, it is a right and for another, their right ends where the other person's begins.

The government has to stop scaring people, which is another one of its specialities. It is scaring people and leading them to believe that good citizens will be cheerfully brought before the courts to have their right to freedom of expression challenged and that it will cost them a fortune. There have not been tons of grievances. It is not as though everyone is running to the Human Rights Commission to file a grievance against someone for hate speech under section 13. I repeat: hate speech. The law also defines hate speech. It is not a small burden of proof. It is not just telling someone that you do not like the way they look. That would certainly not be considered hate speech.

However, I received a tweet asking me what I was going to do as the member for Gatineau about an issue that involved my former leader, who unfortunately passed away this summer, being compared to a member of the Gestapo and to Hitler by an Internet site called Park Avenue Gazette—not to give it publicity. It is so disgusting; it makes me sick to read things like that. People dig things up and use symbols from things that happened during the second world war and attribute it to people who are human beings. Imagine how those people or their families feel when they see such things.

We are always being told by the members opposite that the Criminal Code already provides for certain things. The member for Westlock—St. Paul did not answer my question.

● (1850)

He did not answer it, because the problem is that the burden of proof is significantly different if we rely strictly on the Criminal Code. The fact that there are remedies under a “permissible” provision and under the Criminal Code, which means indictments or summary conviction offences, as well as civil remedies or remedies under the charter is nothing new. That is the case here.

The Criminal Code is based on a different system of evidence. We can require proof beyond a reasonable doubt, while under the Canadian Charter of Rights and Freedoms, the burden of proof is somewhat less. There is a lot of window dressing involved to protect the freedom of expression. However, the freedom of expression does not give me the right to strongly criticize someone for any reason, to make that person feel like he is a nobody who does not really deserve to live.

Would that justify a remedy under the Criminal Code? I have serious doubts about this. Our crown prosecutors already have their hands full and they will have even more work with the government's Bill C-10. Therefore, I have a hard time imagining a crown prosecutor taking an interest in issues whose interpretation can vary depending on a number of things. The Canadian Human Rights Commission was a specialized organization responsible for examining a case and determining, before the matter would end up in court, whether there were grounds for complaint under the Charter of Rights and Freedoms.

We do not want that because many friends of the government—I am exaggerating here, let us just say some friends—not to mention reporters from western Canada, tried to get some things through and have been complaining for a long time that section 13 prevents them from saying everything they want to say. We live in Canada and I always thought that we should be respectful of one another, that we could disagree, but that we were not allowed to denigrate an

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individual. That is what this is about. Making someone feel like a nobody, sometimes in a systematic way, has nothing to do with freedom of expression.

I cannot believe that the Conservatives want to have anything to do with these sites that disparage francophones, people who believe in bilingualism and in the French language, and people who believe this country exists thanks to two nations, including the aboriginal nations. I cannot believe they want to wash their hands of this and allow people to say whatever they want. It would be like me saying my colleague here is a so-and-so, but it is no big deal because I have freedom of expression.

I agree that it is important to have this debate and I would never want to stop it from happening. I hope that as many people as possible will stand up and talk about this and reiterate loud and clear what the Supreme Court of Canada said in the Taylor decision.

When Chief Justice Dickson upheld the constitutional validity of section 13 in Taylor, he spoke on behalf of the Supreme Court. I will close on this, but I have so much more to say. Again, my freedom of expression will be kept in check because of the limited amount of time we have to talk about this. The following is an excerpt from that ruling:

Parliament's concern that the dissemination of hate propaganda is antithetical to the general aim of the Canadian Human Rights Act is not misplaced. The serious harm caused by messages of hatred was identified by the Special Committee on Hate Propaganda in Canada, commonly known as the Cohen Committee, in 1966. The Cohen Committee noted that individuals subjected to racial or religious hatred may suffer substantial psychological distress, the damaging consequences including a loss of self-esteem, feelings of anger and outrage and strong pressure to renounce cultural differences that mark them as distinct. This intensely painful reaction undoubtedly detracts from an individual's ability to, in the words of section 2 of the Act, "make for himself or herself the life that he or she is able and wishes to have". As well, the Committee observed that hate propaganda can operate to convince listeners, even if subtly, that members of certain racial or religious groups are inferior.

● (1855)

I could go on about this at length. It is a great debate to be had and I hope Canada will not repeal section 13 of the Canadian Human Rights Act.

● (1900)

[*English*]

Hon. Irwin Cotler (Mount Royal, Lib.): Madam Speaker, the notion implied in the private member's bill seeks to repeal section 13 of the Canadian Human Rights Act on the grounds that the sanctioning of hate speech dilutes and diminishes freedom of expression, which as I said elsewhere, is the lifeblood of democracy. I agree with the hon. member that this is a bedrock principle and I have always so affirmed.

However, the premise underlying the bill, while well intentioned, is misinformed and misleading. It seems to suggest that freedom of speech is an absolute right, but it does not admit to any limitation, ignoring that all free and democratic societies have recognized certain limitations on freedom of expression. The United States, for instance, is the home of the most robust protection of freedom of speech under the first amendment doctrine. As well, my mentor and professor, the then dean of Yale Law School, Abraham Goldstein, said that freedom of speech is not an absolute right, although people continue to persist that it is.

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All free and democratic societies, including the U.S., have recognized certain limitations on freedom of expression in the interest of protecting certain fundamental human values. For example, there are prohibitions against perjury, to protect the right to a fair trial; prohibitions against treasonable speech, to protect national security; prohibitions against pornography, to protect the human dignity of women and children; prohibitions respecting libellous and defamatory speech, to protect privacy and reputation; prohibitions against misleading advertising, to protect consumers. I could go on. Simply put, the provisions against hate speech partake in this genre of limitations to protect the rights of individuals and minorities against group vilifying speech, to protect against those discriminatory hate practices that reduce the standing and status of individuals and groups in society thereby constituting an inequality, and this may surprise the member who sponsored the bill, to protect the very values underlying free speech itself.

I will cite the Supreme Court of Canada cases of Keegstra, Smith and Andrews, and Taylor. In full disclosure, I appeared as counsel in these cases and did so as a proponent of freedom of expression, as one who has advocated for this bedrock principle before the courts. I have written extensively upon it. Hate speech itself constitutes an assault on the very values that underlie freedom of expression.

This promotion of hate speech actually constitutes an assault on that bedrock principle of freedom of expression. Moreover, this is of particular relevance respecting any proposal to repeal section 13. I made this point before the Supreme Court of Canada in the trilogy of cases I referenced earlier.

Hate speech is an equality issue as well as a free speech issue. The promotion of hatred and contempt against an identifiable group results in prejudicial harm to the individual and group targets of that hate speech. This harm-based rationale, as the Supreme Court characterized it, supports the sanction of hate propaganda as protective of equality. As the court put it, the concern resulting from racism and hate mongering is not simply the product of its offensiveness, but from the very real harm it causes. The member for Gatineau illustrated this in her remarks this evening.

Further, referencing international law, these anti-hate provisions were themselves implemented as a domestic implementation of our undertakings under international law, under international treaty provisions, to combat hate speech. Again, I cite the Supreme Court, which said that the protection provided for freedom of expression in international law does not extend to cover communications that advocate racial or religious hatred.

Similarly, the court invoked section 27 of the Canadian Charter of Rights and Freedoms to argue that hate messaging as well constituted an assault on our multicultural heritage and normative principle.

• (1905)

Accordingly, I am pleased to participate in the debate on Bill C-304. The bill would repeal section 13 of the Canadian Human Rights Act. Its effect would be to prevent claims from being brought before human rights commissions, such claims as might protect against group vilifying speech while upholding the freedom of speech and the values that underlie it as well.

I understand that the government has concerns with section 13, but the response should be not to repeal the legislation on the alleged ground that it constitutes an assault on freedom of expression, a principle which I and many members in the House are long-standing advocates, while ignoring the countervailing protective need to protect against group vilifying speech.

Simply put, the solution is not through repeal of the legislation whose constitutional validity has been upheld by the Supreme Court, but to address the concerns and to offer proposals to modify the regime that is now in place. I would urge the government to consider the possible reforms to address any valid concerns which I will outline in my remarks as preferable to outright appeal.

As members may be aware, this very section of the Canadian Human Rights Act is now under review by the Supreme Court of Canada. This debate therefore, if I may say parenthetically, is somewhat premature. We should wait for guidance from this nation's highest court on the scope and ambit of freedom of expression before entering into this debate.

That said, the Supreme Court has already provided much guidance in this area. It has ruled that as a matter of constitutional law, hate speech constitutes an assault on the very underlying principles respecting freedom of expression. The search for truth, the protection of individual autonomy, democratic debate and stability, while protecting vulnerable groups from hate messages, it promotes and protects the fundamental principle of equality.

Even if it should be found to prima facie infringe on freedom of speech, as former Chief Justice Dickson put it in these cases, the infringement may be characterized as a reasonable limit prescribed by law demonstrably justified in a free and democratic society. It is in that context and spirit that I offer the following recommendations.

First, the Criminal Code to which reference has been made with regard to its hate speech derivatives, has a built-in filtering mechanism through the requirement of the consent of the Attorney General of Canada for launching the prosecution. I would recommend a similar filtering provision with regard to the Canadian Human Rights Act.

Second, procedural protection could be put in place to limited complainants to one jurisdiction at a time, rather than having as we now do a barrage of federal and provincial complaints that are instituted against the same individual or group, thereby serving as what has been called a strategic lawsuit against public participation, SLAPP, that can understandably serve to chill speech.

Third, we could add a statutory definition of hatred and contempt in accordance with the definitions offered by the Supreme Court of Canada in the Taylor case itself.

Fourth, we could include a provision under section 41 to allow for the early dismissal of section 13 complaints when messages do not meet the narrow definition of hatred or contempt.

Fifth, we could repeal the provision that allows for the assessment of a punitive sanction.

Sixth, we could implement better procedural safeguards in terms of the trial process and evidentiary standard.

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Finally, other reforms the government might consider include allowing commissions to award costs, thereby dissuading persons from bringing forth frivolous matters. As well, the commission could also remove the possibility of an anonymous submission so that the right to face one's accuser is better respected.

In closing, we should be awaiting the Supreme Court decision before debating this. Nonetheless, given the Supreme Court decisions that we do have, the debate we should be having tonight should be regarding how we might reform and structure the human rights commissions to protect freedom of expression while protecting vulnerable individuals and minorities from hate and group vilifying speech rather than committing ourselves to abolishing the entire regime because it has produced results which can be addressed through positive reforms, as I have indicated this evening, which would address the member's concerns.

I would urge the government to rethink its approach and consider some of the reforms I have outlined in my remarks that are intended to protect the bedrock principle of freedom of expression and the values that underlie it, as well as to protect individuals and groups and vulnerable minorities from group vilifying speech.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Madam Speaker, it is a great privilege for me to stand in this House today and speak to Bill C-304, An Act to amend the Canadian Human Rights Act (protecting freedom).

I fully support this bill as it protects one of our most important rights as Canadians, that being the freedom of speech. In my years on our House of Commons Subcommittee on International Human Rights, we often spoke out against repressive regimes around the world that trample the rights of their own citizens in the most severe ways, and yet, the fundamental right to freedom of speech is threatened here at home.

I am pleased that this bill proposed by the member for Westlock—St. Paul seeks to remedy just that. As members heard from my colleague before me, freedom of speech is a fundamental right that provides the basis for all other rights to thrive and succeed. Without free speech, citizens could not assemble publicly to peacefully demonstrate their opposition to government policies, an act fundamental to our democracy.

Taken further, one could say that without freedom of speech, we could not worship God, we could not practice our faith, we could not join unions or speak out during elections or at other moments of democratic participation. These are some of the very criticisms we have of totalitarian regimes.

We need only think of the recent events in Egypt and Libya, and the ongoing Arab Spring, to understand that in the end freedom of speech must always prevail. Section 13 of the Canadian Human Rights Act is a direct attack on freedom of speech that is guaranteed to us under the Charter of Rights and Freedoms.

Section 13 of the Canadian Human Rights Act allows the Canadian Human Rights Commission to prosecute anyone allegedly to have said or written something likely to expose a person or persons to hatred or contempt, whether there is a living, breathing victim or not. In essence, this is like charging someone for the likelihood of breaking a law but not yet breaking the law.

For those who have seen the 2002 Hollywood blockbuster, *Minority Report*, some might say it is starting to go down that path. The movie stars, amongst others, are three psychics called precogs. It depicts an eerily fictional future where the precrime department, along with super computers, labels criminals criminals before they even commit a crime. However, the system ignores its own flaws or minority reports, in the end labelling innocent people and marginalizing a whole subclass who fall outside of the societal norms as directed from the top.

While the movie is fictional, it takes the point to the nth degree. What is true in reality today is that section 13 is inconsistent with our democracy and our Criminal Code, which abides by the principle of charging someone after they commit a crime, not before.

If that is the principle our Criminal Code is governed by, why is this not the principle also central in the Human Rights Act? That is what this bill from the member for Westlock—St. Paul is aiming to do, bringing the principle of our tried and tested justice system to human rights, and consequently to the Canadian Human Rights Commission.

For a clear example of section 13 hindering free speech here in Canada, we do not have to look far. As the member for Westlock—St. Paul previously alluded to, the Canadian Human Rights Commission investigator, Mr. Dean Steacey, was asked what value he gave freedom of speech in his investigations. To me it was shocking that Mr. Steacey replied, "Freedom of speech is an American concept, so I don't give it any value. It's not my job to give value to an American concept".

I take umbrage with that. Freedom of speech is very much a Canadian concept, one that we should be very proud of and, most importantly, in this second week after Remembrance Day, let us never forget the ultimate sacrifice made by thousands of Canadians from the trenches of Europe to the hills of Afghanistan so that we could enjoy so many freedoms, not the least of which is the freedom of speech but also so millions suffering in Europe during the two world wars and in other conflicts since could also be free.

The list of those affected and stifled by section 13 is long and encompassing. Every journalist, writer, webmaster, blogger, publisher, politician, and private citizen in Canada can be subject to a human rights complaint for expressing an opinion or telling the truth on any given issue.

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● (1910)

With the ambiguity of section 13, it is virtually impossible for any person to determine whether they might be in violation of section 13. This, in a nutshell, creates a culture for censorship and punishment for those who dare speak their mind. This is wrong and cannot be justified in the free society that Canada credits itself to be. This is also unimaginable in a digital world that has reshaped how our society communicates. Is it possible that the 140 characters of a tweet could be misconstrued? Is it possible that a blog could be unduly censored?

Bill C-304 can and would fix this and that is why I am standing in this House today to support it.

There will be some who say that getting rid of section 13 of the Human Rights Act would open the floodgates to hate speech and the like. As the member for Westlock—St. Paul noted, sections 318 through 320.1 of the Criminal Code already prohibit hate propaganda, including paragraph 320(8)(e) which states “any writing, sign or visible representation that advocates or promotes genocide”.

There is nothing more vile in the world than hate propaganda. I have worked over the last few years to draw attention and take action on the rising threat of anti-Semitism for this very reason. Will some people say or continue to say things that are nasty, things that everyone in this House would find offensive? Certainly.

However, so long as it is not hate propaganda, should we not defend the right to say it, so that we are preserving the right of all people to speak their minds and, in doing so, thereby preserving our right to speak out against unsavoury speech?

In closing, I iterate the importance of free speech here in Canada. Our country was built on free speech. Our veterans have fought for free speech. Let us together as a House ensure that free speech is not hindered the way section 13 does today.

God bless Canada.

● (1915)

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Madam Speaker, I would like to begin by saying that the Conservatives constantly talk about their desire to make our communities safer, yet, they appear determined to weaken restrictions on hate crimes. This seems contradictory to me.

We all know that the Conservative government has had a love affair with right-wing, George Bush-type Americans. It was the Republicans who supported mandatory minimum sentences and the elimination of pardon applications in the 1980s. As a result, the prison population soared, but public safety did not necessarily improve. It is these same Republicans who cling to the Constitution's first amendment: unconditional freedom of speech. Unfortunately, extremist groups of all kinds use it to spew homophobic, racist, Islamophobic and anti-Semitic beliefs, while claiming protection under the first amendment. This American standard goes against certain international conventions, such as the International Covenant on Civil and Political Rights, which prohibit hate speech.

The Conservatives love to talk about victims and show empathy for their situation, as we all should, in fact. However, in this case, they are completely blinded by their ideology. They are forgetting the people who are already marginalized, such as racial or religious minorities or the gay, lesbian and transsexual communities. They are forgetting the dramatic effect that hate speech can have on someone who is already marginalized. They are forgetting the suicide epidemic among gay, lesbian and transsexual teens in the United States and Canada. They are forgetting the attacks on visible minorities. Expressions of hatred and intolerance are the main causes of these tragedies and that is why we must, at all cost, maintain protection against such expressions of prejudice.

I heard the member on the other side say in his speech that there is not always a victim on the receiving end of hate speech. That is not necessarily the case. If someone writes something hateful and there is no one yelling and saying that it hurts, it does not mean that it is not the case. You never know what effect it can have to write something about someone.

The Canadian Human Rights Tribunal has seen many cases based on section 13 of the Canadian Human Rights Act. Those cases have included many related to white supremacy, holocaust denial and other forms of anti-Semitism.

The Conservatives' argument against section 13 of the Canadian Human Rights Act is that it infringes on their right to freedom of speech, protected by the Charter of Rights and Freedoms. They also maintain that Canadians are already protected against hate speech by subsection 319(2) of the Criminal Code. On both points, total devotion to their ideology is giving the Conservatives a case of amnesia and making them deliberately ignore the facts.

Let us be clear and honest in this House. Section 13 of the Canadian Human Rights Act does not infringe upon the Charter-protected right to freedom of expression. How do I know this? Because in 1990, in *Canada (Human Rights Commission) v. Taylor*, the Supreme Court of Canada ruled to that effect. It worries me when the federal government chooses to completely ignore Supreme Court decisions.

As for the government's second argument, which is that the Criminal Code already protects Canadians against hate speech, they are conveniently forgetting to consider the important differences between subsection 319(2) of the Criminal Code and section 13 of the Canadian Human Rights Act. These differences are significant. In fact, they are extremely important for victims of hate crimes.

I would like to enlighten the members across the floor regarding some of these differences. First of all, the complaint procedure is different. The Canadian Human Rights Act allows individuals to file complaints. If the commission finds that the complaint is major, the matter goes before a tribunal. Under the provisions of the Criminal Code, criminal proceedings can only be brought against someone with the consent of the Minister of Justice. Victims of hate crimes should not have to wait for crown attorneys to prosecute a case only after the Minister of Justice has given the green light.

• (1920)

Now I would like to talk about the standard of proof. The Canadian Human Rights Act sets out a different standard of proof of guilt. A criminal case requires proof beyond a reasonable doubt, while a case before the Canadian Human Rights Tribunal requires proof on a balance of probabilities. That constitutes a big difference for victims and perpetrators of hate crimes.

As members know, O.J. Simpson was acquitted in criminal court because the prosecution was unable to prove beyond a reasonable doubt that he committed the murder. But he was found guilty in civil court, based on a balance of probabilities. The complaint process and the standard required to prove guilt differ in section 13 and subsection 319(2) of the Criminal Code. They have very different implications for victims of hate crimes. As the Canadian Human Rights Commission has already said, they complement each other and are not in competition.

The most important thing to point out here is that we must strive to live in a society without hate crimes or intolerance. The victims of hate crimes should not need the authorization of the Minister of Justice—who is partisan, I should point out—to go after the perpetrators of hate crimes. Furthermore, it is not always easy to prove guilt beyond a reasonable doubt in the case of hate crimes. That is why we need another mechanism outside the Criminal Code to ensure that visible minorities are able to defend themselves against hate crimes.

When will the Conservatives in this country realize that hate crimes are real and that the Minister of Justice should not have the power to decide which ones are real and which ones are not?

I urge my colleagues to vote against this bill.

[English]

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Madam Speaker, it is an honour and a pleasure to rise and speak in favour of Bill C-304, an act to amend the Canadian Human Rights Act (protecting freedom).

Freedom of speech is a fundamental right enjoyed in all free and democratic societies.

I have listened carefully to the three members opposite who have expressed concern about my friend's bill, the sponsor from Westlock—St. Paul. Parliamentarians enjoy unfettered freedom of speech. In fact, Parliament is derived from the French word “parler”, meaning to speak. In this chamber and in its committees, we parliamentarians and any witnesses who appear before those committees have unfettered freedom of speech. It seems to me somewhat hypocritical that we would not offer to society, to people who write, to blogs and websites on the Internet, which falls under federal regulation, the same rights and privileges that we here enjoy in the Parliament of Canada.

My friend from Mount Royal, for whom I have a great deal of respect, is correct when he says that there are limits to freedom of speech.

There is no doubt that members are aware of the already workable remedies and workable limits with respect to freedom of speech. There are laws against perjury, the torts of libel and slander and,

Private Members' Business

most important and most germane to this debate, sections 318 to 320 of the Criminal Code. Those are all real hate speech protections.

A distinction must be drawn between hate speech and hurt speech or the so-called counterfeit right of hurt feelings. One does not have a right against having his or her feelings hurt. I am sorry but that is not a right that exists in common law and it is not a right that exists in free and democratic societies.

The Criminal Code sanctions regarding free speech found in sections 318 to 320 require something more than hurt feelings. They require real and actionable hatred. If a person advocates genocide, destruction of a group's property or harm or damage to the person of that group, then that person has fallen offside the hate provisions of the Criminal Code, and, I would submit, rightfully so. However, that is something quite different than the so-called freedom not to be offended, or what my friend referred to as hurt speech.

Free speech, if it is to exist, cannot be subject to some bureaucracy. There is no such thing as government regulated free speech. Either there is free speech or there is not.

It is the very offensive speech that requires legal protection. This debate probably would not be occurring if there were not situations where individuals have said things that were truly politically correct, offensive and sometimes abhorrently so, but individuals have attempted to avail themselves to the charter protected rights in section 2(b) of freedom of expression. I would submit that it is that very offensive speech that requires protection.

Everything in life that is provocative is controversial. If we were to get into an intelligent debate about religion, Christianity versus Islamism, abortion, gay rights or even climate change, it would be impossible to have a thorough and meaningful debate without running the risk of offending somebody somewhere along that process.

A free society requires freedom of speech so that we can have a fluid marketplace of ideas, so that we can have give and take and exchange. Some of the ideas in that marketplace of ideas will not be popular and they will not be politically correct but they are important to further the debate. Society is actually moved forward over time because of freedom of speech.

Some things were politically incorrect in their time. For example, hundreds of years ago, when Galileo opined that the world was round, that was thought of as heresy at the time. However, he said it, people debated it and argued it and eventually they proved it.

It is because of the very freedom of speech that we are fighting for today by repealing section 13 of the human rights code that society can enhance itself with respect to enlightenment and with respect to determining truth that may not appear to be true at the present time.

So the very human rights commission that—

• (1925)

The Deputy Speaker: Order, please. I regret to interrupt the hon. member. He will have about five minutes when the bill returns on the order paper.

Adjournment Proceedings

[Translation]

The time provided for the consideration of private members' business has now expired, and the order is dropped to the bottom of the order of precedence on the order paper.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

- (1930)

[Translation]

INFRASTRUCTURE

Mr. Jamie Nicholls (Vaudreuil—Soulanges, NDP): Madam Speaker, we are gathered here to talk about infrastructure. When we think about infrastructure, we think about the bridge that we cross every day, the road network, public facilities or sometimes the water system and waste water treatment facilities. It is something close to home. That is what most people think about when the word infrastructure is mentioned.

But here, in the government, we are supposed to think differently. Infrastructure is a network and that network has economic spinoffs, not only in terms of employment but also in terms of the growth of the GNP.

We have to think strategically and have a broad vision for the future. This government has not shown any proof that it has developed a long-term vision and strategy. It therefore does not come as a big surprise to see the Auditor General criticize the government's accountability.

Clearly, there is no way to measure the effect that the billions and billions of dollars have had on the infrastructure deficit, which is currently estimated at \$123 billion. The minister responsible is not the only one to blame. There are many guilty parties—both Liberals and Conservatives—who have neglected our infrastructure network. We hope to at least see an improvement in the government's planning and strategy.

However, the facts do not inspire confidence. Take the Champlain Bridge for example. Yesterday in the Standing Committee on Transport, Infrastructure and Communities, we heard from witness Michel Labrecque. He asked the government to carefully plan public transit on the new Champlain Bridge. We could also call it “the bridge that must not be named”, a little like Voldemort in the Harry Potter series. Perhaps the Conservative members find this bridge particularly frightening. I do not know why, but they cannot call it the new Champlain Bridge.

The Conservatives announced a new bridge without any details about how public transit would be incorporated. This is a problem. The government had at least five months to plan something—a vision, a strategy. I am not just blaming the minister. The Department of Transport has been a revolving door: there were five ministers in five years. That is not a very good recipe for success. It does not inspire confidence.

[English]

One must assume that these ministers did not hand off the baton but rather dropped it. Therefore, I do not fault the present Minister of Transport. He did not know how much his predecessors hid from him. I am giving him the benefit of the doubt. He seems like an honest man.

The problem with the federal infrastructure in Montreal, the Champlain Bridge in particular, dates from the time of Lawrence Cannon in 2006, followed by the present Minister of Foreign Affairs, followed by Reform member, Chuck Strahl, each successively dropping the baton. What kind of record is that?

The former member for Fraser Valley, Chuck Strahl, who is now speaking against the government's position on asbestos, needs to explain to Canadians why he kept a report secret that showed that the bridge had the possibility of falling apart and left the present minister out in the cold.

Questions were asked in the previous ministry but a question remains? Why did the government hide the engineer's report from January to March of this year and what will it do to advance a true strategy for infrastructure in the coming days?

[Translation]

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Madam Speaker, it is a great honour for me to speak about this issue, which is important to the people of greater Montreal and Quebec and all Canadians.

[English]

As the hon. member knows, our Conservative government has taken action on this file.

On October 5 of this year, the Minister of Transport, Infrastructure and Communities, who sits in the seat in front of me, took leadership and announced in Montreal that our government would proceed with the construction of a new bridge across the St. Lawrence to replace the existing Champlain Bridge.

The Champlain Bridge is the busiest bridge in Canada, with over 100,000 people using it twice a day. It is also an important economic enabler for the Montreal region and, indeed, for all of Canada.

As an estimated \$20 billion in goods cross the bridge each year, it is also a gateway and a major economic component of the continental gateway. It is a very important piece of infrastructure and we intend to see it replaced with a new plan.

• (1935)

[Translation]

The Champlain Bridge is safe at present but requires maintenance work. To that end, our Conservative government has invested \$380 million in work to ensure the continued safety of the bridge. This money was allocated in the 2009, 2010 and 2011 budgets. I would like to remind the House that my colleague and his party voted against these measures. They opposed investments to maintain this bridge and now they are complaining about the poor condition of the bridge. It cannot be said, as the NDP is trying to say, that the bridge should have been better maintained, because the NDP has opposed all investments for that purpose.

It is important to understand that, with our government's continuing investments, the Champlain Bridge is safe and will remain safe until the end of its useful life.

[English]

That being said, it is clear that we need a plan to replace the bridge as it cannot be repaired and repaired in perpetuity. This infrastructure project will be one of the most important of the decade ahead. We are working to have the new bridge built as soon as possible, but as the hon. member knows, with a project of this magnitude, it is essential to ensure it is done correctly.

[Translation]

Our objective is to build the new bridge at no cost to taxpayers. Details will be studied, but our government clearly prefers a public-private partnership and implementing a toll to cover the cost of building the new bridge. The Minister of Transport, Infrastructure and Communities and his team have been working on this file since their first day on the job. The minister has already initiated consultations in Montreal and on the south shore about this important project. We will continue to work on behalf of Montrealers, Quebecers and all Canadians.

[English]

Mr. Jamie Nicholls: Madam Speaker, I am certainly glad that perhaps the government has learned lessons from the Auditor General's report, when it said that it should have engineers and architects right at the beginning, rather than involving them somewhere in the middle.

However, the government took leadership and action five years after the fact when it knew this bridge was probably in need of replacement. This process has been talked about since 2006. Minister Cannon mentioned it. Leadership is taking action when action is called for, so this is too little too late.

We have long recognized the economic importance of the bridge and the economic importance of infrastructure in general across the country. When other governments were cutting their infrastructure spending, NDP governments in the 1990s maintained their infrastructure spending and actually weathered the storm at that time.

The government knew this bridge needed to be replaced. When it hides a diamond in a pile of manure, presents the manure to us and then says that it does not like diamonds, it is disingenuous.

Mr. Pierre Poilievre: Madam Speaker, I have to admit hesitation in addressing that rather tortured metaphor.

Adjournment Proceedings

However, the Minister of Transport, Infrastructure and Communities has demonstrated extraordinary leadership in tackling one of the great infrastructure challenges of our time. This enormous bridge, with its exceptional importance to the region, to the province and to the country, is a challenge that most ministers would never have to face because it comes along only once in a generation. However, he has put forward the beginnings of a plan to replace the bridge with something that will be of little or no cost to taxpayers, that will serve the region, that will continue to grow our economy and that will build upon our low tax plan for jobs and growth.

• (1940)

[Translation]

SMALL AND MEDIUM-SIZED BUSINESSES

Mr. Raymond Côté (Beauport—Limoilou, NDP): Madam Speaker, today, I would like to come back to the question I asked in the House on June 21 about small and medium-sized businesses. We know that businesses with fewer than 100 employees represent over 98% of Canadian businesses. I therefore asked the Parliamentary Secretary to explain what concrete action the Conservative government intended to take to support the businesses that create approximately 70% of jobs in Canada.

The Conservatives have a tendency to give tax breaks to businesses that do not need them—those that are making huge profits. A good number of SMEs in Canada are still being affected by the economic crisis, which is rooted in stock market speculation and commercial paper. The businesses affected do not have any more working capital.

It is true that, since then, the Conservatives gave small businesses a 1% tax break and increased the tax rate threshold from \$300,000 to \$500,000. This is a first step that we could have taken together—we agreed with this measure—before we asked the government to work together to take things one step further and support job creation and the development of our small businesses.

However, in three years, this government reduced the taxes of large corporations, which did not need help at all, by 2.5%, which is equivalent to almost \$6 billion in tax cuts in the past three years alone. All these credits in exchange for what? Absolutely nothing. No guarantees of job creation. We in the NDP believe that tax cuts should not be given out blindly. What the government must do is to do more for small businesses, particularly those that create jobs. Public investment must be targeted and the effects must be measured. It is key.

The Parliamentary Secretary told me, unfortunately, that I did not vote in favour of a budget that supported small business. The problem is that the measure that I just described was buried in a mishmash of budget measures that we could not in good conscience accept.

Adjournment Proceedings

We know today that it is not small businesses but the friends of the Conservatives that are reaping the benefits of the massive tax breaks. After rereading the previous budget, we saw that the Conservatives are supporting big oil companies operating in oil sands and mining developments. However, these companies are moving manufacturing jobs to Asia, among other things. In my riding, 600 employees of White Birch Paper are living in uncertainty because of this government's complacency.

The parliamentary secretary subscribes to laissez-faire economics. This shows in his strategy to support the family business model and in his full commitment to dismantle government structures and leave people, including entrepreneurs, to fend for themselves.

This government lost 72,000 jobs last month. Is he going to keep shirking his responsibilities as parliamentary secretary for much longer?

[*English*]

Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC): Madam Speaker, I am proud to be here today to talk about the actions the government has taken to support small and medium-sized businesses. Small and medium-sized enterprises employ 6.8 million Canadians, or 64% of private sector employees. These businesses form the economic bedrock of our nation, and this government will continue to create the conditions they need to succeed.

Since taking office, we have been steadfast in our efforts to reduce the tax burden for Canadian small businesses. We have eliminated the corporate surtax, eliminated the federal capital tax, raised the small business tax threshold to \$500,000 and lowered the small business tax rate to 11%. To help business become more productive, we have eliminated some tariffs on imported machinery and equipment. We also extended the accelerated capital cost allowance for business investments in machinery and equipment to assist Canada's manufacturing and processing sector.

As the member opposite well knows, since the end of the recession, we have created nearly 600,000 net new jobs.

To further support job creation, in budget 2011 we extended the temporary hiring credit for small business. This provides a credit of up to \$1,000 against a small employer's increases in its EI premiums in 2011. This new credit will be available to approximately 525,000 employers, saving them about \$165 million. Yet, sadly, the NDP continually votes against these important measures that we put forward to help Canadian SMEs.

In recent years the government has also allocated \$475 million for the Business Development Bank of Canada's venture capital program to help finance innovative start-ups. We have also raised the maximum loan amount under the Canada small business financing program to allow SMEs to access the capital they need to grow their business and create jobs here in Canada.

For younger entrepreneurs, we boosted the budget of the Canadian Youth Business Foundation to connect them with mentors, business resources and start-up financing.

The Conservative government also understands that we must reduce the paperwork burden. We have already fulfilled our

commitment made in 2009 to reduce the paper burden on Canadian businesses by 20%. Last year we created the Red Tape Reduction Commission, headed by the Minister of State for Small Business and Tourism. The commission listened to SME owners across the country and will soon recommend ways to permanently reduce the paperwork burden on business owners.

Budget 2011 also announced \$3 million in annual funding to modernize and make permanent the bizpal program, which gives businesses one-stop, online access to information on permit and licence requirements from all levels of government.

The government is also providing \$15 million for the Canada Business Network to help small businesses get the reliable, up-to-date information they need and to obtain quick referrals to government programs and services in every province and territory.

Thanks to the hard work of the Minister of State for Finance, we have also tabled legislation to establish pooled registered pension plans. This will provide a pension option for the many workers, like those in small businesses, who currently do not participate in a company pension plan.

These are just some of the many proactive measures that we have taken in support of Canadian small business. Our Conservative government has continually stood up for small business, while the NDP members continually vote against and oppose measures to help small businesses in Canada.

● (1945)

[*Translation*]

Mr. Raymond Côté: Madam Speaker, along with a few measures that might be valuable, there are unfortunately many empty slogans and figures being bandied about. Again, giving corporations tax cuts is like giving a case of gin to an alcoholic instead of helping him with his addiction.

The tax credit the hon. member was bragging about can apply, unfortunately, to a company that does not create a single new job if the employer fiddles with its contributions to the employment insurance fund.

As far as the Red Tape Reduction Commission is concerned, it has been years since any red tape has been reduced. This is looking a lot more like a public relations operation.

The cherry on top is that our future retirees are being invited to gamble their retirement funds on the stock market. What kind of future is being offered, exactly?

Adjournment Proceedings

[English]

Mr. Mike Lake: Madam Speaker, let us take a look at the facts on jobs and economic growth in the country. Since July of 2009, we have created nearly 600,000 net new jobs. We are the only G7 country to have regained more than all of the output and jobs lost during the downturn. Both the IMF, the International Monetary Fund, and the Organisation for Economic Co-operation and Development forecast that Canada's economy will be among the strongest in the G7 this year and next. Recently the credit rating agency Moody's renewed Canada's triple-A credit rating, based on, in its words, Canada's "economic resiliency, very high government financial strength and a low susceptibility to event risk".

Our government remains committed to continuing to build a strong economy and helping small and medium-sized businesses thrive and succeed. We hope the NDP will start supporting us in that.

The Deputy Speaker: The motion to adjourn the House is deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7:49 p.m.)

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