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OFFICIAL REPORT  
(HANSARD)

**Thursday, April 5, 2012**

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**Speaker: The Honourable Andrew Scheer**

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# HOUSE OF COMMONS

Thursday, April 5, 2012

The House met at 10 a.m.

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*Prayers*

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## GOVERNMENT ORDERS

• (1005)

[*Translation*]

### SAFER RAILWAYS ACT

The House resumed from March 13 consideration of the motion that Bill S-4, An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act, be read the second time and referred to a committee, and of the motion that this question be now put.

**The Acting Speaker (Mr. Bruce Stanton):** The hon. member for Drummond has seven minutes to finish his speech.

**Mr. François Choquette (Drummond, NDP):** Mr. Speaker, I am pleased to rise in the House today to continue my speech on Bill S-4, An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act.

As I mentioned before, the railway passes through Drummondville and the riding of Drummond. It is not just freight that is transported by train in the riding of Drummond. There is also a stop where people can take the VIA Rail passenger train. We are very happy and proud to have this service.

VIA Rail needs to further improve service in our riding in terms of train schedules and frequency of service. We need the train to pass through more often. It is a very popular area. The services that VIA Rail provides are well used by people in the riding, and we are very proud to have these services.

Nevertheless, not enough money is being invested in the railway in Drummondville. Freight and passenger trains pass through the downtown core, and each time they do, three streets are blocked. The entire downtown is blocked since there is no bypass, overpass or bridge over the railway track. We have to think about this. Investments must be made in the railway to improve safety.

This Senate bill has already been introduced in the House of Commons. The Standing Committee on Transport, Infrastructure and Communities of the House of Commons examined this bill and reported it back to the House with amendments, but unfortunately, the bill died on the order paper on March 26, 2011.

We are very pleased that this important bill on railway safety is back before the House, particularly given the fatal train accident several months ago, which hit close to home for everyone. We definitely do not want anything like that to happen again.

However, railway transportation in Canada is the safest means of transportation. It is very safe and we should encourage people to use it. It is truly important.

In the backgrounder accompanying its press release on Bill S-4, Transport Canada points out that the Canadian rail industry has changed significantly since 1999. Rail operations have become increasingly complex, and rail traffic is growing rapidly.

The department notes that, in February 2007, the Minister of Transport, Infrastructure and Communities tasked an independent advisory panel with a full review of the operation and efficiency of the Railway Safety Act. According to the department, the findings indicated that the legislative framework is fundamentally sound and that efforts have been made to improve rail safety, but much more needs to be done.

The final report of the panel, entitled “Stronger Ties: A Shared Commitment to Railway Safety”, was released in November 2007 and included 56 recommendations for improving rail safety, some of which require legislative changes to the Railway Safety Act.

The Standing Committee on Transport, Infrastructure and Communities also studied rail safety and issued its own report in 2008. The report included 14 additional recommendations, many building on the recommendations from the review of the act.

The department's backgrounder noted:

The Government of Canada agrees with the findings of both reports, and is implementing the recommendations and amending the Railway Safety Act to further improve rail safety in Canada.

Efforts have been made to improve safety. It is truly important to continue working very hard in order to improve this legislation, which has been in place for many years but has not changed much. The number of trips per train is increasing, and it is important to continue in this direction.

The NDP has proposed a national public transit strategy. I hope that one day the Conservatives will realize how very important it is to develop a national public transit strategy that includes the railway as a key element. We should have a comprehensive vision, a much more progressive and proactive vision in this area. I am disappointed that the Conservative government has not invested more in increasing the number of tracks. The number of tracks has not increased in years.

*Government Orders*

A report by the Railway Association of Canada states that train tracks are green. The report reads:

Railways can play a big role in enabling Canada to meet commitments to reduce greenhouse gas emissions without sacrificing economic growth.

I am sure that is music to the Conservatives' ears. They will be pleased to learn that they can invest in railways and fight climate change without hurting our economy. In fact, this will help the economy.

I hope that the Conservatives will support this very important bill and move toward a national public transit policy in order to fight climate change and improve our economy.

I urge the Conservatives to look further than this bill to make railways safer, to go further than Bill S-4 and lead us toward a national public transit policy.

• (1010)

**Mr. Claude Patry (Jonquière—Alma, NDP):** Mr. Speaker, I thank my hon. colleague for his speech.

He talked about a level crossing in a downtown area. There is one in my riding. There have been some very serious accidents involving young people beside the railway tracks. I am wondering if the recommendations include anything about pedestrians using intersections where there is a level crossing. Is there anything in the recommendations that goes even further to protect pedestrians who use these areas?

**Mr. François Choquette:** Mr. Speaker, I thank my hon. colleague from Jonquière—Alma for his very relevant question. We have the same problem in my riding.

Indeed, we need to think about the safety not only of passengers and the people who work on the railway, but also of the pedestrians and motorists who cross railway tracks, because we want to improve the railway system so we can have faster trains. I think the Conservatives will consider that.

That is why I said that we absolutely must invest in our rail infrastructure, in order to ensure that our level crossings are safe for both pedestrians and motorists. We need to invest in order to build either overpasses or foot bridges, to encourage public transit and to ensure that people are happy to have trains travelling through their neighbourhoods.

**Mr. Jean Rousseau (Compton—Stanstead, NDP):** Mr. Speaker, I wish to congratulate the hon. member for Drummond on his excellent speech and the great work he does in his riding, as well as all the environmental and transportation proposals he brings to our caucus table.

We are looking at a bill to amend railway safety and transportation in Canada, but this bill does not have any long-term vision or include any regional development, as my colleague indicated. There are many danger zones in urban environments, just as there are in rural and agricultural settings. In my riding, for instance, there are still many rather problematic areas.

Does the bill currently address any of those aspects? How could the NDP fix those problems with its long-term vision?

**Mr. François Choquette:** Mr. Speaker, I would like to thank my hon. colleague from Compton—Stanstead for his excellent question

and his excellent work. I have the distinct pleasure of working with my colleague on various files, including public transit.

We have to look to the future. Bill S-4 on rail safety is a step in the right direction, but we have to look further down the line. My hon. colleague was right when he said that we need a national public transit policy. We need a comprehensive approach that takes environmental issues into account.

As I mentioned, rail transport associations and organizations say that this is one way to fight climate change. We know that the Conservatives are not doing much to fight climate change at the moment. Investing in rail-based public transit would be another step in the right direction.

The government must also invest in infrastructure. That is another Conservative shortcoming: failure to invest enough money in infrastructure. We need rail transportation infrastructure. We cannot leave everything up to the private sector. Unfortunately, the private sector only considers the short term; it has no long-term vision. The government must get more involved in infrastructure, as my colleague rightly pointed out.

**The Acting Speaker (Mr. Bruce Stanton):** The hon. member for Saint-Lambert with a brief question.

**Mrs. Sadia Groguhé (Saint-Lambert, NDP):** Mr. Speaker, first, I would like to commend and thank the hon. member for his speech. He emphasized the need to pass this bill in order to implement rail safety measures.

Can the hon. member tell us how this bill also supports sustainable development?

• (1015)

**Mr. François Choquette:** Mr. Speaker, I would like to again thank the hon. member for Saint-Lambert for her excellent question.

As I mentioned earlier, economic development is vital. I cited the Railway Association of Canada, which explained in a recent report that railways can play a big role in enabling Canada to meet commitments to reduce greenhouse gas emissions without sacrificing economic growth. Investing in rail will not only help to combat climate change and improve our environment, but it will also promote sustainable development, as the hon. member just mentioned. It will allow us to foster a strong economy, a strong Canada.

That is why, I do not understand why the Conservative Minister of Finance did not take this factor into account in his budget, which seeks to build a stronger economy for the long term.

*Government Orders*

[English]

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Mr. Speaker, it is with pleasure that I am able to add a few words today on Bill S-4, which has come from the Senate. I have always wondered why some bills come from the Senate versus the House of Commons, but I will leave that particular discussion for another time. I believe that the bill has the support of both opposition parties to go to committee.

The railway industry has had a profound impact on our nation, even prior to Confederation. From an historical perspective, in good part, the railway has made Canada the nation it is today. I would suggest that it is only relatively recently, in the 1980s, that we started to look at issues of safety and security and our environment, and the impact of the railways on our communities.

The last real change to the act would have been in 1999, under the Chrétien administration. Even then, we within the Liberal Party acknowledged the degree in advancement of technology and the impact of technology on our railways. We need to be constantly looking at ways to improve the circumstances and the environment for railways across Canada. It is good to see the government has seen the wisdom to reassess the issue and bring forward other aspects that would help us modernize the legislation. One could argue that we have been waiting for that for a while. We welcome that.

I want to share some personal opinions about the city of Winnipeg. In Winnipeg, in the area that I represent, there is a great divide and in that divide we have CP Rail. It has been a distinguishing characteristic of the city: those who live on the north side of the track versus those on the south side of the track. However, Winnipeg is not unique in that. We would find jurisdictions all over Canada that have developed around our railway tracks.

If we take a look at how Winnipeg North is able to connect to the city, there are three underpasses, King Edward Street, Keewatin Street and McPhillips Street, and two bridges, the Salter Bridge and the truly unique Arlington Bridge. Many people will walk over the Arlington Bridge just to see the heart of the CP tracks. They get a better appreciation of just how much traffic goes through Winnipeg, in terms of CP's perspective.

Years ago, the CP expanded into the CP trucking terminal. There are many ways in which the railway industry has led and fed other industries; in particular, in Winnipeg, the trucking industry. At one time Winnipeg was the hub of eight of the ten major trucking industries. CP or CN fed into the development of that industry.

•(1020)

Anyone standing on the Arlington Bridge would get an appreciation of the type of train traffic occurring there. We need to be aware of that and why bills such as this are so important.

If we stopped at a track and watched what kind of cargo is on our trains, we would find that it varies from lumber from British Columbia to chemicals from Alberta, to wheat from the Prairies, whether Saskatchewan or Manitoba. There are many commercial goods from provinces like Ontario and Quebec and commodities from our Atlantic provinces. Many of those commodities are absolutely safe. If there were an accident, other commodities are not safe. One of the reasons we have a system in place is to ensure that we know what is on the trains.

I will go back to the example of the Arlington Bridge. It is important to go over legislation of this nature and look at ways to improve upon it. Suggestions have been made for amendments. Stakeholders have made presentations to the government dealing with issues of safety, security and the environment. When we go to committee, it is nice to have experts share what we could be doing to enhance the legislation. By enhancing the legislation, we would ultimately make our railway system that much more healthy.

There are other issues that I think the House needs to give more attention to when we talk about our rail lines. One is in regard to rail line abandonment. A former speaker was talking about the importance of looking at other opportunities for rail lines or expanding rail lines. If the government had an interest in looking at those two issues, I think the industry would be doing that much better as a whole.

From Manitoba's perspective, many people are concerned about the community of Churchill. Now that the Canadian Wheat Board has been brought to its knees by the government, there is a real threat. We will have to agree to disagree on that particular point. Many individuals in Manitoba and well beyond are concerned about the port of Churchill, which is very much dependent on rail line services. With the threat of wheat no longer going through that particular port, because we need certain quantities in order to make it economical, that is now in question. As a result, there is a great deal of concern about the rail line and what the future may hold for it, and the profound impact that would have on the community. If we do not have an active rail line, it could ultimately lead to the closing of that port. Therefore, we look to the government. It is great that we have this particular bill before us today, but we need to think in terms of the potential that is there, the economics of our rail lines and how they have such a profound impact on our communities.

•(1025)

Over the last number of years, rail lines have been abandoned. In some situations a rail line will disappear and a walking or ATV track will be put in to replace it. It causes a great deal of concern for many individuals who have relied on the tracks in the past. There is a great deal of merit for having some sort of overall rail line strategy. It would be great to have a debate in the House as to what direction the government would like to take Canada into the next number of years with regard to rail lines. The future could be wonderful within that industry. The potential demand for railway services is increasing. If we fed on that increasing demand, it would increase job opportunities and would be better for our environment. There are many positives to ensure growth within the rail line industry.

I made reference to the CP tracks, the north-south divide in Winnipeg. CN also has a huge history in the city of Winnipeg: Symington Yard and Transcona shops. In fact, my grandfather and other family members used to work in the Transcona shops. The Transcona shops, in part, are what built the Transcona community. In some of the older homes, a good portion of the lumber that was used to build those homes came from the CN railway. People will see the odd stamp on the lumber. There was a great dependency on CN as that community developed. When we look at the expansion of Symington Yard, we again see the real potential.

*Government Orders*

There is also VIA Rail, which has had a lot of changes over the years. In some areas, people get pretty good service. There is a nostalgic value that is tangible for many individuals out west who, on a per capita percentage basis, do not take the train as often as perhaps people in the Montreal-Toronto-Ottawa corridor. Yet the desire for train travel still exists. I know that individuals would welcome the opportunity to travel from Winnipeg to Regina, for example, by train. My understanding today is that people have to go through Saskatoon. At one time, they could go straight to Regina. Hopefully something will happen in the future that will allow train traffic to ultimately go through Regina.

People recognize how important the railway industry is in Manitoba, whether it is the city of Winnipeg, rural communities, Churchill or Carman. Many of the communities are very dependent on our railways. Having said all of that, we need to be aware of the fact that there are a great deal of safety-related issues.

●(1030)

A number of years ago, we had an organized, planned train crash in which we had a train run into a vehicle crossing a street. I was able to be at that demonstration and it was quite interesting to watch the locomotive coming down the track in Inkster industrial park. They had a vehicle parked on the road and they had a locomotive coming at about 15 to 20 kilometres an hour. The impact did not seem to affect the train whatsoever, but what it did to the vehicle was truly amazing, even at that speed. The train does not stop right away. It took a while before the train came to a stop and we could go down and see the type of damage that was caused.

One very important aspect of our railways is the issue of safety and the interaction with our highways and streets with regard to train traffic. That is one of the reasons we see this push for bridges or underpasses in our larger centres. It is to try to prevent those types of things from occurring in the real world.

Unfortunately, every year we see collisions between trains and vehicles, and it saddens all of us. That is one of the reasons it is important that we look at ways to improve upon the system. We have many different forms of crossings and we need to look at how we might improve them, whether it be the flashing lights in some of our rural communities, the control arms that go down, or where they are warranted, underpasses and bridges, which are so very important. This needs to be considered when we talk about safety.

I alluded to another issue when I referred to the Arlington Bridge and the amount of traffic and the type of cargo that is on these trains. If today we have a derailment of any sort, whether it be in the city of Winnipeg, in small communities or anywhere in Canada, one of the first questions we have to ask is: What is on that train and are there chemicals that could endanger the immediate neighbourhood or communities in which the derailment occurred?

That is why we need to have regulations in place to ensure we have a fairly quick assessment of what cargo is on a train as it is travelling through our communities, because we have seen a buildup of communities. Over the last couple of years, we have witnessed train derailments where communities in and around the area have been asked to disperse while an assessment was done.

There are issues that cause these train derailments. This legislation attempts to deal with part of that; for example, when we talk about human fatigue and the role it plays. Expanding and providing definitions of what human fatigue means and what it can result in, I think, is a positive thing. That is the reason we have the legislation before us now. We recognize it is important.

However, that is not all. We see more and more trains and the potential of traffic increasing in the years ahead. If we had a progressive government that saw the value of providing commodities across the country for world trade, it would see that the train is the way to go. I see it as one of those cornerstones, and our trucking industry supports it in many different ways. I suspect as time goes by, we will need to periodically modernize the safety regulations and our laws to make sure we are keeping our communities healthy and our citizens safe from what is travelling on our tracks.

●(1035)

**Mr. Jamie Nicholls (Vaudreuil—Soulanges, NDP):** Mr. Speaker, the hon. member mentioned rail accidents quite a few times. In the 1960s, my riding had a very tragic rail accident where a bus was hit by a train and many children died.

Would it not be good if in this bill there were a mechanism that allowed the federal government to get together with the rail companies, the municipalities and the province to sort out safety issues and other nuisance issues that exist? Could the member speak to this question?

**Mr. Kevin Lamoureux:** Mr. Speaker, there is a great deal of merit to the member's question. We have to acknowledge that the federal government plays one role in the overall safety element of our railway lines. There are many municipalities, local governments, cities, provincial governments and even other stakeholders I have not listed that all have a vested role. In this particular case, it could be school divisions.

In some areas we need to be putting more of a focus on the arms. Today every bus, as it approaches a rail line, has to come to a complete stop. I could not say for sure if that is a principle that applies across this country, but if it does not maybe that is what we should be doing. By bringing the stakeholders together, we can develop a more standard policy so that all Canadians would benefit by it. The key is getting the stakeholders together and the best agency to do that would be the Government of Canada, to say it is taking the issue of safety seriously and wants to hear from the different stakeholders so we can make our rail lines as safe as possible.

**Mr. Mike Wallace (Burlington, CPC):** Mr. Speaker, people from my riding of Burlington, which has just experienced a very tragic derailment in our community, understand the need for good rail safety. This act has been around the House for a number of years in terms of its upgrade.

I had an opportunity to meet with the rail company leadership. CP, CN and VIA were all at a meeting yesterday that I attended. They were talking about getting this through.

*Government Orders*

I am not sure there would be an answer to my question from the Liberal Party. However, based on the legislation that is there now and has been around for awhile, are there amendments the Liberal Party is looking for in the committee process? That is assuming that we are supportive of getting it to committee, which we certainly are.

**Mr. Kevin Lamoureux:** Mr. Speaker, as I said at the beginning of my opening remarks, the Liberal Party supports the bill in principle. We recognize how important it is to improve rail safety and to that end, in opposition, as in other pieces of legislation, members will find that in all likelihood it is the Liberal Party that has the greatest open mind toward looking at the possibility of amendments. We do not want to say we own all the good ideas. If there are good amendments, we will support them. At the end of the day, we have one goal and that is to achieve better rail line safety, to improve the system so that the environments of our communities are better.

The accident the member refers to was horrific and it is sad to see the human cost of that. I would ask the member to pass on my thoughts and prayers for all those who were involved in that incident.

It is worth the fight and I appreciate the question.

• (1040)

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, I also am happy to support Bill S-4 and the importance of rail infrastructure in this country.

The hon. member for Winnipeg North spoke of the nostalgic element of rail. That reflects the fact that we have not invested in rail for so long that we almost have an antique system for passengers. We also have not invested sufficiently in safety for freight. We need to upgrade. We need to expand sidings, so that in the competition for rail use between passenger and freight, passengers are not needlessly delayed.

We need investment. There still is currently pending the \$7.5 million that is needed for the former E&N corridor rail on Vancouver Island. We need it, it makes sense and it has wide community support.

In the same way that the hon. member spoke of the fact we can no longer travel by rail from Regina to Winnipeg, people cannot travel from Edmonton to Calgary or from Halifax, Nova Scotia, to Sydney, Nova Scotia. Many commercially valuable rail lines have been abandoned by governments that have not been looking to the future.

Does the member agree that on top of Bill S-4 we need to see substantial investment in safety and modernization and, yes, high-speed rail, particularly in areas like Edmonton to Calgary?

**Mr. Kevin Lamoureux:** Mr. Speaker, in the past, whether it was former prime minister Paul Martin or Jean Chrétien, they recognized the value of infrastructure spending. They realized that by investing in the infrastructure we can in fact make a difference.

What I would suggest is that we do need to look at our rail lines as a whole, as an industry and as something that could be of great value and benefit. We need to look at how the Government of Canada can invest scarce tax dollars the best it can in terms of building that infrastructure so our rail lines are safe and ultimately progressively

moving forward to where we could actually see the expansion of rail lines, which the member is talking about.

The sky is the limit in terms of the potential that is there within the rail lines, but what we need to do is come together. We need to see strong national leadership that will demonstrate a vision that will incorporate the benefits, economically and socially, of investing in the rail line infrastructure.

**Ms. Kirsty Duncan (Etobicoke North, Lib.):** Mr. Speaker, I would like to thank my hon. colleague and friend for a terrific speech and for the history.

Transport Canada is responsible for the transport of dangerous products, including by rail. The Environment Commissioner has reported that Transport Canada has not designed and implemented the management practices needed to effectively monitor compliance with the act. Key elements that are missing are a national risk-based regulatory inspection plan and necessary guidance for inspectors. In many instances the nature and extent of the inspections carried out are not documented.

There is little indication that the department has followed up on identified instances of non-compliance to ensure problems are corrected. Transport Canada is not adequately reviewing and approving the emergency response assistance plans. In fact, nearly half of the plans submitted have been given only an interim approval, some for five and ten years.

I am wondering what my hon. colleague thinks about this and what can be done.

• (1045)

**Mr. Kevin Lamoureux:** Mr. Speaker, I thank the member, someone who has a caring heart for our environment. I appreciate the concerns she has expressed.

The member is quite right when she says we could ultimately pass this legislation, maybe even bring in some amendments to make it healthier and better legislation. However at the end of the day if it is not enforced, if there is not compliance to the rules we are passing, whether in the form of legislation or regulation, then we are going nowhere.

It is one thing to talk the line that we want safer rail lines. However, given everything that is on the rail lines nowadays, it is critical that there be a very strong compliance element to it. Otherwise, for all intents and purposes, we are doing more of a disservice when we talk about doing something and try to give the impression that we are doing something, but we are not enforcing any sort of compliance to what it is we are actually talking about doing. I appreciate the question.

**Mr. Andrew Cash (Davenport, NDP):** Mr. Speaker, it is an honour to rise in this place today and speak to this important bill on behalf of the residents of my riding of Davenport in Toronto.

The bill addresses many important issues, one of them being rail safety, which I will get to a bit later. It also puts some focus on the importance of rail infrastructure, which a number of my colleagues have spoken to this morning. They have spoken of the need for a heightened focus on our rail infrastructure for a number of different reasons.

*Government Orders*

Of course, Bill S-4 is pertinent and weighs heavy on our minds and hearts right now because of the tragic accident that happened in Burlington in February.

We in our party have long called for heightened rail safety measures and so we are very supportive of seeing Bill S-4 get through the House.

This bill seeks to do a number of different things. When we look at the way our rail infrastructure has been developed and how our cities and towns have developed around it, it is increasingly important to ensure that issues of rail safety are really top of mind when we are talking about urban development, safe cities and environmental issues.

As for my riding of Davenport, I know that everyone in the House likes to study maps of Toronto and if we looked at one we would see that my riding is the only landlocked riding in the downtown core of the city and is criss-crossed with rail lines, some coming right up against backyard fences in many of the neighbourhoods. Rail lines run right up along parks and playgrounds. Fences are very much a part of the streetscape of my riding. Rail safety becomes a very real issue in a riding like mine with many level crossings, and so we take the issue of rail safety and rail infrastructure seriously.

A number of my colleagues today have talked about the importance of investing more fully in this infrastructure. The GTA loses \$5 billion to \$6 billion a year in lost productivity due to gridlock. It is going to be hard to build more roads to accommodate this gridlock because, as we know, if we build another road it will soon fill up.

We need to start thinking much more seriously about how we can incorporate more passenger rail service, speedier passenger rail service, more affordable passenger rail service. When we start talking about intensifying rail infrastructure, we necessarily have to talk about how to deal with greater safety measures and better technology as well.

Incidentally, Mr. Speaker, I will be splitting my time with the member for Chambly—Borduas.

The speeches this morning have been interesting. I say that because on this side of the House we talk a lot about environmental issues such as greenhouse gas emissions and local environmental issues. An increase in public transit, in mass transit, is one of the most obvious ways to deal with both greenhouse gas emissions and gridlock, and the way we can build and develop more intensification in our urban areas.

•(1050)

We need to do this. Countries around the world are investing in clean rail technology. Just as an example of how backward we are in doing things here, we have a link from Pearson airport to Union Station being built right now to run diesel trains. Toronto is the only major city in the world right now that is building rail infrastructure from its downtown core to its international airport using diesel. Not a single country in the world is doing this but us.

For a long time we have been calling on our federal government to engage in this very serious issue. So far it has been willing to sit on its hands and has been doing that for years. I would add that the

Liberals before it had a similarly poor record on this file. The Liberal government, when it was here on the other side of the aisle in 2001 and 2003, ignored calls from the Transportation Safety Board for additional rail safety measures. We have been calling not just for increased rail safety but also a heightened focus in the House on the need for municipalities to develop green transportation infrastructure.

I recall the days of the Mulroney era, and I know the folks on the other side do not necessarily like us to use the former prime minister's name, but we do. They were cutting passenger rail transit back then. I was on one of the last trains across the prairies to Toronto, then they were cut. As some of my colleagues this morning have underlined, one cannot get from A to B in many places in the country by train. One can get from Toronto to Ottawa by train, but at virtually the same speed as driving a car, and so there are a lot of missed opportunities there. There is no doubt that Canadians would love to have more access to passenger rail transit.

One of the reasons we need to see greater safety measures, accountability and transparency and a better order of things, a better chain of command, is that we really need to focus our attention on this mode of transportation, because this is the future of mass transit. As a matter of fact, in my city of Toronto, we have a rail corridor that runs along the west end of my city. It is a perfect place to run greater mass transit. We need to be looking at all opportunities to do that.

However, if we are going to do it, we have to look at greater measures for rail safety. That is why this is an important bill and why we on our side are going to support it. I am happy to be standing here in this place today on behalf of the great citizens of Davenport in Toronto speaking on this issue.

•(1055)

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, it is very clear that Canadians from coast to coast actually do want to be able to travel from coast to coast in something that reflects a modern rail system.

I was intrigued that the member from Davenport mentioned the fact that when one travels from Toronto to Ottawa the rail speed is never much more than if one was actually driving. Speed, though, can also be dangerous, and without adequate regulation and the automatic brake systems that we need, speed can cause derailment.

I would like to ask the hon. member whether in his view we need to substantially invest in the modernization of the railbeds so that we can bring in high-speed rail and actually live with the advantages of modern societies around the world that buy Canadian technology from Bombardier to have high-speed trains?

**Mr. Andrew Cash:** Mr. Speaker, members on the government side love to talk about how they are great fiscal managers and brilliant economic planners, but the fact of the matter is that if we look at emerging economies, they are investing in high-speed electric train technology right now.

We have the tracks laid. We need the major infrastructure investments to bring our rail transit up to speed for the 21st century.



*Statements by Members*

[Translation]

**Mr. Jean-François Larose (Repentigny, NDP):** Mr. Speaker, I took the Operation Lifesaver training offered by CN. I believe that CP offers a similar course. I worked as an officer and manager of inspectors on the commuter trains in the Montreal region. I have always admired the fact that the rail companies have always been focused on safety. Also, as a regular VIA Rail passenger, I am extremely impressed with all the effort that is made with regard to safety.

However, as a passenger and a father, I have concerns about this bill. I believe that safer is always better. That being said, the problem is that, today, we recognize that the rail system is a system of the future and so imposing more safety requirements on private companies without considering the investment aspect of the issue is not necessarily the best approach.

[English]

**Mr. Andrew Cash:** Mr. Speaker, I would agree with my hon. colleague. The bill is a step and not the last word on rail transit development in Canada.

In fact, we have a national transit strategy that we have presented in the House. We think this is the right way to go. We are one of the only, if not the only, G7 countries that does not have a national transit strategy.

In that vacuum we have these issues that my hon. colleague is raising. We can right that course and change direction, and our national transit strategy is the right way to go.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I just have one brief question for my colleague from Davenport. Would he not agree, notwithstanding the relative merits of the bill, that it offends the sensibility of anyone who calls themselves a democrat to be debating a bill in this chamber that began in the unelected, undemocratic chamber of the Senate?

Should we not condemn in the strongest possible terms that the House of Commons is now seized of an issue that originated elsewhere, in the unelected, undemocratic chamber of the Senate, and that we should send a clear message to the government that if it wants to introduce legislation, it should do it in the democratically elected chamber of the House of Commons, not the other place.

● (1100)

**Mr. Andrew Cash:** Mr. Speaker, I am honoured to answer that question.

Indeed, we have things turned a little on their head, because when we pass legislation in this House it goes to the Senate, which then kills those bills. That is wrong. We know it, Canadians know it and it is time the government knew it.

**STATEMENTS BY MEMBERS**

[English]

**PASSOVER AND EASTER**

**Mr. Mark Adler (York Centre, CPC):** Mr. Speaker, this weekend marks the beginning of Passover and Easter holidays, both

of which represent seminal periods of time in their respective religions.

Easter, as our Prime Minister has said, is a triumph of life over death and the redeeming power of love over evil. This could just as easily be said about Passover, a story of freedom from tyranny and the perseverance of a people.

It is appropriate that these two holidays come at the beginning of spring, the season of rejuvenation. Just as spring represents the beginning of new life, these holidays represent the beginning of a new period of time for their people, a time to be hopeful of the future and learn from the past. It is now that we should look back and reflect on what we can do better, as well as look forward and try to determine what we can accomplish together.

I wish for all Canadians to take this time of rebirth to consider how they can act to improve themselves and the lives of those around them.

For all those celebrating, I wish them all a very happy Easter and *Chag Sameach*.

\* \* \*

[Translation]

**NATIONAL VOLUNTEER WEEK**

**Mr. José Nunez-Melo (Laval, NDP):** Mr. Speaker, I would like to take this opportunity to invite my colleagues in the House to participate in various events taking place during National Volunteer Week, from April 15 to 21. Many events will be organized across the country to celebrate and thank volunteers for their efforts to build a better world.

Across the country, organizations such as the Centre de bénévolat et Moisson Laval are hosting activities to pay tribute to the work of more than 13 million volunteers. National Volunteer Week is an opportunity to thank Canadians who give more than 2 billion hours of unpaid work to support Canadian society.

Our Canadian volunteers are great leaders, people who are passionate and inspiring. We can count on them to take action.

I will again urge members of the House to take part in National Volunteer Week and to thank the volunteers in their ridings.

*Statements by Members*

[English]

**BATTLE OF VIMY RIDGE**

**Ms. Kerry-Lynne D. Findlay (Delta—Richmond East, CPC):** Mr. Speaker, I rise on the solemn occasion of the 95th anniversary of the World War I Battle of Vimy Ridge, a battle that showcased the exemplary valour of our Canadian soldiers.

I want to particularly commemorate Captain Victor Gordon Tupper of the 16th Battalion. His father was an esteemed lawyer in Vancouver and his grandfather a former prime minister. Gordie's last letter home to his parents and five siblings reads, in part:

I am writing one of these "in case" letters for the third time...If you are reading it now you will know that your youngest son "went under" as proud as Punch on the most glorious day of his life. I am taking my company "over the top" for a mile in the biggest push that has ever been launched...and I trust that it is going to be the greatest factor towards peace...Think of it—one hundred and fifty officers and men who will follow you into hell, if need be....Good-bye, dear Father and Mother, and all of you. Again I say that I am proud to be where I am now.

Captain Tupper died April 9, 1917, at age 21, and is buried with his comrades in Pas-de-Calais, France.

\* \* \*

**PLAST**

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, Dr. Oleksander Tysovsky is the Lord Baden-Powell of Ukraine. Just five years after Baden-Powell founded the scouting movement in Great Britain, Tysovsky created its counterpart in Ukraine known as Plast. On April 12, Plast will mark its 100th anniversary.

Now an international organization of Ukrainian youth, Plast fosters personal development to help young people grow into conscientious, responsible, valuable citizens of their local, national and world communities, and always with an abiding love for Ukraine.

I remember how excited our former colleague, Borys Wrzesnewskij, was that day in 2007 when several hundred Plast members from Canada and abroad gathered on Parliament Hill.

Today we pay tribute to the good work of the Ukrainian scouting movement, including Plast Canada. We salute 1.2 million Ukrainian Canadians and we express again our passion for a genuinely free and democratic Ukraine.

\* \* \*

● (1105)

**CHARTER OF RIGHTS AND FREEDOMS**

**Hon. Michael Chong (Wellington—Halton Hills, CPC):** Mr. Speaker, April 17 marks the 30th anniversary of the Constitution Act, 1982, and the Canadian Charter of Rights and Freedoms, which entrenched in the Constitution of Canada the rights and freedoms necessary for a free and democratic society. For 30 years, the charter has regulated interactions between the state and its citizens.

[Translation]

For 30 years, the Charter has spurred change.

[English]

As a 10 year old, I remember watching the broadcast of Her Majesty Queen Elizabeth II on Parliament Hill, who proclaimed the Constitution Act 1982, which brought the charter into force.

[Translation]

The Charter has had a fundamental effect: it has made Canadian citizenship the cornerstone of our society.

[English]

It enforces the idea that all citizens, regardless of their ethnicity or creed, share a common set of rights and responsibilities. The charter serves as a common thread in the fabric of Canada and is what makes us uniquely Canadian.

\* \* \*

[Translation]

**RIO TINTO ALCAN WORKERS**

**Mr. Claude Patry (Jonquière—Alma, NDP):** Mr. Speaker, last Saturday, March 31, 2012, in the town of Alma in the Saguenay-Lac-Saint-Jean region, people marched in solidarity with the locked out Rio Tinto Alcan workers. Members of the public and unions from around the world came to participate in this tremendous show of solidarity.

Unions from Quebec and Canada—CSN, FTQ, CEP, CAW and the Steelworkers—as well as Australian, French and English unions and many other labour organizations came in support of the locked-out workers. I want to thank them for participating in the rally.

It is important to condemn the behaviour of Rio Tinto Alcan, which is getting rich by taking advantage of our natural resources and our hydroelectric dams. Rio Tinto Alcan has been holding the region hostage with its lockout since December 31, 2011. Rio Tinto Alcan must negotiate in good faith with the union and the employees and must ensure that the people of Saguenay-Lac-Saint-Jean receive their fair share of the collective wealth. Rio Tinto Alcan must offer good jobs with good salaries and not create two classes of workers, thereby impoverishing the region.

Long live solidarity. Long live the workers.

\* \* \*

[English]

**YORKTON FILM FESTIVAL**

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Mr. Speaker, I am very pleased to rise in the House today to give special tribute to the Yorkton Film Festival, which will be celebrating 65 years of film in May in my constituency of Yorkton—Melville, Saskatchewan.

The first of its kind in North America, the festival was established in the city of Yorkton back in 1947 by the Yorkton Film Council and local volunteers.

*Statements by Members*

The Yorkton Film Festival has evolved over the years to showcase the best of Canadian short films and videos. The four day event includes workshops, showings and social events like street dances, ethnic food and live entertainment. Its grand prize, the Golden Sheaf award, is inspired by the wheat fields that surround this vibrant city and province.

I wish the organizers and participants of the 2012 Yorkton Film Festival, the longest running film festival in North America, the best of success as they celebrate the best of Canada's film industry.

\* \* \*

**NATIONAL VOLUNTEER WEEK**

**Mr. Gary Schellenberger (Perth—Wellington, CPC):** Mr. Speaker, from April 15 to 21, Canadians will come together to celebrate National Volunteer Week.

I would like to thank the more than 13.3 million Canadians who contribute to the 2.1 billion hours of volunteer work completed in Canada each year.

Our government recognizes the considerable impact that volunteers alone can make within communities across Canada, each and every day. All Canadians can volunteer, all Canadians can make a difference.

Everyone has a the right and responsibility to be engaged. Our government knows that Canadians do not want to sit on the sidelines and wait for someone else to enact every change they want to see in their community.

I am pleased to have this opportunity today to thank volunteers across Canada for their selfless dedication and to encourage those who have not yet had the enriching experience of volunteer work to engage in this act, which is truly a reflection of our strong Canadian values.

\* \* \*

• (1110)

[*Translation*]

**HOREB SAINT-JACQUES**

**Ms. Manon Perreault (Montcalm, NDP):** Mr. Speaker, today I would like to draw the attention of the House to the social and community-minded services that Horeb Saint-Jacques provides to the people of Montcalm and the Lanaudière region in general.

Horeb Saint-Jacques owes its exceptional influence to its many commitments within the community, as demonstrated by its wealth of programming focused on personal healing, personal growth and all forms of spirituality.

Its activities benefit people of all ages, including couples and families, rich and poor. Horeb Saint-Jacques is a welcoming place where anyone in need can meet others, find accommodation and get some support.

I invite all of my colleagues in the House to go and visit Horeb Saint-Jacques. It is a restful and very peaceful place where human beings come first, without any prejudices.

[*English*]

**BATTLE OF VIMY RIDGE**

**Mr. Royal Galipeau (Ottawa—Orléans, CPC):** Mr. Speaker, next Monday Canadians will commemorate the 95th anniversary of the Battle of Vimy Ridge. Together with students from St. Peter Catholic High School we will remember Canada's victory, which was the successful capture of Vimy Ridge in a struggle for peace, liberty and hope.

Today we remember the more than 650,000 brave Canadians who served during World War I and the more than 66,000 who lost their lives.

[*Translation*]

The Canadians who were about to capture the ridge at dawn on that Easter Monday simply had to face that challenge.

[*English*]

At 5:30 that morning, the first wave of Canadian soldiers, each shouldering up to 70 pounds of equipment, pushed up the ridge through snow and sleet.

[*Translation*]

These were young men who, until then, had their whole future stretching out ahead of them.

[*English*]

It is the responsibility of each of us to remember.

Be proud of our Canadian Forces because they continue to make Canada a great country and a trusted ally.

[*Translation*]

We will remember them.

\* \* \*

**NATIONAL VOLUNTEER WEEK**

**Mrs. Nycole Turmel (Hull—Aylmer, NDP):** Mr. Speaker, April 15 to 21 is National Volunteer Week. This is a unique opportunity to celebrate the dedication of those who serve others.

During this difficult time, as the state distances itself from its social responsibilities, our volunteers are more precious than ever. Every year, over 13.3 million volunteers contribute close to 2.1 billion hours to building a better society in Canada and around the world.

Today, I would like to highlight the exceptional contribution of one of my Hull—Aylmer constituents, Robert Saucier, who is the president of Logement intégré de Hull inc. and the Regroupement des associations de personnes handicapées de l'Outaouais. Mr. Saucier has dedicated his life to helping people with disabilities.

On behalf of my party, I would like to tell Mr. Saucier and the millions of other Canadians who volunteer how grateful we are for their work.

Thank you from the bottom of my heart.

*Statements by Members*

[English]

**KATYN MEMORIAL DAY**

**Mr. Ted Opitz (Etobicoke Centre, CPC):** Mr. Speaker, April 13 marks Katyn Memorial Day.

The Katyn massacre of 1940 was perpetrated by the murderous Soviet NKVD, on the orders of Stalin, with the intention of wiping out the best and brightest of the Polish nation.

Over 20,000 Polish officers who had been taken prisoner by the Red Army were brutally executed, most in the forests of Katyn. For decades, communist authorities denied this responsibility for their war crime until the Soviets finally admitted to it in 1990.

This memorial day was made even more painful two years ago, when, on April 10, the airplane carrying the Polish president, Lech Kaczynski, and dozens of high-ranking Polish officials tragically crashed at Smolensk en route to the Katyn commemoration ceremonies.

Over the next week, Polish Canadians will gather to commemorate both tragedies. I ask all of my parliamentary colleagues to join with Polish Canadians in mourning these terrible events in history.

\* \* \*

**NATIONAL DAY OF REFLECTION ON THE PREVENTION OF GENOCIDE**

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, Parliament unanimously declared April 7 as the National Day of Reflection on the Prevention of Genocide, where we remember and reflect on the 18th anniversary of the Rwandan genocide that in less than 100 days, beginning on April 7, 1994, one million Rwandans, mostly ethnic Tutsis, were slaughtered, victims of a government-orchestrated campaign of incendiary incitement and unspeakable violence.

However, what makes this genocide so unspeakable is that it was preventable. No one can say that we did not know. We knew, but we did not act. As the Security Council and the international community dithered and delayed, Rwandans were murdered.

Indeed, the great tragedy is not so much how many Rwandans were murdered, but how so few intervened to save them.

And so, we promise: never again will we be indifferent to racism and hate; never again will we be silent in the face of evil; never again will we indulge mass atrocities. But we will speak and we will act to combat impunity, to promote international justice and to ensure that Canada does not become base and sanctuary for these great perpetrators of genocide. Never again.

• (1115)

[Translation]

We remember.

\* \* \*

[English]

**FIREARMS REGISTRY**

**Mr. David Wilks (Kootenay—Columbia, CPC):** Mr. Speaker, I am proud to report that yesterday the Senate passed the ending of the

long gun registry. For years now, the opposition has been fear-mongering and misrepresenting the long gun registry in order to maintain its vanity project intact. Right until the bitter end of this wasteful and ineffective 17-year debacle, the Liberals have ignored the will of Canadians to push their misguided agenda to treat law-abiding hunters, farmers and sport shooters like criminals.

Rest assured, by this afternoon, the bill will become law and Canadians will no longer have to register their hunting rifles or shotguns.

Our government promised to end the long gun registry once and for all. That is exactly what we have done: promise made, promise kept.

\* \* \*

[Translation]

**FIREARMS REGISTRY**

**Ms. Françoise Boivin (Gatineau, NDP):** Mr. Speaker, this morning, because of the Conservative government's uncompromising and uncooperative attitude, the Province of Quebec has gone to court to obtain an injunction to preserve firearms registry data pertaining to the Province of Quebec.

However, the minister of public peril is so obsessed with destroying the data in the registry that his obsession will end up costing Canadian taxpayers dearly.

This ideological government could not care less about what Quebec wants, what chiefs of police want or, most importantly, what victims want. The government has absolutely no respect for anyone who believes in this registry.

The provinces have the right to access the data in the registry to create their own registries. The Conservatives do not have the right to destroy the data. We will not let them off easily. The NDP will not hesitate to fight for the safety of Canadians, unlike the three Liberal senators who voted with the Conservatives and unlike all the senators from Quebec who were conspicuously absent during a vote of such importance to Quebec.

\* \* \*

**MEMBER FOR SHERBROOKE**

**Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC):** Mr. Speaker, yesterday, following the vote in the House on the excellent 2012 economic action plan, the hon. member for Sherbrooke announced that he was pleased to have voted against the budget, as he said, on behalf of the people of Sherbrooke.

By his logic, what he said last evening on Twitter is that on behalf of the people of Sherbrooke, he voted against a plan that has already helped create more than 690,000 jobs since June 2009.

On behalf of the people of Sherbrooke, he voted against the hiring credit for small business and against increased investment in research and innovation.

On behalf of the people of Sherbrooke, he even voted against eliminating wasteful spending within the government and against a sustainable old age security system.

On this side of the House, we will continue to get things done on behalf of all Quebecers and all Canadians.

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## ORAL QUESTIONS

[English]

### NATIONAL DEFENCE

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, the Auditor General has identified a never-ending litany of problems with the F-35 program: Ministers failed to be accountable and key departments failed at their jobs.

This morning, the Auditor General said that the responsibility for the misleading information that came to this House about the cost laid directly in the cabinet of the Conservative government.

Will the Prime Minister stand today in this House and tell us whether in fact the cabinet knew what the true costs were going to be for the F-35s?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, once again, the government has not actually purchased any airplanes. The government plans to do that some years hence, and we will set up an independent committee to supervise that process.

What the Auditor General in fact did say is that, in terms of his report, the government is taking steps in the right direction. Of course, he also confirms that no money has been spent on this acquisition.

• (1120)

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, is that not typical, again no responsibility and no true information coming to this House.

The government is dumping it over to an F-35 office, and it has already been found by the Auditor General that those people did not do due diligence.

What the Canadian people want is value for money. They want a plane where the specifications have not been rigged in advance. They want a government that actually takes responsibility for its failure.

What is wrong with having a competition? Why will the government not hold a simple, open competition to replace the F-18s?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the course of action suggested is not what the Auditor General recommended. The government is following the Auditor General's recommendations and will ensure that this purchase, when it is eventually done, is done in accordance with taxpayers' needs and with the military's needs.

Because we follow these kinds of processes, that is why we have the kind of strong economic performance that is behind today's job numbers. I am surprised the member did not ask me about this but I

### Oral Questions

note that the Canadian economy has now created almost 700,000 new jobs.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, it would be really nice if we just stayed on topic.

[Translation]

It would be nice to see the Conservatives take responsibility for this fiasco and to see the ministers show some regret or remorse. The F-35 debacle did not just happen on its own.

Will there be any consequences at all for those who deliberately gave inaccurate information to this Parliament and to Canadians?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, once again, the Auditor General himself said that the government is taking steps in the right direction and that no money has been spent on this acquisition.

[English]

I must remind the hon. member that the topic for Canadians is jobs and the economy, which is why that remains our number one focus and why we are seeing some good results. Obviously there is still more to do to be done, but I would encourage the opposition to stop its ideological opposition to the budget and allow job creation in this country to continue.

[Translation]

**Ms. Christine Moore (Abitibi—Témiscamingue, NDP):** Mr. Speaker, if the Conservatives accept the Auditor General's findings with respect to the F-35s, that means there was a big screw-up, and at least one minister is responsible for this fiasco.

Was it the Minister of National Defence, or was it the former Public Works and Government Services minister, or was it the Associate Minister of National Defence? According to the Prime Minister, none of them were responsible, but we believe that all of them were.

When will the Conservatives recognize the principle of ministerial accountability and take responsibility for their actions?

[English]

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, the member knows full well that the Auditor General made one recommendation and that is that the Department of National Defence refine its cost estimates for the F-35 and table those in Parliament.

However, we are going many steps further because we want accountability, transparency and value for tax dollars. We will ensure that this is managed through an independent process outside of the Department of National Defence through a secretariat set up to manage the replacement of the CF-18 going forward.

We have frozen the funding. I am glad to hear that the Auditor General said today that the government was moving in the right direction.

[Translation]

**Ms. Christine Moore (Abitibi—Témiscamingue, NDP):** Mr. Speaker, whether or not anyone takes responsibility for it, this file was mismanaged, and that is all there is to it.

*Oral Questions*

The Minister of National Defence and the current President of the Treasury Board met with Lockheed Martin lobbyists in 2010. They were the only people in the whole world who did not ask questions about the Lockheed Martin lobbyists' claims.

Did they trust those lobbyists blindly because they were old Mulroney staffers? Why did the Conservatives not do their job and ask tough questions about costs and deadlines?

[English]

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, we have taken the recommendation of the Auditor General very seriously. He has recommended that the Department of National Defence bring forward updated cost estimates for the F-35 and transparently table those in Parliament, and we agree. However, we are going a step further. We will ensure that is done on an annual basis. We will have independent validations of the cost assumptions associated with the F-35, both in the acquisition phase and also on the maintenance contract.

The Auditor General said today that the government was going in the right direction and he also confirmed that the audit found that no money was misspent.

● (1125)

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, I have a very direct question for the Prime Minister. When was he first aware that the true cost of the proposed aircraft was \$25 billion and not \$16 billion? On what date was he aware of that fact?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the Auditor General has asked the government to have the department officials revise their cost estimates and table those in Parliament. That is precisely what the government will do to ensure that the information is accurate. We are taking additional steps to independently verify that information. We will be fully transparent with Parliament on that information.

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, that is a Prime Minister who, when he was in opposition, used the word "accountability" each and every day. He is now leading a government that is an exercise in organized hypocrisy. It is not prepared to accept any consequences. It is not even prepared to tell the truth.

I will ask my question one more time. When did the Prime Minister first become aware that the true cost of the aircraft proposed was \$25 billion and not the \$16 billion fiction that he has been presenting to the House of Commons for 21 long months? When did he know?

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, I understand the hon. member's need for attention these days. The fact is that there are no consequences to this point because the government has not spent any money on the acquisition of aircraft. It has not purchased any aircraft and has not signed a contract.

As we have said, the government is responding to the Auditor General's recommendations to reassess the costs and to provide a better process in the future to ensure those cost estimates are more accurate. That is what the government is doing and the Auditor General says that those are steps in the right direction.

[Translation]

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, the person who needs attention is the Prime Minister of Canada, because he is the one who is refusing to tell the House of Commons the truth.

I asked the Prime Minister a very simple and direct question. I asked him a direct question to which he can respond yes or no. For the past 21 months, the government has been saying things in the House of Commons that are not true. According to the Auditor General, the ministers have been saying things that are obviously false.

When did the Prime Minister learn the truth? Why did he not tell the House of Commons the truth? That is the question.

**Right Hon. Stephen Harper (Prime Minister, CPC):** Mr. Speaker, the government has not spent any money on these aircraft because it has not yet signed a contract.

The Auditor General questioned the figures provided by the Department of National Defence. That is why the government is responding to his recommendations and is in the process of ensuring that those figures are verified through a more independent process. The government intends to give all this information to parliamentarians as soon as it is available.

[English]

**Mr. Matthew Kellway (Beaches—East York, NDP):** Mr. Speaker, the Auditor General suggested this morning that Conservative ministers knew they were lowballing the cost estimates in response to the PBO's report. We want to know when they knew that information, when they knew that the PBO's estimates were accurate.

It is clear that they knew before the last election and failed to tell Canadians the truth. Did the government know the true cost before the Minister of National Defence did his top gun photo shoot and announced the government would be purchasing the F-35? When will somebody take responsibility?

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, once again the member opposite is misrepresenting what the Auditor General said. The Auditor General was in committee today. As the Prime Minister has referenced, he told us that, with respect to his report and the government's response, the government was moving in the right direction. He also confirmed that no money was misspent and no money was missing, an important fact.

As has been outlined, the government is responding with a process that answers the mail on these concerns. We are moving ahead now with the guidance of Public Works to ensure this acquisition continues to move in the right direction.

● (1130)

**Mr. Matthew Kellway (Beaches—East York, NDP):** Mr. Speaker, it is true that the Auditor General was in committee today but he was also in scrum in front of the media this morning. In the scrum, he was very clear when he said that the government knew about the \$25 billion estimate and that it was lowballing it. He meant the cabinet ministers.

*Oral Questions*

The Conservatives used to say that they stood for ministerial responsibility but not one minister has stood up to say that this happened under his or her watch and that it was his or her responsibility. Will no minister ever stand up and take responsibility for this fiasco?

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, that is what we are doing. We are accepting the Auditor General's conclusions. We are accepting the recommendation that he has made. In fact, we are going further than that recommendation and putting in place a comprehensive plan to respond to this concern.

The member can light his hair on fire or not but he can listen to the Auditor General's words and be accurate.

Our government is responding to this issue seriously. We are moving forward on an important acquisition for the Canadian Forces to provide it with a replacement aircraft for the CF-18. That is what we are doing.

**Mr. Malcolm Allen (Welland, NDP):** Mr. Speaker, members opposite seem content to repeat "we accept the recommendations of the Auditor General", but their words ring hollow.

The Department of National Defence received a scathing report from the former auditor general in 2010 on its helicopter purchase. The Auditor General was clear when she told the government to fix its procurement process. The minister said that all the recommendations from 2010 were "accepted and acted upon". However, two years later, it is the same broken promise, the same broken talking points and the same report from a new AG.

Why should Canadians believe the Conservatives this time?

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, what we should believe is what the Auditor General said this morning, which is that the government was moving in the right direction. That is a great endorsement for the plan that we have put in place moving forward.

There is still a lot of work to do, due diligence to undertake and transparency to be expected. That is what we expect from the Department of National Defence, that is what taxpayers expect and that is what parliamentarians should expect.

The Auditor General said very clearly that the Department of National Defence needs to table revised cost estimates. We will independently validate those before any purchase is made.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP):** Mr. Speaker, the Conservatives are indicating that they accept the Auditor General's recommendations, but that is not enough. They are refusing to take any action to prevent mistakes from being made. They are refusing to take responsibility for their failures.

The Auditor General's report on the border infrastructure fund was tabled in June 2011, and since that time, nothing has changed in the way the estimates are presented.

Will the Conservatives allow the Standing Committee on Public Accounts to summon the ministers responsible in order to determine what really happened in the F-35 fiasco?

[*English*]

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, the Auditor General said this morning that the government was moving in the right direction and we will continue to do that.

He also made the point that in his audit he found that no money was misspent because no money has been spent yet on the acquisition of this aircraft. No money will be spent on the acquisition of this aircraft because it is frozen right now until the Department of National Defence meets the recommendation of the Auditor General, which is to table updated cost estimates very publicly and transparently in Parliament. We will ensure that the secretariat independently validates those costs.

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**SEARCH AND RESCUE**

**Mr. Jack Harris (St. John's East, NDP):** Mr. Speaker, the calls for an investigation into Canada's search and rescue system are growing.

On Tuesday, the Premier of Newfoundland and Labrador called for a joint federal-provincial inquiry into the death of 14-year-old Burton Winters. However, it seems that the Minister of National Defence told the premier that there was no need for a joint inquiry. The family of Burton Winters and all Canadians deserve clear answers.

Will the government hold a full and independent inquiry into Canada's search and rescue system, or is all it has to offer are contradictions, empty excuses and spin?

• (1135)

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, we remain very remorseful over the loss of young Burton Winters. Our condolences and our thoughts go out to the family and, in fact, the entire community of Makkovik.

What is unfortunate is that some members opposite are trying to use this for political purposes.

The Canadian Forces has already conducted an investigation. We have looked into the federal government's participation in this matter, and ground search and rescue, as we all know, is the responsibility of the provinces and territories.

**Mr. Ryan Cleary (St. John's South—Mount Pearl, NDP):** Mr. Speaker, it has now been 67 days since Burton Winters went missing and his family is still waiting for answers. After 67 days, rhetoric does not cut it.

From day one we have had nothing but contradiction and blame from the government. It is time for some facts. The Premier of Newfoundland and Labrador expects a full explanation by today for why our Cormorant helicopter was not sent to help in this search. Will she get that explanation?

If weather was not an issue and there were no protocols, why were the Cormorants not deployed?

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, I will do just what the hon. member has asked. I will inject some facts and reality into this situation.

### Oral Questions

I spoke extensively about the matter with the Premier of Newfoundland and Labrador yesterday, as I have previously. We had an investigation within days of this tragic incident. We have changed the protocol to improve the communication between the provinces and territories and search and rescue nationally. We continue to assess the proper placement of assets across the country. We have taken extensive action.

However, that, sadly, will not bring back young Burton Winters but we are committed to continuing to provide extensive search and rescue across this massive country. I salute those SAR techs who guard Canadians every day.

\* \* \*

[Translation]

### ETHICS

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Mr. Speaker, there is no end to the scandals involving the office of the minister of conflict of interest. This time, his spokesperson had a good time in Las Vegas on a government credit card. While families are tightening their belts and making sacrifices, the minister's staff is making the rounds of casinos with taxpayers' money. This is not acceptable.

Will the minister finally show some backbone, accept responsibility for all these scandals and resign, or does he believe that playing blackjack at Caesars Palace is an acceptable government expense?

[English]

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I am not familiar with any minister by that title and I am sure you will deal with that appropriately.

This is a question that is actually about a former employee. All amounts that were in question have been recovered and taxpayers are not on the hook for a single dime. Our government will not tolerate any misuse of taxpayers' dollars.

[Translation]

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Mr. Speaker, we would like to hear from the minister on this.

When the boss takes a trip that could give rise to a conflict of interest and he justifies it by saying that he brought his own sleeping bag and lunch, it sends a message to his staff.

The member for Mégantic—L'Érable seems to have put violating every code of ethics on his to-do list. That is a big job, as de Gaulle put it, but the minister is getting there.

It is not surprising that his assistants think they can do whatever they want, such as censoring documents or even treating themselves to trips to Las Vegas on the taxpayer's dime.

Will the minister put an end to his woes and do the only honourable thing and resign?

[English]

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the government has acted

appropriately. It is important to note that we are talking about a former employee.

The second point is that all moneys have been recovered. The taxpayers are not on the hook for a single dime. That is exactly how a government should act in the circumstances.

**Ms. Peggy Nash (Parkdale—High Park, NDP):** Mr. Speaker, we are not talking about a former minister. We are talking about a minister's former employee.

The minister of dubious ethics set such a low ethical bar that it seems to have had a trickle down effect on his employees. That is what happens when a minister calls every major scandal a learning experience but takes no responsibility.

Using a government credit card to play the slots in Las Vegas on the taxpayers' dime is wrong. When will the minister finally take responsibility for his many ethical failures, including this one?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, our government has been clear. We will not accept or tolerate any misuse or abuse of taxpayer dollars in any fashion, including the fashion here.

We are talking about the activities of a former employee, and more important, we have recovered every penny. The taxpayers are not on the hook for a single dime. That is the way a government should conduct itself.

\* \* \*

● (1140)

### NATIONAL DEFENCE

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Mr. Speaker, I learned in the navy that when one is the captain, one is responsible for the ship. That would be the Prime Minister. However, in the case of the Minister of National Defence, he reminds me more of the captain of the *Costa Concordia*. He wanted to show off his ship handling skills but he ran the ship aground. He was then one of the first to make a beeline for the lifeboat and even hid under a blanket.

When will the government show Canadians that it takes accountability seriously and fire the Minister of National Defence?

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, I will ignore the member's blanket comments and simply go to the facts.

The Auditor General has indicated clearly that the government is responding appropriately and is moving in the right direction. He pointed out, as others, including the Prime Minister, have emphasized here, that there was no money misspent and no money missing. No money has been spent on this file.

We are now moving forward with a process, appropriately under the guidance of the Minister of Public Works, to ensure that we have proper aircraft in the future to replace the aging CF-18s so that the men and women in uniform will have the proper equipment to do the important work that we ask of them. That is a serious issue.



*Oral Questions*

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Mr. Speaker, the Conservatives have made deep cuts in the budget while at the same time misleading Canadians by \$10 billion on the real cost of the F-35s. Ten billion dollars would pay for 10 years of Kelowna, 10 years of the child care plan. Ten billion dollars would actually pay for OAS for 1.6 million Canadians.

How can the Prime Minister possibly break his promise to Canadians to not touch the OAS at the same time as he is misleading Canadians with the \$10 billion lowballing on the cost of the F-35s?

**Hon. Julian Fantino (Associate Minister of National Defence, CPC):** Mr. Speaker, we have said time and again that we accept the recommendations from the Auditor General and we are implementing those recommendations. Work is ongoing as we speak. That is why we have frozen the funding for the acquisition and are establishing a separate secretariat to lead this project forward.

I must repeat again that the Auditor General said this morning that our government was taking steps in the right direction and he also confirmed that the audit found no money was misappropriated or misspent.

**Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.):** Mr. Speaker, the Auditor General informed us this morning that the Minister of National Defence and the Associate Minister of National Defence did not accept the conclusions of the Auditor General. What he informed us of this morning was that they felt that the Departments of National Defence, Public Works and Government Services and the Treasury Board had done due diligence. They do not accept the findings of the Auditor General.

That is not what was reported to the House. There are reasons that there are not resignations occurring on the front bench. It is because the Auditor General also informed us that senior ministers knew, which means that the Prime Minister knew. There are no resignations because he would have to take responsibility. Why does he not do—

**The Acting Speaker (Mr. Bruce Stanton):** Order, please. The hon. Minister for Public Works.

**Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC):** Mr. Speaker, the Auditor General's recommendation was that the Department of National Defence refine its cost estimates and table them in Parliament. We agree but we want to go much further than that.

This is a \$9 billion acquisition, it is public funds, and we want to ensure that these cost estimates are also independently validated for parliamentarians. We expect nothing less and taxpayers expect nothing less.

This morning, the Auditor General said that we were moving in the right direction. He also said that his audit showed that no money was misspent, which is, of course, because no money has been spent on this acquisition yet.

\* \* \*

[Translation]

**CBC/RADIO-CANADA**

**Mr. Pierre Dionne Labelle (Rivière-du-Nord, NDP):** Mr. Speaker, this government is attacking the very mission of our public

broadcaster. In the government's budget, it is not bureaucracy that is being diminished, but local information, Canadian content and digital innovation.

We are talking about the elimination of 243 jobs in the French service of Radio-Canada, mainly in Montreal. That is a direct attack on the artists who promote French language and culture around the world.

When will this government stop preventing Radio-Canada from fulfilling its mandate? Or is this government cutting funding from Radio-Canada because it is fulfilling its mandate too well by informing Canadians of this government's ideological drift?

• (1145)

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, as I said yesterday, Radio-Canada/CBC has the necessary funding to fulfill its mandate under the Broadcasting Act. What is more, it has the necessary funding to continue its 2015 plan, which includes the necessary funding to continue to protect francophone and anglophone culture in every region of our country. That was a promise we made in the last election campaign, and we have kept that promise.

[English]

**Mr. Craig Scott (Toronto—Danforth, NDP):** Mr. Speaker, yesterday we saw the effects of the Conservative philosophy of Canadian culture: drastic slashing of people and services at the CBC, \$115 million in cuts and at least 650 employees now gone. Millions of Canadians who rely on the CBC for local programming will pay the price, Canadians who want to see and listen to Canadian artists and Canadians who value commercial-free radio. When will the government finally put an end to its undermining of public broadcasting in this country?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, as I just said to his colleague in French, the CBC has the funds necessary to fulfill its mandate in the Broadcasting Act and to continue with its 2015 plan.

\* \* \*

[Translation]

**THE BUDGET**

**Mrs. Nycole Turmel (Hull—Aylmer, NDP):** Mr. Speaker, the CBC is not the only organization to be hit by the Conservatives' ideological cuts. Some 1,000 civilian employees at the Department of National Defence were the first to lose their jobs. On top of that, 840 positions have been eliminated at Health Canada. These cuts will have a negative impact on aviation safety, food safety and the health services provided to Canadians.

How can the Conservatives continue to claim that these cuts will not affect Canadians?

*Oral Questions**[English]*

**Hon. Ted Menzies (Minister of State (Finance), CPC):** Mr. Speaker, I think what the hon. member was referring to is perhaps the fact that NDP members voted against our economic action plan 2012 last night. They voted against the hope that Canadians have for more jobs. In fact, just this morning there was an announcement that there are 82,300 more jobs. That is what Canadians want to hear about. That is what they want the opposition to ask questions about. It is not what happens in the Ottawa bubble, but what Canadians care about.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, the Conservatives had to make up for their reckless corporate tax cuts by cutting public services. Let us have some straight talk on what is happening here. Killing over 1,000 jobs in the Department of National Defence hurts our military communities. Killing over 800 jobs in Health Canada hurts our health care system. Killing 20,000 jobs in the public sector kills 40,000 jobs in the private sector.

Will Conservatives give some straight answers on how these cuts will hurt Canadians?

**Hon. Ted Menzies (Minister of State (Finance), CPC):** Mr. Speaker, that may be NDP logic, but it is not economic logic. In fact, if the member had read the "Fiscal Monitor" that came out last Thursday, he would have seen that corporate revenues to the Government of Canada, including our reduction of corporate income tax, created a 20% increase in corporate income tax. Obviously, their assumptions are completely inaccurate. These increases in job numbers bring us to nearly 700,000 more Canadians working today than in July 2009.

**Mr. Ryan Leef (Yukon, CPC):** Mr. Speaker, our Conservative government is squarely focused on what matters to Canadians: jobs, growth and long-term prosperity. But while we are focused on growing Canada's economy, the NDP and the Liberals want to hike taxes, engage in reckless spending that would kill Canadian jobs and ruin Canada's finances for generations to come. Our Conservative government is on the right track for Canada's prosperity. Can the Minister of State (Finance) repeat for us those fantastic numbers we heard about on jobs today?

**Hon. Ted Menzies (Minister of State (Finance), CPC):** Mr. Speaker, those numbers are worth repeating: 82,300 more jobs in March. That is very important. Another important factor is that 70,000 of those are full-time jobs and 39,000 are youth employment. That is what we have seen as troubling, but jobs for youth have increased by 39,000. That is almost 700,000 net new jobs since the end of the recession.

\* \* \*

• (1150)

*[Translation]***NATIONAL DEFENCE**

**Mr. Tarik Brahma (Saint-Jean, NDP):** Mr. Speaker, let us talk about jobs. The Conservatives claim to support our soldiers, yet they are eliminating 1,100 civilian jobs within the Department of National Defence. Furthermore, the government is warning that more cuts are coming. No one is immune to them—not mechanics, cooks, technicians or communications specialists. Many of these cuts will occur in Quebec, including at the military base in Saint-Jean.

Why are the Conservatives not showing some respect for our soldiers by protecting these jobs?

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, that is not correct. That is not accurate.

*[English]*

What we are seeing, of course, is a return to a normal tempo of operations after a very high, active tempo in Afghanistan. As a result of this, we are very much focused now on realigning our personnel and needs here in Canada, as well as focusing other resources to achieve long-term sustainability.

Let us not forget that it was this government that invested over \$1 billion annually in the Department of National Defence. We have seen growth across the four pillars of the Department of National Defence as a result of the unprecedented Canada first defence strategy. We will continue to see growth in the future.

*[Translation]*

**Ms. Annick Papillon (Québec, NDP):** Mr. Speaker, in fact, yes, we are talking about budget cuts and job losses at military bases in the province of Québec and in Québec City, which is going to be particularly hard hit by the cuts. Nearly 350 jobs are going to be cut in the province, 200 of them in the Québec City area alone.

However, CFB Valcartier should be spared. We are very proud of all the families who work there. Once again, it is families who have to pay for the poor choices made by the Conservatives.

When will this government come to its senses and re-evaluate these disrespectful layoffs?

*[English]*

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, first of all, a lot of what she has said is simply incorrect. Let me remind her that it was under this government that the number of civilian full-time equivalents grew by over 5,000. That was, of course, in response to the high tempo of operations taking place in Afghanistan.

We have now seen a substantial change in that tempo of operations. We are now returning to a normal state of being in terms of the department. We are seeing a realignment of personnel in response to that new reality. We are working toward achieving long-term sustainability for the Canadian Forces. I also need to remind her that her party has never supported a single initiative to help the Canadian Forces, their families, improvements to bases or equipment; never.

**Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP):** Mr. Speaker, New Democrats have always supported the men and women who run the bases across this country. However, bases across the country, including CFB Esquimalt in my riding, are now the targets of mean-spirited Conservative cuts. These Conservatives have dished out billions for corporate giveaways, but they are now picking the pockets of military and civilian families in my riding and asking them to sacrifice even more.

*Oral Questions*

While the Conservatives are busy bragging about their budget and their management skills, what do they have to say to the individual men and women who stepped up to serve our country with honour and who will now lose their jobs because of these cuts to DND?

**Hon. Peter MacKay (Minister of National Defence, CPC):** Mr. Speaker, what I think I heard the hon. member say is that New Democrats support only the civilian people who work on the bases. I did not hear him say that they supported the billions of dollars that were invested in the men and women who wear the uniform, who actually fight for Canada overseas. We did not see that type of enthusiasm and support coming from the members opposite when we invested that money to improve the working conditions for the men and women in uniform, in equipment for the men and women in uniform and in programs that helped them and their families. We are continuing to do so. We will continue to support those brave citizens, both civilian and uniformed.

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**VETERANS AFFAIRS**

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, the following belongs in Ripley's Believe it or Not! A World War II veteran from Outremont, Quebec, diagnosed by seven doctors, has the following problems: coronary artery disease, prostate cancer, diabetes, osteoporosis, macular degeneration, degenerative disc disease and two others I cannot even pronounce. He applied for the veterans independence program. Here is what the DVA said, "Your present health condition does not meet the criterias for frail health and, thus, you are denied the veterans independence program".

I am wondering if the Prime Minister of Canada can stand up for the Conservatives and define to all Canadians what he determines is frail health.

• (1155)

**Ms. Eve Adams (Parliamentary Secretary to the Minister of Veterans Affairs, CPC):** Mr. Speaker, while I cannot comment on a specific case, I can ask the department to investigate to ensure that this veteran is receiving every benefit to which he is entitled.

The care and well-being of our veterans is a priority for our government. Just this week we announced significant improvements to the veterans independence program that ensure that 100,000 veterans will no longer need to submit receipts for their groundskeeping and housekeeping services. This will provide them with two up front payments each year and eliminate about a million transactions between veterans and the bureaucracy. It is just another way that we are providing service to our veterans.

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**GASOLINE PRICES**

**Hon. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, the Prime Minister promised he would provide relief for motorists by limiting the GST when gas hit 85¢ a litre. Another broken promise, and motorists are paying the price. Canadians cannot even afford to drive to work. The Conservatives went out of their way to help the oil companies in last week's budget. When will they keep their word and help hard-pressed consumers?

**Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC):** Mr. Speaker, we kept our word. We reduced the GST by 2% for every Canadian. I have to remind the House that the Liberals would impose a job-killing carbon tax on Canadians that would see gas prices skyrocket. This is not what Canadians want.

To be serious, this member should just advocate good serious measures. At the committee last year, colleagues praised our government for steps we took to strengthen the Competition Bureau's power back in 2009.

[Translation]

**Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.):** Mr. Speaker, I will ask the question in French. That way, I might get an answer.

Canadians are getting ready for a long weekend. Once again, they are being held hostage by the exorbitant price of gas. When the Conservatives were in opposition, they promised not to charge GST on gas when the price per litre exceeded 85¢. The government also promised to lower the tax on diesel fuel by 2¢ a litre, which never happened.

What do the Conservatives intend to do now to give Canadian families a break at the pumps?

**Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC):** Mr. Speaker, on this long Easter weekend, I have some good measures that I would like to share with the hon. member.

First, it is important to remember that the Liberals' campaign platform proposed increasing taxes by creating a carbon tax that would kill the Canadian economy. The result is that the Liberals are now sitting at the back of the House.

This weekend, the hon. member can tell his constituents that we have a good government that reduced the GST by 2% for all Canadians. We also adopted concrete measures. We brought in new legislation to strengthen the Competition Bureau's power, which was praised by the hon. member's former colleague, Dan McTeague, at a committee meeting in 2009.

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**HOUSING**

**Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP):** Mr. Speaker, clearly, fighting poverty and putting a roof over the head of each Canadian are not really a priority for the Conservatives. The fact that they are cutting \$102 million from the Canada Mortgage and Housing Corporation is proof of that. This is the complete opposite of what the NDP and the Federation of Canadian Municipalities have called for. In view of the urgent current needs, this is a priority that should not be ignored. A budget is a matter of making choices.

Why are the Conservatives refusing to invest in affordable housing, to help Canadians live with dignity? And please, I would prefer that the answer is not that we voted against it.

*Oral Questions**[English]*

**Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC):** Mr. Speaker, let me be clear. The member did vote against it. This government has been exceptionally supportive of individuals who are vulnerable and in need. Whether that be the 16,500 new homes for low-income families or the 615,000 individuals across the country who benefited from the economic action plan and our investments in construction and renovations for low-income housing units, I do not know what else to say but we are doing our part. Why do they not support us?

*[Translation]*

**Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP):** Mr. Speaker, access to housing is an important human right. If there is a shortage of available housing, that right is jeopardized. Where is the Conservatives' plan? There is absolutely nothing for affordable housing in the recent budget. Housing comes in a distant second to fighter planes and gifts to the big oil companies. That is not surprising, since the Conservatives have been cutting housing since 2006.

What are the Conservatives going to do to provide every Canadian with a roof and to combat homelessness?

• (1200)

*[English]*

**Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC):** Mr. Speaker, we have been committed to helping vulnerable Canadians be self-sufficient and have a house they can live in. This year alone, the government provided over 615,000 individuals with subsidized housing.

Last summer we announced significant funding in collaboration with the provinces, a framework ongoing for many years. This government is committed to making sure that low-income Canadians have a roof over their heads. I ask the NDP, why does it never support these initiatives?

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**GASOLINE PRICES**

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Mr. Speaker, Canadians across the country are voicing concern over what they are paying at the pumps. In a country as vast as Canada, driving is not an option if people want to take their children to soccer or ringette practice, or if they drive a truck. Will the Minister of Industry please update the House on what measures the government is taking to protect consumers when they go to fill up their cars, trucks or vans?

**Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC):** Mr. Speaker, I thank my colleague for her good question. Gas prices are indeed a concern. Both the NDP and the Liberals would impose a job-killing carbon tax on Canadians that would see gas prices skyrocket.

Fortunately, Canadians spoke in the last election.

I must say to the House that we have reduced the GST by 2%, we have strengthened the powers of the Competition Bureau and we

brought in the Fairness at the Pumps Act. These are real, concrete measures that we are very proud of.

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**YOUTH**

**Mr. Justin Trudeau (Papineau, Lib.):** Mr. Speaker, the government deceived us to the tune of \$10 billion on the F-35 budget. Put into perspective, \$10 billion is enough to fund the Katimavik program for over 700 years.

Every year Katimavik takes over 1,000 kids and gets them to serve their country, one community at a time.

*[Translation]*

Last year, those young people did 572,000 hours of service for the most vulnerable people everywhere in Canada.

Does this government understand that by cutting Katimavik from this budget it is completely off base?

*[English]*

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, my hon. colleague knows that the Katimavik program has been one of the most expensive programs the Government of Canada has run. It has a one-third dropout rate.

Katimavik has received up to \$21 million per year from taxpayers for over 30 years. It is time it stands on its own two feet.

If Katimavik is so great, so important and so well-run, perhaps the member for Papineau can explain why his own government cut it by over \$2 million.

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**ABORIGINAL AFFAIRS**

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, students in Attawapiskat are yet again being forced to plead with the government to release the allowances due to them. It is humiliating. The Conservatives' third-party manager is not even returning their calls. Instead of preparing for their final exams like other Canadian students, they are being forced to try to scramble for money to buy food and simply buy bus fare.

What happened to the government's commitment to quality education for aboriginal students? Why are these students being subjected to this mistreatment?

**Hon. John Duncan (Minister of Aboriginal Affairs and Northern Development, CPC):** Mr. Speaker, I would like to inform the member for Edmonton—Strathcona that the money is in the student account for post-secondary education as of today.

**FIREARMS REGISTRY**

**Mr. John Williamson (New Brunswick Southwest, CPC):** Mr. Speaker, Canadians gave our government a mandate to end the wasteful and ineffective \$2 billion long gun registry once and for all.

Yesterday, the Senate voted overwhelmingly to scrap this law that targets law-abiding farmers, hunters and shooters, which does absolutely nothing to protect law-abiding Canadians.

Mr. Speaker, free at last! Free at last! Law-abiding Canadians are finally free at last!

Can the Parliamentary Secretary to the Minister of Public Safety please update the House on what the Canadian government will be doing and when this measure will become law?

• (1205)

**Ms. Candice Hoepfner (Parliamentary Secretary to the Minister of Public Safety, CPC):** Mr. Speaker, I am very proud to report that our government has ended the long gun registry once and for all. This afternoon the royal assent of Bill C-19 will be proclaimed.

We were happy yesterday to receive the support of three Liberal senators who supported ending the long gun registry. We have received support from two NDP members of Parliament, and we received support from three Liberal senators. Together, we are ending the long gun registry once and for all. We have fulfilled our commitment to Canadians.

\* \* \*

[Translation]

**YOUTH**

**Ms. Charmaine Borg (Terrebonne—Blainville, NDP):** Mr. Speaker, the Conservatives cut funding for the Katimavik program without notice. As a result, 600 young Canadians who were supposed to enter the program this summer have been left in the lurch.

The Conservatives are penalizing these young people in order to save just \$14 million. However, this government has no problem spending billions of dollars on F-35s.

What does the minister have to say to these 600 young people?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, let us be clear.

[English]

We will continue supporting youth programs that work.

As a matter of fact, just this past Monday we signed a three-year agreement with Encounters with Canada, a program that is efficient and effective and works.

Katimavik had a cost of over \$28,000 per participant and a one-third dropout rate. It received up to \$21 million a year from taxpayers over the past 30 years.

As Minister of Canadian Heritage and Official Languages, I have to make difficult decisions and easy decisions. Ending funding for Katimavik is one of the easiest decisions I have ever made.

*Business of the House*

[Translation]

**FIREARMS REGISTRY**

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, a survivor of the École polytechnique shooting, Nathalie Provost, summed up yesterday's deplorable vote in the Senate quite well: "Something we built has just been demolished with a simple vote."

With its majority, the Conservative government is ignoring the victims and insisting on preventing Quebec from setting up its own registry using the data that Quebecers have already paid for. Nonetheless, the Conservative government cannot ignore the Government of Quebec's application for an injunction.

Will the Conservative government have the decency to wait for the ruling from the Superior Court of Quebec, which is hearing the case as we speak, before it starts to destroy the firearms registry, especially the data?

**Hon. Maxime Bernier (Minister of State (Small Business and Tourism), CPC):** Mr. Speaker, I would like to remind the hon. member that this government was elected on a promise to abolish this unnecessary, ineffective and expensive long gun registry.

We are respecting the Canadian Constitution and acting within our jurisdiction as far as criminal law is concerned. We will defend our constitutional jurisdiction and respect the judicial process.

[English]

**The Acting Speaker (Mr. Bruce Stanton):** I have notice of intention to put a question of privilege, but before we do that, we will go to the usual Thursday question.

The hon. member for Windsor—Tecumseh.

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**BUSINESS OF THE HOUSE**

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, as everyone knows, this is the last day before our constituency weeks and the break for the Easter weekend. I want to take this opportunity to thank all the staff here in the House and on the Hill generally for all the services they give us during the year. I want to acknowledge the fine work they do.

I ask the Leader of the Government in the House of Commons what his plans are for the week when we return, that is what legislation will be before the House.

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, first let me acknowledge the important vote we had in the House last evening to approve this year's budget. Economic action plan 2012 is a low-tax plan for jobs, growth and long-term prosperity. Since July 2009, almost 700,000 net new jobs have been created in Canada. We are on track, and our budget seeks to achieve the same kind of long-term growth and prosperity.

*Privilege*

[Translation]

Mr. Speaker, the House will adjourn this afternoon to celebrate Easter and Passover, followed by a pause to work in our constituencies. When we return on Monday, April 23, the House will have the sixth day of second reading debate on Bill C-31, the Protecting Canada's Immigration System Act.

[English]

On Tuesday and Wednesday, April 24 and 25, the House will consider report stage and third reading of Bill C-26, the citizen's arrest and self-defence act, for which I anticipate broad support.

Finally, on Thursday, April 26, we shall have the first allotted day, which will belong to the official opposition.

\* \* \*

• (1210)

### PRIVILEGE

#### NATIONAL DEFENCE

**Hon. Bob Rae (Toronto Centre, Lib.):** Mr. Speaker, on Tuesday of this week, April 3, 2012, you had the honour of tabling in this House the 2012 report of the Auditor General.

The Auditor General, of course, is an officer of Parliament and the reports tabled through you by his office are presumed to be an accurate reflection of the issues his office undertook to examine.

As such, all members of this place operate on the assumption that the contents of the Auditor General's report, tabled by the Speaker, are reliable enough to base not only questions and comments, but also for the government and, if necessary, Parliament, to act upon, whether through administrative reforms or legislative measures. That is my first very simple point.

My second point is that the proceedings of the House are based on a long-standing tradition of respect for the tradition of members. There has to be a presumption that all members of the House are speaking the truth, based upon their knowledge of a particular issue. That assumption is in fact the basis of our parliamentary system.

For generations we have assumed that people could be taken at their word, that when members of Parliament say something in this House, whether they are members of the opposition or members of the executive, we take it as a matter of our ongoing work as parliamentarians that those words are in fact the truth, as members know as they are stating them.

Speaker Fraser, in a decision on a question of privilege, in the *Debates* of May 5, 1987, stated in part that the institution of Parliament enjoys “the protection of absolute privilege because of the overriding need to ensure that the truth can be told”.

I am beginning from the premise that all members, cabinet members included, who speak in this place are speaking the truth. We have to assume that when the Prime Minister of Canada is speaking in this place, he is speaking the truth. We have to assume that when the Minister of National Defence is speaking in this place, he is speaking the truth. When the Minister of Public Works and Government Services is speaking in this place, she is speaking the

truth. When the Associate Minister of National Defence is speaking, he is speaking the truth.

I am reminded of Speaker Milliken's ruling on March 9, 2011, which dealt with the issues of the contradictory statements of the Minister of International Cooperation regarding the Christian charity, KAIROS. In his ruling, where he ruled that there was a *prima facie* case of privilege, Speaker Milliken said:

—members have argued that the minister has made statements in committee that are different from those made in the House or provided to the House in written form. Indeed, these members have argued that the material available shows that contradictory information has been provided. As a result, they argue, this demonstrates that the minister has deliberately misled the House and that as such, a *prima facie* case of privilege exists.

He then went on to quote from a ruling delivered by Speaker Jerome on March 21, 1978, which said:

—the Speaker should ask himself, when he has to decide whether to grant precedence over other public business to a motion which a Member who has complained of some act or conduct as constituting a breach of privilege desires to move, should be not—do I consider that, assuming that the facts are as stated, the act or conduct constitutes a breach of privilege, but could it reasonably be held to be a breach of privilege, or to put it shortly, has the Member an arguable point? If the Speaker feels any doubt on the question, he should, in my view, leave it to the House.

At the time the member for Scarborough—Rouge River indicated to the House:

That has confused me. It has confused Parliament. It has confused us in our exercise of holding the government to account, whether it is the Privy Council, whether it is the minister, whether it is public officials; we cannot do our job when there is that type of confusion.

Mr. Speaker, Milliken also said:

—the situation before us where the House is left with two versions of events is one that merits further consideration by an appropriate committee, if only to clear the air.

The Speaker went on to say that in his view there was sufficient doubt to warrant a finding of *prima facie* privilege in that particular case.

If these arguments are correct, and I would argue that they are, we have a problem that requires attention, and I believe a ruling with respect to the matter of truthfulness in statements by members of the government is now clearly warranted.

Yesterday I raised this matter as it concerns the Auditor General's 2012 report. Chapter 2 of that report, entitled “Replacing Canada's Fighter Jets”, contains the following at page 3 under the heading “The departments have responded”:

National Defence, Industry Canada and Public Works and Government Services Canada have accepted the facts presented in the chapter. Both National Defence and Public Works and Government Services Canada disagree with the conclusions set out in paragraphs 2.80 and 2.81.

• (1215)

I would draw the House's attention to the last sentence, which states that the two departments in question disagree with the conclusions set out in paragraphs 2.80 and 2.81 of the report of the Auditor General.

Given the severity of the situation that has been raised in regard to the issue of the F-35, and bearing in mind that the two paragraphs to which I will now refer appear in the Auditor General's report under the heading "Conclusion", I wish to place these two paragraphs on the public record prior to raising the specific matters as privilege. I am quoting now from the Auditor General's report in full. These are the two paragraphs in which we are told by the Auditor General of Canada, which he confirmed this morning in committee when asked this question, that the departments in question challenge the conclusions of the Auditor General, namely paragraphs 2.80 and 2.81:

National Defence did not exercise due diligence in managing the process to replace the CF-18 jets. National Defence did not appropriately consult Public Works and Government Services Canada (PWGSC) on the procurement implications of the 2006 MOU for the third phase of the JSF Program or develop an appropriate plan for managing the unique aspects of the acquisition. Problems relating to development of the F-35 were not fully communicated to decision makers, and risks presented to decision makers did not reflect the problems the JSF Program was experiencing at the time. Full life-cycle costs were understated in the estimates provided to support the government's 2010 decision to buy the F-35. Some costs were not fully provided to parliamentarians.

For emphasis, I am going to repeat that statement:

Some costs were not fully provided to parliamentarians.

The report then continued:

There was a lack of timely and complete documentation to support the procurement strategy decision.

Paragraph 2.81 reads as follows:

PWGSC did not demonstrate due diligence in its role as the government's procurement authority. Although it was engaged by National Defence until late in the decision-making process, PWGSC relied almost exclusively on assertions by National Defence and endorsed the sole-source procurement strategy in the absence of required documentation and completed analysis.

Those are the two sections, which I have just read into the record.

Since this report was presented to the House, the government, through the Prime Minister, the Minister of National Defence, the Minister of Public Works and Government Services, the Associate Minister of National Defence and the Leader of the Government in the House of Commons, has responded. The following are representative of the line of argument by the government.

The Associate Minister of National Defence said, "We do in fact accept the conclusions of the Auditor General, and we will in fact implement his recommendations". The Minister of National Defence said, "We have said that we accept his conclusions". The Associate Minister of National Defence said, "we accept the conclusions of the Auditor General". The Minister of Public Works and Government Services said, "I say to the member that our government believes very strongly the Auditor General's recommendations and conclusions were accurate, and we agree with them". The Leader of the Government in the House of Commons said, "The government has clearly expressed, through the ministers here, the views we have that we accept the findings of the Auditor General and the recommendations".

At no point has any member of the government stated in this place that both National Defence and Public Works and Government Services Canada in fact "disagree with the conclusions" of the Auditor General, a declaration that is clearly self-evident in the report itself.

### *Privilege*

In fact, as I have indicated, statements made in the House have been categorical. The government, according to the record of this place, accepts the conclusions of the Auditor General, which as a point of fact is misleading, erroneous and, if I may say so, best suited to an unparliamentary term.

The point I raise is not a matter of interpretation and it is not a matter of debate. It is clear that two completely different and contradictory versions of reality are being presented in the House by the government.

In response to oral questions, the government accepts all conclusions of the Auditor General, while in a written submission to the House through its response to the Auditor General's report, the government rejects several critical conclusions of the Auditor General.

These two versions of reality cannot both be true. One in fact must be a falsehood. While it is not for the Speaker to determine what is fact, what is clear is that the two versions of reality leave the House with significant confusion on this issue. Indeed, I would argue that these two versions seem to be an attempt to deliberately confuse the House.

● (1220)

It should be noted that the ministers in this House were apprised of the findings of the report prior to it being tabled in this House, as demonstrated by the fact that the report contains statements from the departments affected and how they have responded.

It is my contention and first argument, based upon the conflicting versions of reality delivered by the government in this place in response to the Auditor General's report concerning the F-35 procurement process, that in fact this is not just a question of my privileges—it is not a question of personal privilege—but a question of the privileges of this House.

I also want to make an additional argument, because I think it is critical that the House comes to grips with this question.

If in fact it is true that the government accepts the conclusions of the Auditor General's report, the Government of Canada is admitting that for a period of 21 months it misled the Parliament of Canada. By way of debate, the government is saying, "Well, it's okay because there are no consequences, there are no financial consequences to this, so it doesn't matter". One minister of the crown even got up to say, "Don't ask us questions about this. Only ask us questions about something which really matters, like the economy."

There is nothing more fundamental to this House than the fact that this House be told the truth by its government.

[*Translation*]

Something else surfaced in the media today.

*Privilege*

The Auditor General made a presentation to a parliamentary committee today, but he also said things to the media outside the House. He surprised us all by telling the media that members of the executive council were aware of the facts and of the costs related to the contract even as they attacked opposition members and an officer of Parliament, the Parliamentary Budget Officer. This means that for a long time, the members of the executive council knew that what they were saying in the House of Commons was not true.

Frankly, I cannot imagine a harsher, clearer criticism of the government. The government cannot say that, while it accepts the conclusions in the report, they do not really matter. If it accepts the conclusions in the Auditor General's report, it must accept the facts that are clearly stated within it: the government did not tell the truth to members of the House of Commons. On the contrary, it repeatedly attacked members and officers of the House even though it knew the truth.

That is why I believe that there is clearly a matter of privilege here.

[*English*]

It is not a matter of privilege for one member of this House alone. This has to do with the fundamental obligation of a government to tell the truth, to tell the truth to Parliament.

The Auditor General has concluded that, in fact, Parliament was misled. If the government accepts that conclusion, I would argue, Mr. Speaker, that you have no alternative but to find that there is a question of privilege.

If the government now recoils and says it continues to object to the two paragraphs that I have read out, then we also have a question of privilege, because what the government is stating in this House is completely contrary to what it is arguing in the document itself. The government cannot have it both ways. We have to be clear on this.

It does not end here. We cannot have a Parliament without truth and without consequences. There has to be a Parliament with truth and with consequences.

Just to be clear, Mr. Speaker, if you find it is a question of privilege, I will be coming forward with a motion for the House to consider, with respect to how we deal with the matter.

• (1225)

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, I appreciate that the leader of the third party is frustrated that he does not have the opportunity to present opposition day speeches and debates as often as he might otherwise have if the Liberals were the official opposition, as they formerly were.

Essentially, that is what we have had. I have heard nothing in the way of any meaningful question of privilege that can be addressed here.

**Hon. Gerry Byrne:** Let the Speaker decide that.

**Hon. Peter Van Loan:** The fact is, in the report of the Auditor General, the Auditor General was somewhat critical and cast questions on the conduct and diligence of officials.

**Hon. Gerry Byrne:** Your nose is somewhat growing.

**Hon. Peter Van Loan:** It is absolutely understandable that officials in the affected departments would want to defend and explain their actions. That is what has been reported by the Auditor General in his report. In the sections that said that the officials in those two departments, not the government, took issue, I can understand the actual inclination for them to want to do it. However, the position of the government is not the position taken by the officials in those departments.

The position of the government, as reported in the House by us, is a position that is taken by the Governor-in-Council. It is a position that is taken by cabinet. We have had the opportunity and the benefit of reading the Auditor General's report, taking into account all the facts related in it, the information that has been provided, including the efforts by members of the department to explain their actions. The fact is, having considered all those findings and having considered those recommendations, cabinet, the Governor-in-Council, agrees with the Auditor General.

**Hon. Ralph Goodale:** And he said you misled the House.

**Hon. Laurie Hawn:** That was not in the report.

**The Acting Speaker (Mr. Bruce Stanton):** Order, please. In questions of privilege of this nature, certainly members are afforded the opportunity to respond. In that the first statement was respected in terms of listening, we would like to afford the same opportunity for the government House leader.

**Hon. Peter Van Loan:** Mr. Speaker, the leader of the opposition may wish that we were bound to take the same position as officials in the department defending their actions. That is not the case here. In fact, that is why the Office of the Auditor General exists, to provide the government and the Canadian public with the opportunity to have this level of oversight and to be able to rely on that opinion, those findings, that advice and that work of the Auditor General. That is exactly what we are doing in this case and that is what the actions we are taking reflect as well.

In terms of any question of what has been said to Parliament, a very important point to understand, and it is the same point the Auditor General has expressed in his report, is that as a government, as ministers, as a cabinet, we have a right and an expectation that the advice we receive is something on which we can rely. This is something that, in this case, the Auditor General made some findings on. We happen to agree with those findings in the end.

In this case there is no privilege or question of any efforts to have misled Parliament. The Auditor General has spoken to it quite clearly and quite completely, laying out the circumstances in which that occurred, and we happen to agree with the Auditor General.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, we just heard the argument from the member for Toronto Centre, so I would like to reserve our opportunity to come back after the break with a more fulsome comment.

I want to get this on the record now. It is clear that when we hear what the Auditor General has said, every one of us as members of Parliament has to think if our privileges have been breached. On a preliminary basis, our analysis is that it is still premature to determine that. I say that from the perspective of the Speaker having to make an ultimate ruling on this motion.



However, we are still analyzing all the information we have. As the leader of the third party mentioned, more information came out in a scrum this morning from the Auditor General. Therefore, we are doing that analysis. Both for the reason that we have heard the arguments for the first time and for the reality of the need to continue to do that analysis, I ask for the right to be able to respond after the break.

● (1230)

[*Translation*]

**Mr. André Bellavance (Richmond—Arthabaska, BQ):** Mr. Speaker, I will be addressing the same point and I will be brief.

The leader of the Liberal Party spoke eloquently in his presentation on the fiasco that the whole plan, the whole program to purchase these F-35 jets represents.

However, I have to add one thing: it is very rare for this government to admit that it has made an error. That has to be recognized. The Conservatives have been in power since 2006, and even when they were in a minority position, never once did they admit that they had made an error. This time, they have done that, more or less, by transferring or, if you like, shovelling the entire matter over to the Department of Public Works. They are so prideful, however, that they have decided to call it the F-35 Secretariat.

So to them, this does not mean reviewing the competition process, seeing whether there was a real need to buy these jets, and also reviewing the entire defence or even foreign affairs policy. And that means that after all the information we have had from the Auditor General and the statistics provided by the Parliamentary Budget Officer, we can be certain that not just this House, but the public as a whole has been misled by the Conservative government in this matter.

Ultimately, what we have to remember, and I will conclude on this point, is that it is the public who will be paying all those billions of dollars in this whole F-35 fiasco.

[*English*]

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, having heard the hon. member for Toronto Centre and the points from the hon. member for Windsor—Tecumseh, I want to make this one point very clearly.

On behalf of the Green Party of Canada, I would like to associate myself with every point made by the member for Toronto Centre. Also, I agree with the member for Windsor—Tecumseh that there are more facts to be uncovered and more information to be gained.

I have felt offended by hearing government members in the House claim that they have accepted, and that their departments have accepted, the findings of the Auditor General, when in black and white in the report of the Auditor General, it says very clearly, at page 31, chapter 2:

Both National Defence and Public Works and Government Services Canada disagree with our conclusion that they did not demonstrate due diligence in their respective roles in the replacement of the CF-18 jets.

I believe there is a clear contradiction there. I know the Speaker will take time and consider carefully the points of the hon. member for Toronto Centre with which we agree on every syllable.

### *Routine Proceedings*

**The Acting Speaker (Mr. Bruce Stanton):** I would like to thank the hon. member for Toronto Centre for his intervention, the responses from the government House leader and the comments by the member for Richmond—Arthabaska and the member for Saanich—Gulf Islands.

The Chair notes that the member for Windsor—Tecumseh would like to reserve an opportunity to speak on the point perhaps after the break.

I think there is more than enough here for us to consider in the days ahead. We will take the matter under advisement and get back to the House in due course.

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## ROUTINE PROCEEDINGS

[*Translation*]

### OFFICIAL LANGUAGES

**Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services, for Official Languages and for the Economic Development Agency for the Regions of Quebec, CPC):** Mr. Speaker, Canada's two official languages are an integral part of this country's history and identity. That is why today, I am proud to table, in both official languages, the mid-term report of the "Roadmap for Canada's Linguistic Duality 2008-2013: Acting for the Future".

As the report states, our investments in support of official languages in each of the Roadmap action areas have resulted in real progress and tangible preliminary results for all Canadians.

\* \* \*

● (1235)

[*English*]

### GOVERNMENT RESPONSE TO PETITIONS

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to 32 petitions.

\* \* \*

### INTERPARLIAMENTARY DELEGATIONS

**Mr. Mike Wallace (Burlington, 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 Joint Delegation of Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group respecting its participation at the 20th annual meeting of the Asia-Pacific Parliamentary Forum, APPF, which was held in Tokyo, Japan, from January 8 to 12.

\* \* \*

### FISH INSPECTION ACT

**Ms. Elizabeth May (Saanich—Gulf Islands, GP),** seconded by the member for Richmond—Arthabaska, moved for leave to introduce Bill C-417, An Act to amend the Fish Inspection Act and the Consumer Packaging and Labelling Act (importation and labelling of shark).

*Routine Proceedings*

She said: Mr. Speaker, today is my first opportunity to present a private member's bill in the House. This one is very complementary to other legislation in the House dealing with the ongoing and devastating practice of the finning of sharks for the purpose of one type of rare and prized dish accepted in Chinese culture. Shark fin soup is leading to the actual extinction of shark species around the planet. Over 70 million individual sharks a year are killed for this practice.

This bill attempts to help consumers through proper labelling. By focusing on labelling, I will be clear that the intent of the bill is to assist in the ending of the practice of trade and consumption of shark fins. In brief, the bill deals with the fact that as a high-end predator on the food chain, shark fins are contaminated with high levels of mercury. Currently, there is no warning of that in the consumption of sharks. It is also very important that the country of origin be labelled.

Through this labelling effort, the hope is that the practice will be come more difficult and in fact come to an end.

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

\* \* \*

**COMMITTEES OF THE HOUSE****ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT**

**Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC):** Mr. Speaker, I have eight travel motions and I hope I will receive the support of the House.

I move:

That, in relation to its study on the land-use and sustainable economic development, seven members of the Standing Committee on Aboriginal Affairs and Northern Development be authorized to travel to Roberval, Quebec, Truro and Sydney, Nova Scotia, in the spring of 2012, and that the necessary staff accompany the Committee.

• (1240)

**The Acting Speaker (Mr. Bruce Stanton):** Does the chief government whip have the unanimous consent of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

**Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC):** Mr. Speaker, I move:

That, in relation to its study on the land-use and sustainable economic development, seven members of the Standing Committee on Aboriginal Affairs and Northern Development be authorized to travel to Westbank, Penticton and Osoyoos, British Columbia, and Saskatoon, Leask and North Battleford, Saskatchewan, in the spring of 2012, and that the necessary staff accompany the committee.

**The Acting Speaker (Mr. Bruce Stanton):** Does the chief government whip have the unanimous consent of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

**AGRICULTURE AND AGRI-FOOD**

**Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC):** Mr. Speaker, I move:

That, in relation to its study on animal products supply chain, seven members of the Standing Committee on Agriculture and Agri-Food be authorized to travel to Guelph,

Ontario, in the spring of 2012, and that the necessary staff accompany the Committee.

**The Acting Speaker (Mr. Bruce Stanton):** Does the chief government whip have the unanimous consent of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

**Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC):** Mr. Speaker, I move:

That, in relation to its study to provide recommendations regarding the development of a national conservation plan, six members of the Standing Committee on Environment and Sustainable Development be authorized to travel to Halifax, Lunenburg and Prospect, Nova Scotia, in the spring of 2012, and that the necessary staff accompany the Committee.

**The Acting Speaker (Mr. Bruce Stanton):** Does the chief government whip have the unanimous consent of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

**Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC):** Mr. Speaker, I move:

That, in relation to its study to provide recommendations regarding the development of a national conservation plan, six members of the Standing Committee on Environment and Sustainable Development be authorized to travel to Nanaimo, Parksville, Port Alberni, Bowser and Vancouver, British Columbia, and, Calgary, Olds and Longview, Alberta, in the spring of 2012, and that the necessary staff accompany the Committee.

**The Acting Speaker (Mr. Bruce Stanton):** Does the chief government whip have the unanimous consent of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

**HUMAN RESOURCES, SKILLS AND SOCIAL DEVELOPMENT AND THE STATUS OF PERSONS WITH DISABILITIES**

**Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC):** Mr. Speaker, I move:

That, in relation to its study on fixing the skills gap, addressing existing labour shortages in high demand occupations and understanding labour shortages, addressing barriers to filling low-skilled jobs, seven members of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities be authorized to travel to St. John's, Newfoundland and Labrador, Sydney and Halifax, Nova Scotia, and Montreal, Quebec, in the spring of 2012, and that the necessary staff accompany the Committee.

**The Acting Speaker (Mr. Bruce Stanton):** Does the chief government whip have the unanimous consent of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

**Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC):** Mr. Speaker, I move:

*Routine Proceedings*

That, in relation to its study on fixing the skills gap, addressing existing labour shortages in high demand occupations and understanding labour shortages, addressing barriers to filling low-skilled jobs, seven members of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities be authorized to travel to Vancouver, British Columbia, Whitehorse, Yukon Territory, Calgary and Fort McMurray, Alberta, and Estevan, Saskatchewan, in the spring of 2012, and that the necessary staff accompany the Committee.

**The Acting Speaker (Mr. Bruce Stanton):** Does the chief government whip have the unanimous consent of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

## FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT

**Hon. Gordon O'Connor (Minister of State and Chief Government Whip, CPC):** Mr. Speaker, I move:

That, in relation to its briefing on the situation in Ukraine, seven members of the Standing Committee on Foreign Affairs and International Development be authorized to travel to Kiev, Kharkiv and Lvov, Ukraine, in the spring of 2012, and that the necessary staff accompany the Committee.

**The Acting Speaker (Mr. Bruce Stanton):** Does the chief government whip have the unanimous consent of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

\* \* \*

## PETITIONS

## ABORTION

**Mr. Peter Braid (Kitchener—Waterloo, CPC):** Mr. Speaker, I have one petition signed by a number of residents of the Waterloo region. It is regarding the moral issue of abortion in Canada.

## HUMAN RIGHTS

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, I have the honour to present a petition signed by literally thousands of Canadians, mostly of Vietnamese origin, to raise attention to human rights violations in Vietnam.

The petitioners call on the government to urge Vietnamese authorities to immediately and unconditionally release all political prisoners and prisoners of conscience. The petitioners also request that the Government of Canada integrate universal human rights into trade and aid relations.

Finally, the petitioners request that the Government of Canada urge the Vietnamese government to repeal or modify the vaguely defined articles in the penal code and various decrees that are used to criminalize citizens who peacefully advocate for their rights.

I join the petitioners in their call for action. We need to all work together and support those who are promoting freedom and democracy in their homelands.

## ABORTION

**Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC):** Mr. Speaker, I have several petitions to present today.

The first petition is from the people of Chilliwack calling upon the House of Commons to speedily enact legislation that restricts abortion to the greatest extent possible.

## CRIMINAL CODE

**Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC):** Mr. Speaker, the second petition calls upon the House of Commons to amend section 223 of the Criminal Code in such a way as to reflect 21st century medical evidence on the human being.

## AIRLINE INDUSTRY

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Mr. Speaker, the House is aware of the thousands of workers, who used to work for Air Canada and then went to Aveos, who are now unemployed.

This petition deals with the issue of paragraph 6.1(d), which reads, “provisions requiring the Corporation to maintain operational and overhaul centres in the City of Winnipeg, the Montreal Urban Community and the City of Mississauga”.

The petitioners are asking the Government of Canada and the Prime Minister to hold Air Canada accountable under the law.

## ASBESTOS

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I am proud to introduce a petition signed by literally tens of thousands of Canadians who call upon the House of Commons to take note that asbestos is the greatest industrial killer that the world has ever known. They point out that more Canadians now die from asbestos than all other industrial and occupational causes combined and yet Canada remains one of the largest producers and exporters of asbestos in the world. They also point out that Canada spends millions of dollars subsidizing the asbestos industry and blocking international efforts to curb its use.

Therefore, the petitioners call upon Parliament to ban asbestos in all of its forms and institute a just transition program for asbestos workers and the communities in which they live, to end all government subsidies of asbestos, both in Canada and abroad, and finally, to stop blocking international health and safety conventions designed to protect workers from asbestos, such as the United Nations Rotterdam Convention.

● (1245)

[*Translation*]

## 41ST GENERAL ELECTION

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, today I have the honour of presenting two petitions.

The first petition concerns electoral fraud. The petitioners are from three provinces: British Columbia, Ontario and Quebec. They are urging the Prime Minister to launch an independent inquiry to uncover the truth about who did what during the last election and to find the person or persons responsible.

*Routine Proceedings*

[English]

## THE ENVIRONMENT

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Speaker, the second petition comes from residents within my own riding of Victoria, Salt Spring Island and Ottawa.

The petitioners are asking the government to cease and desist from acting as a public relations arm of the oil industry, to allow the public review under the joint review panel of the National Energy Board, to conclude full, fair, transparent and science-based hearings prior to taking positions on the threat to the coast of British Columbia constituted by oil supertankers.

\* \* \*

## QUESTIONS ON THE ORDER PAPER

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the following questions will be answered today: Nos. 475, 485 and 495.

[Text]

Question No. 475—**Hon. Denis Coderre :**

With regard to the Prime Minister's Office, as of February 1, 2012, how many people did it employ and of those (i) how many make a salary of \$100,000 a year or more, (ii) how many make a salary of \$50,000 a year or less?

**Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the Privy Council Office's response is as follows. The total number of full-time equivalent employees in the Prime Minister's Office as of February 1, 2012 was 94. The total number of individuals with an annual income of \$100,000 or more was 21. The total number of individuals with an annual income of \$50,000 or less was 23.

Question No. 485—**Ms. Hélène Lavergère:**

With respect to Export Development Canada's (EDC) 2010 Corporate Social Responsibility Report and other commitments to social responsibility: (a) what methodology does EDC employ in its human rights assessments; (b) what criteria are employed by EDC to determine whether a human rights assessment will be undertaken for Category A and B projects; (c) to date, on the basis of what policy has EDC not publicly disclosed its human rights assessment methodology; (d) to date, on the basis of what policy has EDC not publicly disclosed the precise amounts of its loans, guarantees and insurance policies; (e) what is the definition of "benchmark" used by the Environmental and Social Review Directive; (f) what is the process for benchmarking projects by the Environmental and Social Review Directive; and (g) before issuing a \$1 billion line of credit to Vale Ltd. in 2010, did EDC conduct an evaluation process concerning Vale's environmental and human rights practices in its overseas operations, and what overseas operations were reviewed?

**Hon. Ed Fast (Minister of International Trade and Minister for the Asia-Pacific Gateway, CPC):** Mr. Speaker, with respect to Export Development Canada's, EDC's, 2010 corporate social responsibility or CSR report and other commitments to social responsibility, the following is our response.

In response to (a), see <http://www19.edc.ca/publications/2011/2010csr/english/9-1.shtml> for the methodology EDC employs in its human rights assessments.

In response to (b), EDC's human rights risk assessments continue to evolve, consistent with the commitments made in EDC's statement on human rights. See <http://www.edc.ca/EN/About-Us/Corporate-Social-Responsibility/Pages/business-ethics.aspx> and the

link in the box under the human rights section. Human rights assessments are being completed for all category A and category B projects in non-OECD countries that are reviewed under the environmental and social review directive.

In response to (c), EDC has disclosed information about its human rights assessment process, as detailed in our 2010 CSR report, available at: <http://www19.edc.ca/publications/2011/2010csr/english/9-1.shtml>.

In response to (d), as outlined in EDC's disclosure policy, <http://www.edc.ca/EN/About-Us/Disclosure/Documents/disclosure-policy.pdf>, EDC will not disclose confidential information without the required consents of its customers. The Export Development Canada Act, section 24.3, precludes EDC from disclosing information obtained from its customers without the required consents or in accordance with the statutory circumstances where such disclosure can occur.

In accordance with EDC's disclosure policy, EDC will disclose or seek to make available, as applicable, the following: aggregate information on its business volume for all of its signed insurance and financing support, as outlined in section D1; certain information on individual transactions related to its signed financing support, as outlined in section D2; and prior to signing, environmental impact information for projects classified as category A projects under EDC's environmental review directive, as outlined in section D3.

In response to (e), though not explicitly defined within the environmental and social review directive, EDC uses the term "benchmark" to mean the process of comparing a company or project's management of environmental and social impacts and risks to the best standards and practices for the industry in question. This process usually involves detailed review of the environmental and social assessment documentation and active consultation with the project company and/or the independent environmental and social consultant hired by the lenders to support the benchmarking exercise. Benchmarking or reviewing a project against the relevant IFC performance standards, or other comparable standards, is an iterative process.

In response to (f), the process for benchmarking projects by the environmental and social review directive is outlined on EDC's website at <http://www.edc.ca/EN/About-Us/Corporate-Social-Responsibility/Environment/Documents/project-review-booklet.pdf>. See pages 3-6.

*Routine Proceedings*

In response to (g), yes, a thorough review was completed before issuing a \$1 billion line of credit to Vale Ltd. EDC's due diligence typically looks at the borrower's operations, including practices related to the company's management of a wide range of environmental and social issues. This review covered the company's international operations in Brazil, Canada, Angola, Democratic Republic of Congo, New Caledonia, Indonesia and Guatemala. EDC also reviews any human rights issues if the company has significant operations in a country that has been identified as potentially having a higher level of human rights risk. See <http://www19.edc.ca/publications/2011/2010csr/english/9-1.shtml> for a description of the country classification system.

**Question No. 495—Ms. Jean Crowder:**

With respect to the recommendations in the 2010 report of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, which studied the role of the government in reducing poverty in Canada: (a) does the government intend to create a federal action plan with specific goals and timetables to reduce poverty and accountability mechanisms to monitor progress; (b) has the government established a poverty reduction plan that would incorporate a human rights framework; and (c) has the government been collaborating with the provincial and territorial governments, the aboriginal governments and organizations, the public and private sector, and people living in poverty to develop a federal action plan to reduce poverty in Canada?

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, the Government of Canada has already tabled its official response to the recommendations of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities in the House of Commons on March 4, 2011. This response clearly articulated our approach to addressing poverty, which remains relevant.

The Government of Canada's approach to reducing poverty emphasizes providing Canadians with skills and opportunities to achieve self-sufficiency, while offering targeted supports for those facing particular barriers. The measures announced since 2006 have demonstrated our efforts to support Canadians, both during periods of economic growth and now as our country is emerging from the global recession. Budget 2011, "The Next Phase of Canada's Economic Action Plan: A Low-Tax Plan for Jobs and Growth", supports job creation and continues to lay the foundation for sustainable economic growth.

One of the most important investments to make work more rewarding for low income Canadians is the working income tax benefit, WITB. The WITB supplements the earnings of low income workers and reduces the "welfare wall" by helping to ensure that those Canadians on social assistance are financially better off as a result of getting a job. The WITB includes an additional amount for persons with disabilities, as these individuals generally face even greater barriers to work force participation. Introduced in 2007, this refundable credit was enhanced in budget 2009 by \$580 million, effectively doubling the initial investment. In 2011, approximately 1.5 million working Canadian families are expected to benefit from the WITB.

The Government of Canada believes that the family is the building block of society, and what we can do as a country is to help families with the costs of raising their children. The Government of Canada provides over \$14 billion per year in benefits for families with

children through the Canada child tax benefit, CCTB, including the national child benefit supplement for low income families, the NCB; the universal child care benefit, UCCB; and the child tax credit, CTC.

Since 2006, the Government of Canada has made significant investments in these benefits for families with children. The government introduced the UCCB, which pays \$100 per month to all families for each child under the age of six to help cover the costs of whatever form of child care they choose. The government has also made improvements to ensure that the UCCB treats single-parent families and those with joint custody fairly. The UCCB is complemented by the CTC, which benefits more than three million families, providing maximum tax relief of over \$300 per child. The government also increased the amount that families can earn before benefits under the CCTB, including the NCB supplement, are reduced, thereby providing increased support for low and modest income families with children. Additional tax measures to recognize other expenses include the children's fitness tax credit, introduced in 2007, and the children's arts tax credit, announced in budget 2011.

The Canada social transfer is the main federal transfer program providing financial support to the provinces and territories for social assistance and social services, including early childhood development, early learning and child care, and post-secondary education. The transfer to the provinces and territories for 2012–13 will be almost \$11.9 billion.

\* \* \*

[English]

**QUESTIONS PASSED AS ORDERS FOR RETURNS**

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, if Questions Nos. 468 and 469 could be made orders for returns, these returns would be tabled immediately.

**The Acting Speaker (Mr. Bruce Stanton):** Is that agreed?

**Some hon. members:** Agreed.

*Government Orders*

[Text]

Question No. 468—**Mr. Rodger Cuzner**:

With regard to the Canada First Defence Strategy: (a) does the strategy include (i) acquisition of three strategic air transport aircraft and stationing them at CFB Trenton, (ii) doubling the size of the Disaster Assistance Response Team (DART), (iii) acquisition of three armed naval heavy icebreakers, and stationing them in the area of Iqaluit, (iv) building a new civilian-military deepwater docking facility to accommodate the three armed naval heavy icebreakers mentioned in subquestion (iii), (v) establishing a new underwater sensor system, (vi) building a new army training centre in the area of Cambridge Bay, (vii) stationing new long-range unmanned aerial vehicle squadrons at both CFB Goose Bay and CFB Comox, (viii) stationing new fixed-wing search and rescue aircraft in Yellowknife, (ix) increasing the size of the Canadian Rangers by 500, (x) establishing a 650-member regular forces battalion at CFB Comox, CFB Goose Bay, CFB Trenton, and CFB Bagotville respectively, (xi) adding 1,000 regular force and 750 reserve force personnel to the army in Quebec, (xii) establishing a territorial defence unit in Vancouver, Calgary, Regina, Winnipeg, Ottawa, Toronto, Montreal, Quebec City, Saint John, St. John's, Halifax and the Niagara-Windsor corridor respectively, (xiii) recruiting 1,000 regular force personnel for the purpose of improving and enlarging the Atlantic fleet, (xiv) increasing the number of personnel in CFB Gagetown, (xv) stationing new aircraft and personnel at CFB Greenwood, (xvi) increasing the numbers of Pacific navy regular force personnel by about 500, (xvii) deploying new fixed-wing search and rescue aircraft at CFB Comox and CFB Winnipeg, (xviii) upgrading fighter aircraft at CFB Cold Lake; (b) what is the rationale for the inclusion or exclusion, from the Canada First Defence Strategy, of each of the items mentioned in subquestions (a)(i) to (a)(xviii); and (c) for each item mentioned in subquestions (a)(i) to (a)(xviii) that is not a part of the strategy, (i) has the government taken any steps to carry out or implement the item, (ii) if the government has not taken any such steps, does it intend to do so, (iii) if the government does intend to implement the item, when does it intend to do so?

(Return tabled)

Question No. 469—**Mr. Rodger Cuzner**:

With regards to letters or electronic mail messages received by Ministers from Canadians since January 1, 2012, how many have been received: (a) by the Minister of Industry concerning copyright legislation; (b) by the Minister of Canadian Heritage concerning copyright legislation; and (c) by the Minister of Justice concerning "lawful access" legislation in general or Bill C-30, An Act to enact the Investigating and Preventing Criminal Electronic Communications Act and to amend the Criminal Code and other Acts, in particular?

(Return tabled)

[English]

**Mr. Tom Lukiwski**: Mr. Speaker, I ask that the remaining questions be allowed to stand.

**The Acting Speaker (Mr. Bruce Stanton)**: Is that agreed?

**Some hon. members**: Agreed.

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## GOVERNMENT ORDERS

[Translation]

### SAFER RAILWAYS ACT

The House resumed consideration of the motion that Bill S-4, An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act be read the second time and referred to a committee, and of the motion that this question be now put.

**Mr. Matthew Dubé (Chambly—Borduas, NDP)**: Mr. Speaker, it is an honour for me to speak to Bill S-4, a Senate bill.

There is a railway that cuts almost completely across my riding, and so this is a very important issue, given the urban sprawl taking place on the south shore. In the south of my riding in particular, we are seeing more and more residential neighbourhoods growing up around the railway. The issue of safety is therefore very important.

Before continuing, I would first like to thank two of my colleagues for their work on this issue: the hon. member for Trinity—Spadina and the former critic, the hon. member for Western Arctic, who did a great deal of work on this issue. This bill originated in this House, but unfortunately it died on the order paper with the last election.

Since we are talking a lot about safety, particularly because of the tragedy that happened in Burlington, I would like to take this opportunity to offer my condolences to the people there and to my colleague, the hon. member for Burlington, who considers this situation to be very serious.

As well, in the budget that has just been tabled by this government, we can see that there are cuts to Via Rail's budget.

If we want to update and improve our train services, not just for environmental reasons but for economic reasons as well, then I think reducing the budget of the company that provides the most rail services is a mistake.

I can unabashedly say that the NDP supports the bill. We would like to see additional safety measures within Transport Canada.

With regard to what is happening in my riding of Chambly—Borduas in particular, I would like to say a few words about urban sprawl.

Since I was elected, we have had a number of public consultations on the matter of the vibrations that affect the municipalities of Saint-Basile-le-Grand, McMasterville, Beloeil and Mont-Saint-Hilaire. Most of the comments made by members of the public, mayors and elected municipal officials during our meetings had to do with the vibrations. This issue has been overlooked in Bill S-4.

The vibration issue indicates to what extent trains go through residential areas. That is why railway safety is very important to the people in my riding, especially with plans to increase service to the South Shore and neighbouring regions including the Sherbrooke and Drummondville regions, where people want better service between the major centres. I am thinking about the train that connects Montreal and Ottawa. People might want to go from Ottawa to Montreal, but they might also want to get to the South Shore, Saint Lambert, Saint Basile, or as far as Sherbrooke or Drummondville. I am sure some of my colleagues agree.

**An hon. member**: To Saint-Jean.

**Mr. Matthew Dubé**: To Saint-Jean as well and perhaps Lachute. Many municipalities are affected by this issue.

Quite simply, in order to improve and increase service, we must first ensure that safety provisions are adequate. More regions cannot be served until we are satisfied that safety regulations are optimal. For that reason, it is very important to support this bill.

*Government Orders*

The NDP believes that these measures should have been implemented a long time ago. Unfortunately, with elections and other such things, they were not. However, we would like to see this bill pass as quickly as possible.

• (1250)

We must also deal with modernization, where economic considerations are of the utmost importance. Rail service must be affordable for passengers. If we want more people to travel by train, we have to deal with safety even before we deal with cost. Passengers must feel at ease with train travel, an important means of transportation all across the country, and especially in Quebec. There is a very important rail line running through the middle of my riding.

By ensuring the safety of rail service, we are reassuring passengers that there are no risks in travelling by train. I take the train myself almost every time I come to Ottawa, and it is very quick and comfortable. However, we have to ensure that it is safe.

Canada has earned a good reputation for safety. We are certainly not saying otherwise. There have been accidents, but they are the exception rather than the rule. But just one accident is one too many. Thus, we must take this opportunity to update and enhance current laws, and to give more power to the Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec. This is one of the objectives that this bill could achieve.

By improving safety, we will ensure that people will continue to use the service and we will encourage them to use it more often. In this way we can spark public interest in modernizing rail service. Improving service gives us the opportunity to modernize and to bring our railways up to European standards, for example.

I have received some comments from my constituents and my riding's elected officials, especially at the municipal level. I had the pleasure of talking to them at a meeting in January, just before coming back to the House. We talked about the modernization of rail service, in order to reduce travel time and make this an even greener means of transportation. We know that train travel is already a green choice, according to VIA Rail. I do not want to adopt their slogan, but we can move in the right direction.

Co-operation from the various stakeholders will improve rail service but, I cannot say it enough, safety remains the key issue. We have to implement adequate safety measures. We have to ensure that tragedies like the one in Burlington do not happen again, and that people are not afraid to take the train.

Earlier, I mentioned vibrations, which are not necessarily addressed here. There are other safety measures we might consider. I am raising these questions because this issue relates to the safety not just of passengers, but also of the areas around the railways. When we talk about trains and railways, we have to address the question of safety, which concerns both the people who use the service and the people who live nearby in residential neighbourhoods. That was the case in Burlington. I am not an expert on what happened in Burlington, but I think a residential neighbourhood was involved.

There is also the pollution caused by trains. We want to keep these things under control. We want the Department of Transport to

provide sound management, and that will improve services. This is something that is very important to our constituents, particularly in Chambly—Borduas.

This issue need not be negative. If we solve the safety issue immediately, we can move forward with a vision of sustainable technological development of rail service.

This is what we in the NDP advocate, and that is why we support Bill S-4.

• (1255)

**Mrs. Sadia Groguhé (Saint-Lambert, NDP):** Mr. Speaker, I would like to thank our colleague and congratulate him on his speech.

He has explained why there is an urgent need for this bill to be passed quickly. Obviously, the safety of users is extremely important. He also talked about various accidents that have happened and that certainly must not be allowed to occur again.

What other aspects does my colleague see, in addition to sustainable development, for example in economic terms, as being connected with safe transportation development?

**Mr. Matthew Dubé:** Mr. Speaker, I would like to thank my colleague from Saint-Lambert, which whom I in fact share the railway, even though we are not immediate neighbours.

We are talking about safety, and one of the reasons why Bill S-4 and the earlier bill that was introduced in this House before the election were introduced is precisely because an advisory committee wanted to update safety measures. In fact, we have to remember that technology changes over the years, as our railway systems and trains are modernized.

To come back to the economic aspect raised by my colleague, it is very important to understand that when we talk about safety, we are talking about modernization. We must make sure at all times that our safety regulations are up to date, to reflect the new technological reality of the measures available to us and to ensure the safety of passengers and people living in the vicinity of a railway.

That said, if we want to move forward and improve the system with more eco-friendly, faster systems, as our constituents want and as our party advocates, we have to make sure that we are capable of putting safety measures in place that will in fact both facilitate that process and ensure good economic development in the future.

• (1300)

[*English*]

**Mr. Mike Wallace (Burlington, CPC):** Mr. Speaker, I want to thank the hon. member for his speech, and I actually want to thank him for mentioning the tragic VIA Rail accident that happened recently in Burlington, which resulted in the deaths of some great Canadians who have served our people through their work with VIA Rail over a number of years.

I do understand that the NDP's position, and hopefully everyone's position, is that we need to move this to committee so we can look at any amendments and get this safety act through the House of Commons and into law.

*Government Orders*

Are there any specific amendments the NDP is thinking about that are not in the legislation now but could be, which he could give us a heads-up on? Or is the NDP just waiting to have input from the public on this new legislation?

[*Translation*]

**Mr. Matthew Dubé:** Mr. Speaker, I know work will definitely be done on this in committee. Now, as for the specific nature of this work, I will leave that up to my colleagues who know more about this than I do.

Before I continue, I would like to once again express my condolences regarding what happened in Burlington. As I said, even one tragedy is one too many, despite our excellent reputation when it comes to railway safety.

At the same time, there is definitely always room for improvement. In particular, I would like to point out that Bill S-4 does not address all of the recommendations made by the advisory panel.

That being said, even though there is always some flexibility when it comes to improvements that can be made, this does not prevent us from supporting the bill. In addition, as my colleague mentioned, the bill will then go to committee. At that time, my colleagues who are members of the Standing Committee on Transport, Infrastructure and Communities can continue their excellent work and further develop our position on this bill.

[*English*]

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** Mr. Speaker, it is my pleasure today to rise and speak in support of this bill.

It always takes a tragedy to focus our attention on safety. I and my colleagues from across the aisle and on this side extend our sympathies to the communities and the families of those who lost their loved ones in a very tragic accident, which all of us watched in our living rooms over and over again. For many of the commuters who were on their way home and got tossed around, their families at home suffered a great deal of anxiety, as well as the ones who actually on site.

It always takes a tragedy to draw our attention to the fact that we need to attend to modernizing our regulations to be current with the systems today. It was thus in 2000. It was in the early 2000s, after a spate of unfortunate accidents that led to tragic consequences, that the House first started to look at reviewing the Railway Safety Act. It has been going through various iterations, but here we are in 2012 and the legislation has still not passed through the House. I am not blaming anybody. I am just saying these are the kinds of things that happen.

I will reiterate a comment I have heard from many people that train travel is one of the safest ways to travel. We are not saying there is an inordinate number of accidents that lead to fatalities. We are saying that even one, two, three or four are too many. We want to prevent that by modernizing and bringing our regulations up to date to match the new technologies that exist today.

Our pioneers had great vision and they built the railways right across this great country. Why? Because they saw the need to connect us from coast to coast.

Even today I would like to see the government invest significant dollars in railway infrastructure, because railways do provide a safe way of transportation, and the least environmentally harmful.

Ever since I was a little girl I have been in love with trains. Whether it was due to the early books I read or some of the adventures I had the pleasure to go on, I think there is nothing on this planet that beats railway travel. I have had the pleasure of travelling through most of Europe and India by train, following the writing of Theroux of the great railway journey, and it was truly amazing.

I am looking forward to the day that I will have time to travel across this great country by rail. The best form of a holiday I could imagine would be to travel across Canada and see our beautiful landscape and diverse geography, sitting on a beautiful train. Therefore, I think it is critical that we ensure our trains are safe, notwithstanding the fact that we need more trains, especially passenger trains to give Canadians that opportunity, though I am sure we need more commercial trains as well.

Also, as we look at our environment, the price of gas and many other things, improved railway travel between cities and across this great nation would be a great asset to this country. If we are looking at train travel, one of the key things we have to do is make sure our railways are regulated in such a way that it is a safe way to travel.

• (1305)

As I said previously, railroad travel is one of the safest ways to travel. The Burlington tragedy reminded us that we need to modernize and upgrade our regulations. That is what the bill purports to do. It does not fix everything. I am sure there will be amendments to try to improve safety from all sides when it gets to committee. When it comes to the safety of Canadians or the tourists who visit our great land, I just cannot imagine putting a price on that kind of safety. I hope that there will be very little resistance, and all sides of the House will make sure that this legislation passes.

The recent tragedy also showed us that employers have a responsibility to provide safety to their workers. Health and safety issues are very critical. As a result, we have to ensure that workers who work on our railroads have all the protection they need.

The regulation changes we are looking for are more protection for passengers and more protection for the workers, who of course devote very privileged hundreds of hours on the train. I think trains are so wonderful.

I encourage all my colleagues in the House to take some time to explore our beautiful country by getting on a train with their families. They should leave their BlackBerrys aside and just enjoy our geography. They should look out, as they travel through the Rockies, and see Banff in all its glory, and as they go through the prairies, look into field after field of very rich agricultural land.

I wish that in my riding of Newton—North Delta we actually had passenger railroad service. If we had it, I would certainly get on those trains often. I am a great fan of railroad travel.



*Government Orders*

This piece of legislation has been through this House before. It has been through the Senate. It has received good support wherever it has gone. I think it is time to act on it. The bill was first introduced in June 2010 after various studies at committees, which started in 2006. We studied regulations and safety for four years. Then the bill was introduced. It went through various iterations, did not make it through the timelines for whatever reason. Now we have a wonderful opportunity to act to ensure safety for workers and passengers.

The bill at the Senate stage, where people came to bear witness, was supported by the unions that have workers on the railroad service. It was supported by the National Legislative Director of the Teamsters. It was supported by Carla White-Taylor, director of the Rail Safety Secretariat.

There is significant support for the bill. I hope we can get it through this House fairly quickly, through the committee stage where, I am sure, after all we are parliamentarians, there will be some tweaking. I am sure we will all be open to tweakings, because we all get along so well at committee stage.

This is an opportunity for us where we have a common goal. I agree with my colleague across the way because he is from Burlington and he saw the impact of that tragedy. We could only empathize with it and send our sympathies from afar. He lives there, so he is just as committed to ensuring safety regulations for the railroad as we are on this side of the House.

• (1310)

This is one of those cases where we can act in a non-partisan way for the good of all who love to travel by railroad. There is no better way to travel.

Mr. Speaker, could you please give me leave to split my time with my colleague—

**The Acting Speaker (Mr. Bruce Stanton):** Does the hon. member for Newton—North Delta have the unanimous consent of the House to split her time with another hon. member?

**Some hon. members:** Agreed.

**The Acting Speaker (Mr. Bruce Stanton):** We will go to questions and comments now.

[*Translation*]

**Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP):** Mr. Speaker, I greatly appreciated my colleague's comments. Her appreciation for the railway is very well known, and she is absolutely right—it is probably the best and most agreeable way to travel in Canada.

Clearly, there are safety issues. There was the accident in Burlington. We all offer our condolences to those who were affected by this unfortunate incident. In addition, railways across Canada, including the one in my riding in the Gaspé, are falling apart. Our railway is closed because of safety issues and a lack of maintenance. It is the same thing in British Columbia.

Could my colleague perhaps tell us a little bit more about the state of the railways, particularly in British Columbia. Could she tell us just how unsafe the railways in British Columbia are?

[*English*]

**Ms. Jinny Jogindera Sims:** Mr. Speaker, it was heartbreaking for me when the passenger railroad service from Nanaimo to Victoria stopped. When my children were little one of their favourite outings was to get on the train to downtown Victoria, go to the museum and the legislature, go to the park for a picnic, and get back on the train for home. It was a very safe way to travel. I spent quality time with my children. However, many passenger railroads in B.C. have been closed.

Last summer when I was in the Rockies I had the pleasure of watching the train that goes through the bypass in the Rockies. I could see the beginning, the middle and the end of the train at the same time. I would have stayed there for another day to see that all over again but for some weird reason my partner would not agree.

• (1315)

[*Translation*]

**Mr. Claude Patry (Jonquière—Alma, NDP):** Mr. Speaker, I would like to thank the hon. member for her speech.

I would like to mention that, in the region where I am from, in my riding, the train travels mainly between factories. Why does Canada not develop more railways, as in Europe? Today, more and more goods are being transported by heavy trucks, which is more expensive and is causing more and more damage to our roads.

Why does Canada not develop a safe and rapid rail service like the one in Europe? I would like to hear what the hon. member has to say about that.

[*English*]

**Ms. Jinny Jogindera Sims:** Mr. Speaker, I agree with my colleague. We need to invest in our infrastructure. We should be moving more freight by rail. We should also improve our passenger service between cities. Besides the environmental impact, it is less stressful for people to sit on a train than it is for them to drive through traffic for hours.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, would my colleague agree with me that it offends the sensibilities of anyone who cares about democracy for us in the House of Commons, the elected chamber, to be dealing with a piece of legislation that was not put forward by the elected representatives of the people but comes to us from the Senate?

Is it not true that any time a bill comes to this chamber beginning with the letter “S” it should be condemned in the strongest possible terms regardless of the merit of the legislation, because of the fact that senators have no right to introduce legislation, they have no mandate from the Canadian people to introduce legislation? They are a bunch of hacks and flacks, failed candidates and bagmen. They should not be introducing legislation into this chamber. We should condemn it at every possible opportunity.

*Government Orders*

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** Mr. Speaker, it is no secret that I agree with my colleague that the Senate is not a democratic institution. It now seems to be filled with failed candidates from previous elections. It has become a payola and retirement gift to many. As I said when the banking legislation came before us, it had no right to go to the Senate first, it should have started here. As a democratic institution, Parliament in Canada is at risk and our parliamentary democracy is at risk with all the time allocations and playing around with the rules to—

**The Acting Speaker (Mr. Bruce Stanton):** Order, please. Resuming debate with the hon. member for Winnipeg Centre.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I appreciate the opportunity to add some of my points of view on this bill.

I already raised my sincere objections to the fact that the House of Commons is seized of an issue that originated in the unelected, undemocratic Senate. Senators have no mandate from the people to introduce legislation. Therefore, this bill itself is illegitimate, in my view.

Legislation should never originate in the other chamber. I raise this point to recognize and pay tribute to someone who has made this point many times in the House of Commons and who also is perhaps the single greatest champion of Canada's rail system. I am referring, Mr. Speaker, to the hon. Bill Blaikie who occupied your seat as a deputy Speaker in the most recent Parliament. Since then, he has become a cabinet minister for the NDP government of the Province of Manitoba.

Bill Blaikie represented an area from which his base of support was predominantly railway workers in and around Symington yard in the neighbourhood of Transcona in the city of Winnipeg. He regularly and faithfully would rise in this House and make the argument that, as a policy objective, Canada should get the freight off the trucks and put it back on the rail where it belongs for any number of good, compelling reasons, and that we should be expanding our railway system and not tearing it up.

I represent the inner city of Winnipeg. Members would not think that would be a big rail community but they would be wrong because the CPR marshalling and intermodal yard is right in the heart of the city of Winnipeg. It was put there in 1882 by terrible urban planning and design. The rail yards being in the middle of Winnipeg has created a tale of two cities where the much-storied north end of Winnipeg is a separate social entity because of the great divide of the CPR marshalling yard that divides our city. Growing up in Winnipeg, the Weston Shops and the CPR yard defined the socio and economic development of our city, so we have very strongly held views about the impact of any rail legislation and the shortfalls of this one.

I have heard speaker after speaker make fairly complimentary noises about the contents of this bill and the need to amend the Railway Safety Act. I know that various incarnations of this bill have shown up in previous Parliaments. However, they are not saying anything about what is most necessary about our rail system and that is not so much a rail safety review but a rail costing review. Prairie farmers are being consistently gouged by the same robber barons that gouged them in the 1920s and 1930s. They are paying

approximately 30% more for freight on a tonne of grain than they should be when the rail costing reviews used to control the gouging and the rip-offs of the robber barons of the railroads.

I will tell members what is compelling about rail rationalization. We have these two ribbons of steel going across the country, the CPR and the CNR. Only rarely do they share and co-operate on their tracks. It is imperative that more rail rationalization take place but all we see is tearing up of tracks in rural economy, much to the detriment of small town rural Canada. The rail lines, the spur lines, are being torn up willy-nilly by the thousands of kilometres.

We are trying to get the CPR marshalling yard torn up in the inner city of Winnipeg. We had a town hall meeting. When Lloyd Axworthy was the senior minister and Jean-Luc Pépin was the minister of transportation, we came very close to tearing up those tracks. However, the vice-president of the CPR came to the town hall meeting where we had 200 people, including the mayor, city councillors and senior cabinet ministers, and he said that it would take 12 years to tear up the marshalling yard. A friend of mine, who is an MLA in Manitoba, stood up and said, "You built the entire CPR from Thunder Bay to Victoria in three years in 1880, including blasting your way through the Rocky Mountains and building trellises that defy engineering. You did all that in three years and you're telling us it's going to take you twelve years to tear up a little bit of track in the inner city of Winnipeg. Don't try and sell us that bill of goods".

• (1320)

There are a number of compelling reasons for the CPR marshalling yard to be torn up. It has been the place of incredible explosions and spills. It is an incredible bottleneck for the whole transportation system across Canada. It was outdated in 1900 and this is 2012. It was put in place 1882.

However, the most compelling reason is that there is significant business case. As Manitoba seeks to take full advantage of its geographic advantage at the heart of the continent, we are creating what will be the largest inland port in North America called centreport. This will be an intermodal port, a state of the art shipping container port. It is not at the ocean, but will in fact take advantage of our geographic location by tearing up the tracks and relocating those to the new centreport. It will be tied in with air, rail and trucking to take the shipping containers, empty them, add value to them and then send them on their way all over the North American market.

• (1325)

**The Acting Speaker (Mr. Bruce Stanton):** Is the House ready for the question?

**Some hon. members:** Question.

**The Acting Speaker (Mr. Bruce Stanton):** The question is on the motion that this question be now put. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**An hon. members:** On division.

**The Acting Speaker (Mr. Bruce Stanton):** I declare the motion carried.

*Private Members' Business*

(Motion agreed to)

**The Acting Speaker (Mr. Bruce Stanton):** The next question is on the main motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**An hon. members:** On division.

**The Acting Speaker (Mr. Bruce Stanton):** I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Transport, Infrastructure and Communities.

(Motion agreed to, bill read the second time and referred to a committee)

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### STRENGTHENING MILITARY JUSTICE IN THE DEFENCE OF CANADA ACT

The House resumed from March 29 consideration of the motion that Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts, be read the second time and referred to a committee.

**The Acting Speaker (Mr. Bruce Stanton):** I will let the hon. member for Renfrew—Nipissing—Pembroke know that we will have approximately three minutes remaining in the time allocated for government orders, so I will need to interrupt her at that time.

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC):** Mr. Speaker, I am pleased to have the opportunity to discuss Bill C-15, the strengthening military justice in the defence of Canada act, which is currently at second reading.

The bill addresses a variety of issues contained within the National Defence Act and aims to reinforce the military justice system. It has been discussed at length in the House, the Senate and at committee. It gives careful consideration to Senate committee recommendations stemming from the study of Bill C-60, as well as to the recommendations and proposed amendments put forward by the members of House when the bill's predecessor, C-41, was studied in committee. It would bring the National Defence Act up to date by addressing the recommendations made in Chief Justice Lamer's 2003 report, which itself was a result of an extensive review of the issues at hand.

In this regard, Bill C-15 would ensure our military justice system remains in keeping with Canadian values and in harmony with the Constitution and it would continue the maintenance of order and good discipline within the Canadian Forces.

The government recognizes that the proposed amendments in this bill are broad and, in some cases, complex. However, it should be noted the need for these changes has been recognized in most cases for years and that most of the proposed amendments have already been discussed and analyzed in committee.

This is the third time that this proposal has been put before the House of Commons since 2006. I move:

That this question be now put.

● (1330)

**The Acting Speaker (Mr. Bruce Stanton):** Given the time, we will go to the questions and comments time for the hon. member for Renfrew—Nipissing—Pembroke at the next opportunity.

We will now move to private members' business as listed on today's order paper.

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## PRIVATE MEMBERS' BUSINESS

[English]

### CANADIAN HUMAN RIGHTS ACT

**Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP)** moved that Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity and gender expression), be read the second time and referred to a committee.

He said: Mr. Speaker, I am honoured to lead off the debate at second reading of Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity and gender expression).

I am honoured to stand in this House and carry on the NDP tradition of standing up for the rights of transsexual and transgendered Canadians. I would also like to thank the 18 seconders of my bill for their support, which demonstrates the broad support that this bill has in this Parliament.

As many will be aware, this bill passed the House of Commons some two years ago in February 2011 but died on the order paper in the Senate when the 2011 election was called. I am hoping that we will have sufficient support once again from all parties in this House to adopt this very necessary bill.

I will begin by addressing why this bill is so necessary in a Canada where the Charter of Rights and Freedoms has become part of what one might call our national DNA and where we very much believe that rights are fully protected. The problem is that some citizens do not enjoy the full protection of their rights under the law, and the problem is that those Canadians are often subject to discrimination, denial of public services and, all too often, harassment and violence.

The reason this bill is before us today is because gender identity and gender expression rights are not expressly protected in Canada. Simply put, transgendered, transsexual and gender variant Canadians do not have the same degree of protection of their rights and freedoms as all other Canadians, and this bill seeks to remedy that gap.

Other minority groups do have protection under the Canadian Human Rights Act and under the Charter of Rights and Freedoms. However, these same guarantees are not provided to transgendered, transsexual and gender variant Canadians because in law they are not defined as an identifiable group.

*Private Members' Business*

Right now, people cannot be discriminated against on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted. Unfortunately, none of those categories offer protection to trans-Canadians as the discrimination they suffer does not fit into those categories.

I want to emphasize again, since there is sometimes misunderstanding, that sexual orientation is not a blanket term that offers protection against the discrimination, prejudice and violence suffered by trans-Canadians. In fact, in a recent study carried out by the Trans PULSE Canada, 30% of the participants self-identified as straight, as heterosexual.

Transgendered, transsexual and gender variant rights are not just other words for sexual orientation. They are a category that is lacking and missing in our law.

Around the world, transsexual, transgendered and gender variant people do suffer high levels of discrimination, prejudice and violence, but in Canada, a country that prides itself on equality, acceptance and diversity, trans-people are no exception.

Each November, the Transgender Day of Remembrance is observed around the world to draw attention to the violence against the trans communities. Last year, the observance marked the deaths of over 220 people around the world as the result of attacks based on their gender identity or gender expression.

There is a lot to be done in the world at large but also a lot to be done here at home. I acknowledge that changing laws alone will not solve all the problems but I believe the first step to ensure that trans-people have the same rights as all other Canadians and that trans-people's rights are upheld just the same as those of any other citizen comes with the passage of this bill.

As a society, we must take this issue seriously so that trans-people are recognized as full citizens and are entitled to and can use their rights in the same way as any other citizen so they can participate fully in their communities. Again, I believe the first step will occur with this bill.

Bill C-279 would amend the Canadian Human Rights Act to include gender identity and gender expression as prohibited grounds for discrimination. It would also amend the hate crimes section of the Criminal Code to include gender identity and gender expression as distinguishing characteristics protected from hate crimes under section 318 and also as aggravating circumstances to be taken into consideration at sentencing under section 718.2 of the Criminal Code.

I should take a moment to address the question of definitions, as some have said that gender identity and gender expression are vague terms. That is not true in Canadian law. We have had litigation before our Canadian Human Rights Commission and in other places where these terms have received a very clear definition.

•(1335)

Gender identity is an individual's self-conception as being male or female, or both, or neither, as distinguished from one's birth-assigned sex. Gender expression, on the other hand, is how a person's gender is communicated to others, emphasizing or de-emphasizing

characteristics, and changing or not changing behaviour, dress, speech and/or mannerisms.

The bill seeks to address the lack of explicit human rights protections on both counts, gender identity and gender expression.

I want to take this opportunity to reiterate that what we are talking about here are basic human rights enjoyed by all other Canadians and not some category of special rights. These are simply the same rights that are inscribed in Canadian legislation for all other Canadians. These rights and protections are necessary to ensure that trans Canadians can safely live out their lives, just as any other Canadian.

It is important to note that we will not be breaking new ground when we adopt Bill C-279. It will offer and include the same types of protections that are being implemented in other places in Canada and around the world. In fact, in the year 2002, the Northwest Territories entrenched protections for transsexual and transgendered people in its human rights act. Hence, the Northwest Territories has already taken a lead on this issue. Moreover, the cities of Vancouver, Ottawa and Toronto have all amended their anti-discrimination policies to protect against discrimination based on gender identity and gender expression.

We will also not be running in advance of the field. In Canada, the Canadian Human Rights Act review panel, in the year 2000, recommended these changes. In this House, a previous member, Bill Siksay, introduced the same bill in 2005, 2006 and 2008, before it was finally passed in 2011. Some would say that time is well due for passage of the bill.

Finally, I would mention that gender identity and gender expression are grounds for protection under the UN Declaration on Sexual Orientation and Gender Identity, which Canada signed on December 18, 2008. Accordingly, one could argue that having voluntarily signed on to this international convention, Canada is actually obligated to make the legislative changes necessary to bring those protections into force.

As well, in November 2011, the UN High Commissioner for Human Rights, for the first time, issued a comprehensive report on the rights associated with sexual orientation and gender identity and made a number of recommendations to all member states. Four of those are very relevant to Canada.

The high commissioner for human rights said that all member states needed to enact comprehensive anti-discrimination legislation that would include discrimination on the grounds of sexual orientation and gender identity. That is precisely what we are trying to do in Bill C-279.

The high commissioner went on to say that all countries should facilitate legal recognition of the preferred gender of transgendered persons and establish arrangements to permit relevant identity documents to be reissued, reflecting the preferred gender and name without infringement of any other human rights.

*Private Members' Business*

If we pass Bill C-279, this would facilitate making those necessary changes in the regulations that govern the issuance of identity documents, which is often a large problem for transgendered Canadians. As we have seen recently, with the changes under the air safety regulations for identity during travel, this would resolve the problem that was created by the introduction of this discriminatory regulation.

The high commissioner's fourth recommendation calls for the implementation of appropriate training programs for police, prison officers, border guards, immigration officers and all other law enforcement and security personnel to counter homophobia and transphobia and to ensure that the rights of transgendered citizens are observed by officials of the state in all appropriate circumstances.

Again, the UN High Commissioner for Human Rights has called on Canada, as a member of the United Nations, to take the kind of action I propose in Bill C-279.

Some say, what is the urgent need to fill this gap in our human rights legislation? When one meets with, as I have done, many representatives of transgender organizations and talks with transsexual or gender-variant Canadians, they mention three recurring areas where people have faced very serious forms of discrimination, and I want to talk briefly about those: access to health care, protection from violence, and economic inequality.

In Canada, we pride ourselves on everyone having equal access to health care. In fact, the Canada Health Act says that the primary objective of our health policy is to ensure that we protect, promote and restore the physical and mental well-being of all Canadians. However, trans Canadians find that in accessing health care, they are often denied medically necessary care by being forced to deal with the issue of their gender before they can access the service. They also suffer from under-delivery of psychological health care services and, often, insensitive or hostile treatment from health care professions based on gendered spaces in public institutions.

Thus the needs of transgendered and transsexual Canadians in non-health care related matters are urgent, but perhaps most urgent in this health care field.

● (1340)

Some trans people believe that in order to achieve their full identity, they require surgery. However, there is not equal access to that surgery among all the provinces in this country. By adding gender identity and gender expression to the human rights code, we can help promote access to those surgeries. However, others do not believe that surgery is necessary for their transition and are often denied access to care and other services because they have not had surgery to change their gender. Again, for transgendered people, they get hit by both sorts of discrimination, in being denied access to surgery and also sometimes being denied access to a full transition because they have not had surgery. This bill would help to solve that problem.

In terms of mental health services, we know that mental health resources in this country are already quite stretched and that people seeking mental health care are often faced with long waiting lists to see therapists, no matter what their mental health problem is. This simply further compounds the problems faced by trans Canadians.

A survey conducted by Trans Pulse Canada reports that in Ontario, rates of depression among transgendered Canadians are as high as between 61% and 66%. When we examine suicide rates for transsexual, transgendered and gender-variant people, 77% of trans people in Ontario, unfortunately, reported seriously considering suicide; 43% reported they had attempted suicide at some point; and of those who considered suicide, almost 50% were between the ages of 16 and 24. We are seriously failing trans Canadians in the area of mental health and suicide prevention in this country.

In terms of violence, there have been many surveys of transgendered Canadians showing they are subject to very high rates of violence. However, law enforcement agencies in this country do not collect statistics based on gender expression and gender identity. Therefore, we have no official statistics to tell us how serious the problem really is.

When we look at bullying, Egale Canada did a large-scale survey of LGBTQ across Canada. It found that 90% of trans-identified youth reported hearing transphobic comments daily directed at them; 23% of those students reported hearing teachers directing transphobic comments against them daily; 25% reported having been physically harassed; and 24% reported having property stolen or damaged. We can see from that small survey of trans youth that there are very high rates of violence and harassment against the trans community.

By adding this to the hate crime section of the Criminal Code, we can send a very powerful message that such is unacceptable behaviour in Canada and that the rights of transgendered people must be recognized and transgendered people afforded the right to participate fully in schools as well as other places in our communities.

Finally, in terms of employment, it is an area where trans people often face serious discrimination. Over 20% of those surveyed in Ontario by Trans Pulse Canada in the past were unemployed, which was two and half times the average unemployment rate in Ontario. Job stability is often limited and those who choose to transition in a workplace often have very serious problems in retaining their employment, due to hostility either from the employer or others in the workplace.

In conclusion, let me reiterate that the purpose of this bill is to fill a gap in Canada's human rights legal framework. It is not the purpose to create special rights for anyone. It is about equal human rights for all Canadians. Like all of us, trans people want to be able to take the advice of Oscar Wilde when he said, "Be yourself; everyone else is already taken."

This bill will ensure that in Canada, transgendered, transsexual and gender-variant people have the freedom to be themselves and the protection, and rights guarantees, that all other Canadians have. As I have said many times before, trans-people are our brothers and our sisters, our children, our parents, our partners, our friends and our colleagues, and they deserve the same rights and protections as every other Canadians.

● (1345)

I look forward to the passage of this bill to help make that a reality.

*Private Members Business***ROYAL ASSENT***[Translation]*

**The Acting Speaker (Mr. Bruce Stanton):** Order, please. I have the honour to inform the House that a communication has been received as follows:

The Secretary to the Governor General and Herald Chancellor

April 4, 2012

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 4th day of April, 2012, at 6:22 p.m.

Yours sincerely,

Stephen Wallace

The schedule indicates that the bill assented to on Wednesday, April 4, 2012, was Bill C-19, An Act to amend the Criminal Code and the Firearms Act.

**PRIVATE MEMBERS BUSINESS***[English]***CANADIAN HUMAN RIGHTS ACT**

The House resumed consideration of the motion that Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity and gender expression), be read the second time and referred to a committee.

**Ms. Kerry-Lynne D. Findlay (Parliamentary Secretary to the Minister of Justice, CPC):** Mr. Speaker, unless I have not read the bill properly, I do not believe the hon. sponsor has defined the two terms at the centre of his proposed legislation, gender identity and gender expression. It seems to me that it is rather imprudent as legislators to pass legislation without clearly demonstrating the full extent of the bill's intention.

I understand the intent behind what the hon. member is doing, but does he agree with the statement that as legislators we have to be clear? Unfortunately, to my mind the bill, as drafted, is vague with respect to those central points.

**Mr. Randall Garrison:** Mr. Speaker, I would say two things. One is that the bill was already adopted previously by the House of Commons and it does not appear to have been an obstacle in the previous Parliament, although neither the parliamentary secretary nor I were there at the time, so I do accept that there can be new debate on this.

However, not every bill defines every term, and some terms that we use in bills are already clearly defined in jurisprudence. I think the parliamentary secretary would find that the terms "gender identity" and "gender expression" in case law, and I know she is a former human rights commissioner, before human rights commissions already have a very clear legal meaning. I would expect that any doubt that might remain about that would be very quickly settled in the first cases litigated under this legislation.

• (1350)

**Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC):** Mr. Speaker, I thank the hon. member from the

NDP for bringing this bill forward. I intend to support anything that will allow Canadians to feel more at home here in Canada and more protected.

However, having said that, and I am a person who has been blessed with friends and family members who support this as well, I am concerned about the lack of a definition. I was very vocal in the last Parliament about wanting a definition, because I truly believe if a definition were provided, more people would likely support the bill.

I would encourage my friend and my colleague to please consider amending the bill so that we can have a wide variety of support for transsexual and transgendered people. I think it is warranted and I think it is prudent.

**Mr. Randall Garrison:** Mr. Speaker, I thank the hon. member for her commitment and her previous very strong public support for the bill, based on her personal experience in law enforcement in Winnipeg and other experiences. I do thank her for that support.

This is debate at second reading, and we are asking for approval in principle of the bill. If the bill goes to committee, I am sure we could have this discussion about inserting a definition.

I, at this point, have argued that I do not believe it is necessary, but I would be quite happy to have those discussions in committee once we give the bill approval at second reading.

As the hon. member did before, I hope she will speak to many of her colleagues and help to build support among all caucuses for this important bill.

*[Translation]*

**Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP):** Mr. Speaker, I would like to thank my hon. colleague for his presentation and the bill he introduced in the House. If I may, I would like to thank him personally as well as on behalf of a significant proportion of my Laurier—Sainte-Marie constituents.

If this bill is passed, a number of people in my riding will benefit. These are people who make an extraordinary contribution to the cultural, social and economic life of Laurier—Sainte-Marie.

Does my colleague believe that his bill will help not only the people targeted, but also society as a whole?

*[English]*

**Mr. Randall Garrison:** Mr. Speaker, I firmly believe that the bill would help complete what we might call Canada's human rights project. Anytime we make our society more inclusive, we draw on the skills, talents and abilities of all our citizens and we advance the interests of our whole community and our whole country at the same time.

I would agree that while the specific protections go to a certain group of people, this would help make Canada a better country overall.

*Private Members Business*

**Ms. Kerry-Lynne D. Findlay (Parliamentary Secretary to the Minister of Justice, CPC):** Mr. Speaker, I am pleased to have this opportunity to contribute to the debate on Bill C-279 sponsored by the hon. member for Esquimalt—Juan de Fuca, an opposition member from my home province of B.C., for whom I have respect. I think he knows that.

[*Translation*]

We studied Bill C-279 and, upon reflection, it is clear to me that the proposed amendments are unnecessary. Here is why I will be voting against Bill C-279.

[*English*]

As members may already be aware, the bill proposes to add the undefined terms “gender identity” and “gender expression” as prohibited grounds of discrimination in the Canadian Human Rights Act and into the aggravated sentencing provisions and hate propaganda provisions of the Criminal Code. I understand that the underlying purpose of these legislative amendments is to provide explicit protection for transsexual and transgendered Canadians. I have sympathy with the intention. However, I believe this bill as drafted does not equal the purpose.

I would like to turn first to a consideration of the proposed amendments to the Canadian Human Rights Act. The purpose of this act is to help create a society in which individuals have access to equal opportunity without discrimination. The grounds that determine what will be considered discriminatory include race, national or ethnic origin, religion, sexual orientation, disability and several others.

It is also worth recalling that this act prohibits discrimination in employment and services in areas of federal jurisdiction. For example, it protects individuals who are employed by the federal public service or federally regulated industries such as banks and airlines.

In interpreting and applying this act, the Canadian Human Rights Tribunal has already accepted and considered several complaints brought by transsexuals under the ground of “sex”. In fact, the ground of sex in anti-discrimination laws is interpreted broadly and has evolved over the years. It is now understood to cover discrimination complaints based not just on sex but also on gender attributes, pregnancy, childbirth and, more recently, transsexualism. Therefore, for those complaints brought by transsexuals, the tribunal has used the existing grounds already contained in the act.

For example, in one complaint brought by a transsexual inmate in a federal prison, the tribunal dealt with the complaint and Correctional Service Canada developed a policy to deal with potential future cases. In another complaint brought by a transsexual person against a bank, again the tribunal dealt with the complaint under the ground of sex. In fact, I presided over a successful mediation of just such a case when I was a member of the Canadian Human Rights Tribunal.

In deciding that transsexuals are already protected by our federal human rights law, the tribunal's approach is consistent with that taken by the provincial human rights tribunals that have also found discrimination against transsexuals to be covered by the existing ground of sex.

Since Canadian tribunals and courts have already recognized discrimination against transsexuals as a form of sex discrimination, what is the bill's purpose in proposing to add these two new grounds to the act, which do not refer to transsexualism itself but to undefined concepts of gender identity and gender expression?

The point of the prohibited grounds of discrimination in the Canadian Human Rights Act is not to identify particular groups. For example, the act does not mention men and women but the broader ground of sex. It does not list Christianity, Judaism, Islam or other specific religions but simply includes the ground of religion. The act contains the ground of ethnic origin but again does not list out specific minority groups. The act is structured in this way to treat all Canadians equally and fairly and to avoid singling out for recognition specific manifestations of a given characteristic. This bill departs from that approach.

For similar reasons, we may wish to ask ourselves whether it is necessary to add these grounds to the sentencing provisions of the Criminal Code. The section in question in the code lists a number of deemed aggravating circumstances on sentencing, including evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability or any other similar factor. Again, the list includes sex and it also refers to “any other similar factor”, so judges may already be able to impose longer sentences for hate crimes against transsexual persons in appropriate circumstances.

Thus, it appears there are already the necessary legal protections in place to protect transsexuals. I am not sure why it is necessary to add these new grounds when the tribunals and courts have been clear that complaints brought by transsexuals will be dealt with under the ground of sex and this ground is also included in the aggravated sentencing provision.

Furthermore, this bill adds even further uncertainty, because the terms proposed are not commonly used and are not defined by the bill itself, hence the questions we heard earlier.

● (1355)

It is my understanding that “gender identity” means individuals' self-conception as being male or female or their sense of themselves as male or female. It is my further understanding that “gender expression” refers to how a person's gender identity is communicated to others through behaviour, speech, dress or mannerisms. However, as these terms are neither commonly understood nor defined, their use would introduce vagueness into the law. I am particularly concerned with the unclear term “gender expression”.

*Private Members Business*

We should ask ourselves what new sorts of discrimination claims would be brought before the commission and the tribunal, if this ground were to be added to the Canadian Human Rights Act. How would employers know what kind of workplace behaviour and expression would be prohibited? Would a federally regulated employer, such as an airline or transport company, be able to require the wearing of a prescribed uniform, for example? The answers to these questions are not clear to me, and they are questions we should consider carefully.

Finally, I would like to consider the role of tribunals and courts in shaping public policy. As I have said, these terms are vague and left undefined by the proposed bill. How can we ask tribunals and courts to apply something that we as legislators do not clearly understand? The fact that we have no idea how tribunals and courts would interpret these terms is also an issue we should consider.

In conclusion, I have explained that the amendments proposed by this bill are largely unnecessary, given the jurisprudence to date. The Canadian Human Rights Tribunal has already dealt with several complaints brought by transsexuals under the existing ground of sex discrimination. I mentioned a few. There is no need to add new and vague terms to the Canadian Human Rights Act or the Criminal Code. I would therefore urge my colleagues on both sides of the House to oppose this bill for those reasons.

● (1400)

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, I rise today to speak to Bill C-279, an act to amend the Canadian Human Rights Act and the Criminal Code on the matter of gender identity and gender expression.

As my colleagues have noted, Bill C-279 would amend the Canadian Human Rights Act to add both gender identity and gender expression as prohibited grounds of discrimination. In addition, the bill would also amend the Criminal Code in the matter of its anti-hate provisions to include gender identity and gender expression in the definition of what constitutes an identifiable group, as well as adding gender identity and gender expression to the Criminal Code's list of aggravating factors that affect sentencing.

Accordingly, Bill C-279 constitutes an important effort to provide human rights protections to a group that remains the victim of significant discrimination in our society. I would be remiss if I did not note the hard work in previous Parliaments of the former member for Burnaby—Douglas and the current member for Vancouver Centre, both of whom have introduced similar versions of this legislation in previous Parliaments, and the member for Esquimalt—Juan de Fuca today for his legislative initiative and eloquent and comprehensive presentation of this issue on matters of fact and law.

The Ontario Human Rights Commission has noted:

There are, arguably, few groups in society today who are as disadvantaged and disenfranchised as the transgendered community. Trans-phobia combined with the hostility of society to the very existence of transgendered people are fundamental human rights issues.

The statistics on trans-phobia, which my colleague from Esquimalt—Juan de Fuca pointed out in his remarks today, speak for themselves. Indeed, 95% of transgendered students feel unsafe at

school and 9 out of 10 have been verbally harassed due to their gender expression, according to Egale Canada.

Further, statistics from the United States reveal the significant incidence of de facto discrimination experienced by transgendered individuals. A recent national survey found that transgendered respondents experienced unemployment at twice the rate of the general population and were significantly more likely to be homeless and low-income earners. In particular, and this is shocking, 97% of transgendered respondents in a recent survey reported experiencing harassment or mistreatment at work on the basis of gender identity or expression.

By adopting the amendments that have been proposed in Bill C-279, Parliament can send a strong message of support to transgendered Canadians, affirming their identity and acknowledging their struggles. Indeed, this legislation, again as my colleague from Esquimalt—Juan de Fuca pointed out, ensures that they will enjoy the legal protections accorded to other targeted groups. I enjoyed his quote from Oscar Wilde in this regard.

It is most appropriate that this debate is taking place on the eve of the 30th anniversary of the Canadian Charter of Rights and Freedoms, the centrepiece of our Constitution, that has promoted and protected rights, particularly those of the disadvantaged and discriminated against. I note with regret that, thus far, the 30th anniversary of our charter has gone without notice from the government. It is clear that the charter has had a transformative impact not only on our laws but also on our lives, not only on how we litigate but how we live. In particular, the charter enshrines equality rights such as we see in section 15. It is in this spirit of equality that I join in the support for Bill C-279.

A crucial equality rights issue raised in Bill C-279 is the protection of transgendered individuals against hate speech. Indeed, the promotion of hatred and contempt against an identifiable group results in prejudicial harm to the individual and group targeted by that hate speech. This harm-based rationale, as the Supreme Court characterized the Keegstra, Smith and Andrews and Taylor cases, in which I intervened as counsel on behalf of the intervenant amicus curiae, supports the sanction of hate propaganda as protective of equality. As the court put it, the concerns resulting from racism and hate mongering are not simply the product of its offensiveness, but the very real harm that it causes. Thus, by affording protections to transgendered Canadians under section 319 of our Criminal Code, this House would promote their equality rights under the charter.

Fears that the inclusion of gender identity in Canada's hate speech laws may spark vexatious litigation, thereby creating a chill on free expression, are, simply put, without any foundation.

● (1405)

The Criminal Code has a built-in filtering mechanism that requires the Attorney General's consent to prosecutions for the wilful promotion of hatred under subsection 319(2). Moreover, prosecution for criminal incitement to hate under subsection 319(1) is subject to a high threshold whereby the incitement must be "likely to lead to a breach of the peace".



*Private Members Business*

Bill C-279's proposed amendment to subparagraph 718.2(a)(i) also constitutes a worthy effort to promote the equality rights of the transgendered. The amendment would mandate judges to consider in sentencing whether a hate crime was carried out on the basis of gender identity or gender expression.

Given what we know about the discrimination that transgendered individuals face, the failure to recognize them in section 718 would send the courts a problematic message that an attack targeting some vulnerable groups, such as ethnic and religious minorities, is more worthy of the court's special consideration in sentencing than an attack targeting other vulnerable groups, namely, transgendered people.

The proposed amendment to the Canadian Human Rights Act is equally worthy of adoption. To quote Justice La Forest of the Supreme Court of Canada, gender equality and gender identity must be included as a protected ground in the Canadian Human Rights Act because "to leave the law as it stands would fail to acknowledge the situation of transgendered individuals and allow the issue to remain invisible." This is a clear and compelling consideration with respect to the inclusion of this ground.

Some members of the House have argued that Bill C-279 is unnecessary because transgendered people are already protected under the existing categories of sex and disability. With respect, this position is misinformed.

First, gender identity and gender expression do not refer to biological sex or sexual orientation. Rather, the terms refer to an inner feeling of being male, female, both or neither. Second, gender identity and gender expression are not a disability. Rather, they are a sense of self and a source of identity. To confound gender identity and gender expression with sex and disability is to ignore the unique experiences of discrimination and disadvantage that are faced by transgendered Canadians.

Finally, to borrow again the language of Justice La Forest of the Supreme Court of Canada, a failure to explicitly refer to gender identity in the Canadian Human Rights Act leaves transgendered people "invisible". By amending the Canadian Human Rights Act to include gender identity and gender expression as prohibited grounds, Parliament would enable the Canadian Human Rights Commission to keep statistical account of incidents of discrimination against transgendered individuals. The ability to compile and analyze data on discrimination against transgendered persons would be crucial in confronting the scourge of discrimination that they continue to face in our society and might also guide educational efforts in the broader community.

The Canadian Human Rights Act is more than just an act of Parliament. It is an act of recognition, a statement of our collective values, and a document that sets out a vision of a Canada where all individuals enjoy equality of opportunity and freedom from discrimination.

However, the Canadian Human Rights Act will only achieve this remedial purpose if it grants recognition and protection to the most vulnerable groups in Canadian society. I am proud that in 1996, guided by these principles, the Liberal Party amended the Canadian Human Rights Act to include sexual orientation as a prohibited

ground of discrimination. I am delighted that members of the House continue to carry on the fight against discrimination on this, as we mark the 30th anniversary of our Charter of Rights and Freedoms, by seeking to add to the prohibited grounds both gender identity and gender expression and provide remedial protection to this most vulnerable and disadvantaged group.

• (1410)

[*Translation*]

**Mr. Dany Morin (Chicoutimi—Le Fjord, NDP):** Mr. Speaker, when I was deciding what I would like to talk about in my speech, I asked myself many questions.

Would I mention the fact that, about a year ago, Jack Layton asked me to be the associate critic for LGBT rights, the "t" standing for transgendered and transsexual? Would I talk about the fact that I am proud to be a member of the NDP's largest caucus in Canadian history, with over 100 members? Would I talk about the fact that I have met transgendered and transsexual people in my riding of Chicoutimi—Le Fjord and across Canada who have spoken to me about their reality and the discrimination they have faced at work or in the form of physical and psychological threats? Would I instead talk about everything these people have to go through, the administrative and legal problems they must deal with when the time comes for them to be recognized to get health care or to have their new identity recognized by society?

I also realized that no transgendered person was going to speak about their own challenges during today's debates, and so I told myself that I would have to contact the people I know best who are true members of the trans community to see if I could lend them my voice here in Parliament.

I would like to thank the members of the trans committee of the Conseil québécois des gais et lesbiennes, who sent me the message that I want to read to you. This will shed a great deal of light on transgendered people's experiences and priorities and on what they have to tell us as parliamentarians.

The realities of transgendered people living in Quebec are many and varied. Contrary to the popular image of a person who has been identified at birth as being male and who wants to transition to a female identity or role—a transsexual—our realities represent people from all backgrounds and walks of life who, for various reasons, cannot or do not want to adhere to the gender norms imposed on them.

Many of us do what we do in order to live a healthy and productive life and to feel comfortable with our identity. We are engineers, teachers, researchers, public servants, front-line workers, project managers, writers and cashiers. We are parents and children. We are members of Canadian society.

We are your equals, yet we are marginalized as a result of the fact that we deviate from gender norms. This marginalization is shared by those who, although they may not experience discomfort or distress as a result of their assigned gender, are judged by their peers because their appearance may not necessarily correspond to what some people see as masculine or feminine.

...We choose to use the term trans because it is inclusive and encompasses the realities of transsexual and transgendered people and of those who express their gender in a way that does not conform to gender norms. Our communities are made up of people who want to be perceived as men or women or who simply refuse to change their appearance or body to fit an often problematic image imposed by society. Although these norms are problematic for many Canadians, the marginalization that we experience as a result has significant and lasting impacts.

...

*Private Members Business*

One of the arguments made by some people who oppose the inclusion of gender identity as a basis for discrimination is the definition of the suffix “phobia”. To this day, we still hear people say that they are not afraid of trans people, and that their arguments are not based on a morbid fear compelling them to take a stand or to take irrational action against trans people.

In reality, transphobia is defined by all negative attitudes that can result in the direct or indirect rejection of or discrimination against transsexual and transgender people, or any person whose identity does not conform to their gender or sex, or the norms and representations of their gender or sex.

Just as homophobia is a term that represents more than an uncontrollable or morbid fear of a homosexual person, transphobia is the discrimination experienced in our daily lives.

...

We strongly believe that transphobia is legitimized by the lack of awareness of the realities of people of non-conforming gender and the application of prejudices. Our experience has shown us that transphobia is based on irrational catastrophic scenarios. The story of minorities that make up the Canadian mosaic is replete with examples of positions taken that, when filtered through the experiences of the targeted people, have given way to a greater acceptance of our differences.

● (1415)

Transphobia is often expressed in refusal to recognize the gender identity of trans persons. For example, a person trying to access health care institutions often has to deal with the flat refusal by administrative and nursing personnel to use either the name by which they are commonly known or their affirmed gender, on the pretext that it is not what is shown on their health insurance card.

...

The washroom prowler argument, which is often used by those who oppose rights for trans persons, is a perfect example of the disaster scenario we were talking about earlier. A trans person is portrayed as the man disguised as a woman, wandering from washroom to washroom to harass, attack or assault girls and women.

That rhetoric does not reflect other trans realities, like the realities of the men who are part of our communities. If we apply disaster scenario logic, a trans man is a woman disguised as a man who wanders around in washrooms to harass, attack or assault boys and men.

As we can see, these statements are enormously sexist, since they portray the man as a sexual predator prepared to do anything, even “disguise himself as a woman”, to satisfy his urges, while the example of “the woman prepared to disguise herself as a man” does not exist. What is bizarre is that a completely false portrayal of transsexualism is used to spread this blatant and shameless sexism.

We saw this recently in the House of Commons, when there was the controversy and the problem relating to the new air travel regulations, which limited access by trans persons.

These barriers to access and this marginalization are also experienced by other people. We are well aware that some non-trans women do not conform to a certain image of femininity and also have to deal with prejudice and discrimination. If we were to try to apply our opponent’s logic, we would have to believe that these women disguise themselves as women and go from washroom to washroom to harass, attack and assault girls and women.

In other words, the washroom prowler argument has no traction whatsoever.

All we want is to be able to go to the washroom without a problem, like everybody else...

...

The logic espoused by the opponents of rights for trans people may at times be laughable and create real risks of violence against members of our community. One of those is the risk that trans children and adolescents are forced to experience. By creating this false image of sexual perversion, these detractors confer the implicit or explicit right to stigmatize trans boys and girls and commit violence against them and also against people who do not completely conform to the norms of femininity or masculinity. Ironically, we and our opponents agree on the need to protect our children. We just believe that this protection must extend to trans children and adolescents and not only to non-trans adolescents and children. Exclusion is petty and dangerous.

...

Our history is filled with people who opposed expanding human rights on the basis that the law applies equally to everyone and no class of persons needs to be mentioned specifically...

The parliamentary secretary has in fact proved to us that this was her rationale for opposing the bill.

...Our history is also full of magical moments when, as a nation, we recognized the need for additional protection for certain groups that are at greater risk of discrimination.

As a society, we recognized that one’s ethnic or cultural background could lead to marginalization, discrimination or refusal of employment or accommodation. We recognized that women could also be marginalized and that this form of gender-based discrimination was not part of our values. We recognized that sexual orientation could create barriers for access to employment, access to full and complete participation in the defence of our country and access to recognition of same-sex unions. Each of these forms of discrimination mentioned in our Charter of Rights and Freedoms, have, at one time or another, been justified based on morality, religion, science, fear or the need for safety.

All these forms of discrimination have been recognized for what they are: barriers to equality for everyone within our country.

I will conclude by asking if we will be the ones to shed light on the discrimination suffered by transgendered and transsexual people who need this bill.

As the member for Chicoutimi—Le Fjord and NDP critic for LGBT rights, I would like to sincerely thank the trans committee of the Quebec council of gays and lesbians for this testimony.

I believe this is a heartfelt plea. I am asking parliamentarians from all political parties in the House to keep in mind the importance of advancing the cause of human rights in Canada when voting.

● (1420)

[English]

**Mr. Dean Allison (Niagara West—Glanbrook, CPC):** Mr. Speaker, I personally believe that the discrimination, persecution or incitement to hatred of any group, based on sex, race, religion, should not be tolerated.

Today we are here to talk about Bill C-279, which proposes to make three changes to the law.

The first would be to add “gender identity” and “gender expression” to the list of prohibited grounds for discrimination in the Canadian Human Rights Act.

Second, it would add “gender identity” and “gender expression” to the definition of identifiable groups to section 318 of the Criminal Code. It would be an offence to advocate or promote genocide, to publicly incite hatred, likely to lead to a breach of peace, or to wilfully promote hatred against groups that are identifiable on the basis of gender identity and gender expression.

Third, it would add “gender identity” and “gender expression” to section 718.2 of the Criminal Code, which would direct a judge to consider increasing the sentence beyond its usual range for an offence that was motivated by bias, prejudice or hate based on gender identity or gender expression.

These three changes are unnecessary.

*Private Members Business*

I will begin with the proposed amendments to the Canadian Human Rights Act. The act already prohibits discrimination on the grounds of sex. This means that the act prohibits hiring decisions based on prejudice against women or men. It prohibits sexual harassment in the workplace. It requires reasonable accommodation for pregnancy. The act protects against these and other kinds of sex discrimination in the federal workplace and elsewhere in federal jurisdiction.

The Canadian Human Rights Act does not require total blindness to the distinction between men and women. Instead, the task of this law is to intervene in situations where people experience certain kinds of discrimination on the grounds of sex.

Canadian society recognizes that there are gender norms. When attitudes and practices involving gender become sex discrimination, the law should and does intervene. However, the law cannot simply abolish gender categories and gender norms in Canadian society. Nor can tribunals and courts be asked to reconstruct and interpret gender norms. That is an unrealistic view of what the legal system is empowered and entrusted to do.

We heard in the course of debate on the previous version of this bill, Bill C-389:

Transsexuals are people whose gender identity differs from their biological or birth sex, and who seek to live permanently as the gender other than their biological sex. Most often transsexuals seek medical interventions such as hormones and surgery to make their bodies congruent with their sense of their genders. A transition process which is known as sex reassignment or gender reassignment is engaged.

In the case of transsexualism, the law has found that gender categories and gender norms cause unfair disadvantages to those people. Transsexuals might not fit social norms due to their unique situation, but as interpreted in numerous decisions, the Canadian Human Rights Act already protects against discrimination on the basis of transsexualism. This is one situation where the law has intervened in order to remedy a form of sex discrimination.

I understand that there is an intention to cast more light on the disadvantages faced by transsexuals, but what Bill C-279 proposes to do goes far beyond that. The bill does not name a particular group of people in order to protect them from a distinctive kind of discrimination. Instead, it proposes two characteristics, "gender identity" and "gender expression", that everyone has. Everyone has a gender identity and everyone expresses their gender, intentionally or unintentionally, in some way or other.

I would like to repeat that some gender norms may be problematic. Some have been found to be discriminatory and have been prohibited. The Canadian Human Rights Act already protects against sex discrimination. Under this rubric, it also protects against discrimination on the basis of transsexualism. Therefore, it is not clear what problem the proposed amendment is hoping to solve. Again, it is unnecessary and an unpredictable response to very particular problems.

This brings us to the next problem arising from the bill. To the extent they seek to reach beyond transsexualism, the new grounds of gender identity and gender expression are vague.

How would anyone know whether one's expressive act is gender expression if there can be no assumptions about how each gender is

expressed? Can people act in any way they choose, so long as they claim to be expressing their conception of their gender? If that is the case, then the ground of gender expression will have no limits and have very broad implications. Or will it be up to courts and tribunals to decide what kinds of characteristics express gender and which do not?

• (1425)

It would also create much uncertainty about the meaning of these new grounds and perhaps increased litigation.

The proposed wording is vague and it makes the proposed amendments to the Canadian Human Rights Act unwise, especially since they are unnecessary to address what seems to be to the core issue, which is discrimination on the basis of transsexualism.

Vagueness has even more serious implications when we turn to the proposed amendments of the Criminal Code.

The proposed amendments to the hate propaganda offences protect new identifiable groups, namely, those identifiable on the basis of gender identity and gender expression. The hate propaganda offences are serious. Convictions can result in sentences of between two and five years. The offences also limit freedom of expression, a core Canadian value, and must clearly be delineated so Canadians will know where the limit is drawn.

Given the stakes involved, it is important to know which groups are identifiable on the basis of gender identity and gender expression. Transsexualism might define an identifiable group but, again, the proposed new grounds go far beyond transsexualism.

Gender expression is expressly problematic. How does a speaker know when a characteristic is one of gender expression. If a speaker says strong words against people with certain behaviours, can that be made into hate propaganda on the basis of gender expression simply if those people claim their behaviour to be the way of expressing their gender identity? We are left in the dark about who the identifiable groups will be. It is especially problematic in these offences, which will criminalize speech without clear notice of what can and cannot be said.

Ultimately, it would be left to the courts to decide which aspects of people's behaviours were expressions of gender and which were not. This is not their role. It would also leave the public unaware of what would be prohibited, as we waited for the courts to reconstruct Canadian gender norms for us.

*Private Members Business*

These same uncertainties attach to the proposed amendment to section 718.2. This section directs a sentence be increased for an offence that was motivated by bias, prejudice or hate based on certain personal characteristics. The list of such characteristics is open-ended and includes, “any other similar factor”. I understand that one purpose of this bill is to make explicit what may already be covered by a bad open-ended phrase. However, by adding “gender identity” and “gender expression”, what is made explicit are very vague terms. This would be counterproductive amendment.

I believe these technical arguments in themselves give just cause to vote against Bill C-279.

However, I would also like to discuss a very real concern that was expressed during debate on an earlier version of this bill from the previous Parliament. In fact, this argument resulted in the previous bill being dubbed the “bathroom bill” in certain quarters.

The fact is that creating a right to gender identity and gender expression would likely result in men who are in gender reassignment therapy having access to girls' bathrooms. As the bill would also give special rights to those who simply consider themselves to be transgendered, the door would be open to sexual predators having a legal defence to charges of being caught in a women's washroom or locker room.

I find this potentially legitimized access for men in girls' bathrooms to be very disconcerting. As sexual predators are statistically almost always men, imagine the trauma that a young

girl would face, going into a washroom or a change room at a public pool and finding a man there. It is unconscionable for any legislator, purposefully or just neglectfully, to place her in such a compromising position.

The bill would not address this very real possibility and in itself is reason for me to personally not support it.

The bill is an unfocused and unpredictable response to the very particular challenges that are faced by transsexual persons. The amendments to the Canadian Human Rights Act and the Criminal Code are unnecessary and I will not support the bill.

**The Acting Speaker (Mr. Bruce Stanton):** The time provided for 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.

● (1430)

[*Translation*]

I would like to wish all members of Parliament, the clerks, the pages, the interpreters and all employees of the House a happy Easter, a happy Passover and good break.

Pursuant to order made on Friday, March 9, 2012, the House stands adjourned until Monday, April 23, 2012 at 11 a.m., pursuant to Standing Orders 28(2) and 24(1).

(The House adjourned at 2:30 p.m.)





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