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(HANSARD)

Wednesday, November 28, 2012

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Wednesday, November 28, 2012

The House met at 2 p.m.

Prayers

• (1405)

[*English*]

The Speaker: It being Wednesday, we will now have the singing of the national anthem led by the hon. member for Okanagan—Shuswap.

[Members sang the national anthem]

STATEMENTS BY MEMBERS

[*Translation*]

QUEBEC NATION

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, yesterday was the sixth anniversary of the formal recognition of the Quebec nation by the House.

Right up until the last minute, we hoped that the members of the Conservative Party, the Liberal Party and the NDP would use the anniversary as an opportunity to admit that it is unacceptable that that recognition has not led to any tangible measures.

We hoped, in vain, that the three federalist parties would say how they plan to respect Quebecers' right to control the social, economic and cultural development of Quebec themselves, to protect their language and to fully choose their own future.

Those three parties will soon have a choice to make. Either they will have to truly recognize the Quebec nation and its inalienable right to self-determination by supporting the repeal of the Clarity Act, or they will have to choose to show that that recognition was nothing more than another attempt to deceive Quebecers.

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[*English*]

PICKERING MAYOR'S GALA

Mr. Corneliu Chisu (Pickering—Scarborough East, CPC): Mr. Speaker, I rise today to congratulate the City of Pickering and the Mayor's Gala committee for another successful fundraising event held on November 24.

The Pickering Mayor's Gala, currently in its eighth year, is a black-tie fundraiser where all of the proceeds go directly back into the community, primarily supporting the Rouge Valley Ajax and Pickering hospital and similar local charities.

Since its inception in 2005 the Mayor's Gala has raised approximately \$1 million and continues to thrive year after year. Both Mayor Dave Ryan and the gala chair Ms. Diana Hills-Milligan are deserving recipients of the Queen's Diamond Jubilee Medal. Together they make a formidable team dedicated to strengthening the communities of Pickering and the Durham region.

I take this opportunity to thank all sponsors, donors and local organizations for their continued support of the community and the city of Pickering, a great place to live and raise a family.

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THUNDER BAY MULTIPLEX

Mr. John Rafferty (Thunder Bay—Rainy River, NDP): Mr. Speaker, I would like to congratulate the residents, mayor and Thunder Bay city council for deciding to move on to phase 3 of the Thunder Bay multi-purpose events centre project.

The Thunder Bay multiplex will be an important economic development tool for the city. However, before our multiplex can host top-level junior hockey, national curling events, concerts and large-scale conventions, it must be built. Construction and operation of the multiplex will generate \$150 million in economic benefits during its construction and \$22 million in annual economic benefits to the residents and businesses of the city once it is built.

As it enters phase 3 of the project, the City of Thunder Bay is looking for partners. It sounds like a perfect project for the federal government to partner in. I hope when the request for partnership arrives that the Conservative government will look at the project, see its merits and become a full funding partner in this important and exciting project in northwestern Ontario.

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WOMEN'S INSTITUTE HOME

Mr. Mike Allen (Tobique—Mactaquac, CPC): Mr. Speaker, this Saturday, December 1, the world's only Women's Institute Home will celebrate its diamond jubilee anniversary. I am proud to say that this highly respected home for senior women is located in Woodstock in my riding of Tobique—Mactaquac.

Statements by Members

I wish to congratulate Marion Briand, who has served as the home's matron for 17 years, as well as the entire network of Women's Institutes in New Brunswick and across Canada for their fine work. More than 60 years ago, WIs throughout New Brunswick raised money to purchase a home and on December 1, 1952, the grand Victorian structure on Chapel Street welcomed its first resident. While originally intended for WI members, the home is now open to senior women. Currently, there are 19 residents and a capacity for 21.

In honour of its diamond jubilee, the Women's Institute Home will hold a high tea this Saturday from 2 to 4 p.m., carrying on the Women's Institute tradition of working together for home, community and country.

All of my colleagues and I send best wishes to the home for a successful event. I wish to thank the facility for its past six decades.

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HUMAN RIGHTS IN CHINA

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, China recently announced plans to implement an organ donation system, phasing out the practice of harvesting organs from executed prisoners or so it says.

This in the wake of ongoing allegations that Chinese officials are harvesting organs from Falun Gong and Falun Dafa prisoners without their consent. This was recently underlined in a report produced by a former Liberal MP, which was based on telephone recordings made by the NGO, the Coalition to Investigate the Persecution of Falun Gong in China. The report cites a price list on a Chinese transplant centre's website, which offers corneas for \$30,000, kidneys for \$62,000, livers for \$130,000 and lungs for \$170,000. All this despite the fact that China supposedly banned organ trafficking in 2007.

Organ harvesting without consent is wrong and must be stopped. If China is serious about human rights, as it says it is through trade talks, then China must get serious about stopping this barbaric practice or we should stop trade negotiations.

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BILL BETTRIDGE

Mr. Kyle Seeback (Brampton West, CPC): Mr. Speaker, I and the people of Brampton were saddened to learn of the passing of local hero and World War II veteran, Bill "Boots" Bettridge. I have known the Bettridge family my entire life and I offer them my condolences.

Bill will truly be missed in Brampton. He was one of our most decorated veterans and he is the model for the carving of the veteran statue in Gage Park. Bill was a survivor of the D-Day landings in Normandy, part of Operation Overlord. He landed on the shores of France on June 6, 1944 with thousands of young Canadian soldiers charged with liberating Europe from Nazi occupation.

Bill was also a recipient, in 2008, of the Minister of Veterans Affairs Commendation. He actively promoted veterans' interests in the Royal Canadian Legion and the community. He used his

experience and stories to inspire young people to gain a better understanding of veterans.

Bill was a great man who will be missed; missed but not forgotten. Lest we forget.

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● (1410)

HARBOUR VIEW ELEMENTARY SCHOOL

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, last week I had the pleasure of visiting Ms. Kent's grade 4 class at Harbour View Elementary School in Dartmouth. The students prepared an impressive exhibit inspired by the work and life of Maud Lewis, including building a replica of her home right inside the school.

For more than 30 years, Maud Lewis lived in a one-room shack with no electricity, plumbing or insulation, and yet she produced some of Nova Scotia's most enduring artwork. Maud joyfully painted on every part of that now famous house, turning her entire home into a work of art. In fact, the whole building has been restored and now sits in the Art Galley of Nova Scotia.

Although Maud passed away many years before any of these students were born, her presence was felt in the incredible work the students did. They learned about Maud's life and how she found joy and gratitude for what little she had.

I congratulate the students of Harbour View Elementary, Ms. Kent and the Take Action Society for the incredible work they did.

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KOREAN WAR VETERANS

Mr. Blaine Calkins (Wetaskiwin, CPC): Mr. Speaker, I rise today to reflect on the courageous efforts Canadians made in the Korean War. This past Remembrance Day, I accompanied six distinguished Canadian Korean War veterans as they returned to Korea, almost 60 years after the armistice was signed in 1953.

I was mesmerized by their tales as they recalled some of their experiences from so long ago. Shanties and bombed out roads have been replaced by high-rise business and residential areas. Modern transit systems, bridges and infrastructure make South Korea one of the most advanced societies in the world today.

We visited the Korean national war museum, which now contains a portrait painted by Ted Zuber, a Korean veteran, the only non-Korean artifact on display. The United Nations cemetery, where many of our fallen soldiers rest, is meticulously maintained. So revered are these heroes that no building can be built that would cast a shadow on those graves.

Statements by Members

It was an honour for me to be there with Jim Duncan, Gary Miller, John Bishop, Don Carmichael, Don Dalke and Philip Daniel. They and all Korean war veterans should know how very proud we are of all of them.

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TAXATION

Ms. Eve Adams (Mississauga—Brampton South, CPC): Mr. Speaker, unlike the NDP, which would use a carbon tax to take money out of the pockets of Canadians, our Conservative government is focused on helping our neighbours save their hard-earned money. Our government will boost the tax-free savings account limit with a \$500 increase.

We on this side of the House want to support Canadian families, unlike the NDP that would tax them into debt with a senseless carbon tax. Our economic action plan is clearly working. Over 800,000 net new jobs have been created by our economy. We enjoy the highest credit rating by three independent rating agencies. The IMF and the OECD both project Canada to have the strongest growth in the G7. We have the most stable banking system in the world and the lowest overall tax rate.

My Conservative colleagues and I believe in free trade, lower taxes and support for families. I wish I could say the same about our friends in the NDP who would impose a carbon tax.

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HIV-AIDS

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, on behalf of the NDP, we thank the many organizations and individuals whose tireless efforts in Canada and abroad support those living with HIV-AIDS and work to prevent future infections.

The AIDS epidemic has become a global public health challenge that warrants our collective attention and demands our concerted action. Even with advances in medical science, the scarcity of life-saving drugs condemns many to a life of poverty and to dying a preventable death.

It is more important than ever that we support life-saving initiatives to fight AIDS-related deaths. For this reason, I urge my colleagues to vote in favour of Bill C-398 tonight, the medicines for all bill, which would save millions of lives worldwide.

On this solemn but hopeful occasion, we in the NDP recommit to ending the spread of HIV-AIDS at home and abroad and to supporting those who live with HIV-AIDS to ensure their dignity and rights are upheld.

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•(1415)

MINING INDUSTRY

Mr. Bob Zimmer (Prince George—Peace River, CPC): Mr. Speaker, I would like to bring to the attention of the House that yesterday was the 100th anniversary of the Association for Mineral Exploration British Columbia, which has proudly represented the mineral exploration and development business community.

British Columbia is a powerhouse in the mining industry with amazing mineral potential that has helped grow British Columbia's economy throughout its proud history.

Members of the association have discovered significant coal, mineral and metal deposits in Canada and around the world, which have provided British Columbia with high-paying jobs and economic growth. While developing economic opportunities, it has also focused on developing world leading practices in health and safety and environmental stewardship, the foundations of responsible resource development.

I congratulate this association for its important work creating jobs and growth in B.C. and around the world while protecting the environment.

I congratulate the association.

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[*Translation*]

HUMAN RIGHTS

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, as we approach the anniversary of the tragic events of December 6, 1989, I rise today to remind my colleagues that it is important for all of us to have a healthy and egalitarian environment.

Since being elected, I have unfortunately heard misogynistic comments addressed to my female colleagues in all parties. I have also heard unacceptable remarks made in this place, when we should instead be setting the example for all Canadians.

I find it deplorable that, even today, elected members, who are equal in this House, are treated differently by their peers based on their age and gender. I also find it deplorable that, across the country, people are suffering because they are different. Thousands of Canadians are subjected every day to unfair treatment and, in some cases, this results in the senseless loss of life.

This cycle of violence must stop. It has been denounced for years and action is long overdue. It is time to establish, in Parliament and across Canada, a climate of respect to which we are all entitled.

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[*English*]

VETERANS AFFAIRS

Mr. Rodney Weston (Saint John, CPC): Mr. Speaker, our Conservative government is standing up for Canada's veterans and their families.

Through our innovative veterans transition action plan, we are ensuring that veterans have the support they need to assist them with every aspect of the transition from military to civilian life.

We have taken action to harmonize our disability benefits at Veterans Affairs. With these changes and those being made at DND, our government is investing \$1.2 billion into benefits and services for Canada's veterans.

Statements by Members

Our 2012 supplementary estimates (B) include \$18 million in new spending for veterans services and benefits.

The opposition members claim that they support Canada's veterans. This is their chance to prove it. I hope the opposition will do the right thing and vote in favour of this funding because Canada's veterans and their families deserve no less.

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OIL AND GAS INDUSTRY

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, last month, Atlantic Liberal members and senators visited Fort McMurray, Alberta. Atlantic Canadians are proud of what workers have done over the years in allowing the oil sands to realize its full potential.

Along with a tour of the Syncrude oil and gas operation, we visited the site where former prime minister Jean Chrétien in 1996 signed an agreement with major oil companies and the province that fostered this great development in Alberta. We met with many from the area, including the Chamber of Commerce, the Airport Authority, Keyano College, MLAs and councillors.

We were very appreciative of the warm reception we received from the Albertans but we were very disappointed that the Conservative government was not supportive of their infrastructure demands.

Fort McMurray and the Alberta oil industry play a crucial role in our national economy, generating thousands of jobs for Canadians. We must ensure that all levels of government work together in helping expand that region. The future wealth and prosperity of our country depends on it.

* * *

LIBERAL PARTY OF CANADA

Mr. Jim Hillyer (Lethbridge, CPC): Mr. Speaker, when the Liberal member for Ottawa South suggested that Albertans do not belong in Parliament, the Liberal leader said that his remarks did not really reflect the views of the Liberal Party. However, we must make no mistake; this is not just one Liberal gone astray.

When asked if Canada would be better off with fewer Albertans in government, the front runner for the Liberal leadership said, "I'm a Liberal, so of course I believe that".

The anti-Albertan attitude of the Liberal Party has not changed a bit since Pierre Trudeau shackled Alberta with the national energy program that devastated the entire Canadian economy.

Even though the member for Papineau said that Canada belongs to them, Albertans know that it belongs to everyone across the country, every province and every region. That is why we are proud to support our strong national Conservative government made up of MPs from all across the country who stand united in representing our ridings as we build on Canada's legacy of freedom, equality, happiness and prosperity.

● (1420)

CONSERVATIVE PARTY OF CANADA

Mr. Glenn Thibeault (Sudbury, NDP): Mr. Speaker, I imagine, if I were a Conservative MP waking up this morning to news about new vehicle emissions standards, I would probably rise in the House and say something like this: The Conservatives are imposing a \$36 billion car tax on Canadians. This car tax will increase the price of cars, first by \$700, and then by \$1,800.

Who would ever be foolish enough to impose a \$36 billion car tax on the shoulders of Canadians?

The Conservatives are raising prices on everything. The economy would be lost. All jobs would be lost. Even families would be lost.

Now, if I were a dishonest man, I might rise and say something like that but I am a New Democrat and in the NDP we value honesty. So we will not call this the Conservatives' \$36 billion car tax on Canadians. No. We will simply call it like it is: more Conservative hypocrisy and incompetence.

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LIBERAL PARTY OF CANADA

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, the Liberals' elitist attitude against Alberta is one of the many reasons their party is losing support among Canadians.

This should come as no surprise. The member for Ottawa South had to resign as senior spokesman for natural resources for telling us to go back to Alberta if we wanted to defend the interests of Albertans.

We also recently learned that a top contender for the leadership of the Liberal Party went on a rant against our province, stating, "Canada is in bad shape right now because Albertans are controlling our community and social democratic agenda. That is not working".

No matter how many times the Liberal Party tries to re-brand itself, these comments prove what Albertans already know: The Liberals are still the party of the national energy program and continue to disrespect Alberta.

We were told to go home by the Liberals. This is strange advice coming from such a small little corner of our Parliament today, the Liberal Party.

*Oral Questions***ORAL QUESTIONS***[English]***THE ECONOMY**

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, yesterday, the finance minister said that Canada was “not in need of a contingency plan” to deal with the threats facing our economy. That was quite a surprise because, just two weeks ago, the same finance minister said, “we have contingency plans not only with respect to the fiscal cliff, but with respect to the European situation”. Which is it?

Facing the real threat of another recession, do the Conservatives have a contingency plan or not? Canadians deserve a straight answer.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, of course this government is and will continue to be prudent in our fiscal and economic planning. That is why we have the best fiscal position in the G7. It is why we have the best job creation record among the major developed economies. It is why the OECD says that we will have the best economic growth for many years to come.

Mr. Speaker, I will tell you about contingencies. If we ever had an NDP government, we would need a contingency for massive, out-of-control spending, at least \$56 billion in unbudgeted new spending committed by that party, in part to be financed by a \$21 billion carbon tax.

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Here is the problem, Mr. Speaker. First the finance minister claims that he has a contingency plan and then the same finance minister says that he does not need a contingency plan. Now the Conservatives are saying that maybe they do have a contingency plan after all, but they pretend to know something different from the finance minister who claims that he does not need a contingency plan. Canadians deserve better than this. The Prime Minister and his Minister of Finance cannot get their stories straight.

If the contingency plan exists, will they stand up and table it in the House, instead of doing like that minister and trying to avoid the issue?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, the Leader of the Opposition has once again confirmed that the New Democrats tend not to even read the budget before they decide how they will vote on it. If he were to read the last budget or any of the last five budgets, he would see that there is a line in each one of those budgets for any unexpected emergencies.

This government has planned prudently all along. That is why we paid down \$40 billion in federal debt before the global economic downturn. We have reduced taxes to create wealth and new jobs, with over 820,000 net new jobs since the downturn.

However, we know this much. If the NDP ever had its hands on the levers of our economy, Canadians would be drowning in new debt and high taxes.

● (1425)

[Translation]

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, Europe is experiencing another recession, the American economy is about to hit a budgetary wall and the IMF is saying that Canada's economic growth is already below that of the United States. Canadians have the right to know what is really going on instead of just getting idiotic answers like the one we just heard.

What this government has is a Prime Minister and a Minister of Finance who are contradicting each other, a deficit elimination target that changes twice a week, and a contingency plan that is there one week and gone the next. When will the Conservatives realize that improvising is bad for the economy?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, this government is always fiscally and economically prudent. That is why we have the best fiscal position in the G7, the best economic growth and the best job creation record, with over 820,000 new jobs since the global recession.

The problem is that the NDP wants to impose new taxes on Canadians, including a \$20 billion carbon tax, to subsidize the party's completely reckless spending. We will continue in that direction—

The Speaker: The hon. member for Parkdale—High Park.

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, this has been hard week for the Minister of Finance. Yesterday, he made a mistake when he said that the Conservatives would keep their promise to balance the budget.

Their election platform projected a \$2.8 billion surplus in 2014, but in his economic update, the finance minister said that there will be an \$8.6 billion deficit, a discrepancy of over \$11 billion.

What services will be cut in order to keep the Prime Minister's election promise?

[English]

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, the first thing we would cut would be a \$21 billion tax that is purported to be the only NDP solution it has to getting back to balance. The New Democrats vote against everything that we put forward. All of our budgets have kept us on track. Our plan is working. We will get back to balance in the medium term. In fact, we expect to get back to balance in this Parliament.

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, the Conservative platform seems to have gone the way of the minister's contingency plan: out the door to be forgotten forevermore. However, the reality is that compared to the platform of the Conservatives, they are off by \$5.9 billion next year, \$8.8 billion the year after that, \$11.4 billion off the next year and, finally, \$6.9 billion the year after that.

Does the minister really consider this massive \$33 billion in cumulative bad projections to be a small sum of money?

Oral Questions

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, the number she has referred to is actually quite small compared to the \$56 billion that the New Democrats have suggested they would take out of the pockets of Canadians in all of their plans. The New Democrats stand and put forward all sorts of crazy ideas on how they would raise money, but our plan is working.

The chief economist at the OECD says, “the Canadian economy is doing well” and “the Canadian economy is doing much better than the most of the other advanced economies”. We should be listening to comments like this, not listening to the NDP talk down Canadians.

* * *

ETHICS

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, the organization Campaign Research, which has done a lot of work for the Conservative Party, launched an unprecedented and, if I may so, a reprehensible campaign, using your own words, in the constituency of my colleague from Mount Royal. That organization has now been censured by the Marketing Research and Intelligence Association, which has described the acts, omissions and public statements as reducing confidence in the marketing industry.

When are the Conservatives going to cut ties with this organization? When are they going to take some responsibility for their own malfeasance?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, this is a matter on which you actually ruled some months ago and I believe it was settled at that time.

• (1430)

[Translation]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, the matter has not been settled at all.

The question is clear: when will the Conservative Party clearly apologize for its malfeasance, which has even been censured by the organization governing the polling industry? Campaign Research lied about the hon. member for Mount Royal and, to date, the Conservative Party has not taken responsibility for what happened.

When will the Conservative Party take responsibility?

[English]

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, I thought the leader of the Liberal Party was an experienced parliamentarian who understood that the rules of the House meant that question period was for questions that had to do with government business. So far has this affected government business? You dealt with it some time ago. It is a settled issue insofar as the internal management of a private sector marketing organization. That is not a question for the House.

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, I am experienced enough to know when a minister is refusing to answer a question. I am experienced enough to know when a political party refuses to take responsibility for actions which have already been censured by an independent organization. I am experienced enough to know when the Conservative Party of Canada is refusing to take responsibility for actions which the Speaker of the House of

Commons has referred to as “reprehensible”. When is that minister going to take responsibility for what has taken place?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, there was a time just a few months ago when that member stood in the House and took responsibility, or so he made it seem, for the unacceptable actions which were soundly condemned of one of his staffers, Adam Carroll. He was contrite and he stood before the country and said how terrible it was and how he had been dismissed from that position. Guess what? Just a few months later, when the smoke had cleared, he hired him back. That is his idea of taking responsibility.

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*[Translation]***THE ENVIRONMENT**

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, the height of hypocrisy for a minister is making up a policy to attack his adversaries and claiming that it will increase the price of everything and will even make families disappear, and then presenting a plan that will essentially increase the price of all cars. The fight against climate change costs money, but inaction costs more.

How much money will people have to pay for their car tax?

[English]

Hon. Peter Kent (Minister of the Environment, CPC): It is the contrary, Mr. Speaker. These new regulations will actually save the money of Canadians over the life of their new cars, up to \$900 per year per car through fuel cost savings. Compared to 2008 models, vehicles rolling off the line in 2025 will produce almost 50% fewer greenhouse gas emissions and consume up to 50% less fuel.

The NDP's ill-considered \$21 billion carbon tax would increase the cost of cars and gasoline and just about everything else.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, it would not kill Conservatives to add a few facts to their answers from time to time, so let me help them out. The fact is that we have been waiting for years for regulations on oil and gas. The fact is that Conservatives have not taken climate change seriously. The fact is that Conservative inaction means we are now lagging behind in the global community. The fact is that the minister refuses to share the details of his costly and ineffective sector-by-sector approach.

Does the minister even know what the price tag will be?

Hon. Peter Kent (Minister of the Environment, CPC): Mr. Speaker, as I reported earlier this year and as we go sector-by-sector, we see constant benefits. We are heavily into the benefit side of the two sectors already regulated. The results can be found on the Environment Canada website. We are halfway to achieving our Copenhagen 2020 reduction targets.

Our plan is to reduce greenhouse gas emissions, while the NDP's \$21 billion carbon tax is not guaranteed to reduce a single tonne of CO₂.

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NATIONAL DEFENCE

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, the Conservatives started a new practice yesterday at the defence committee trying to block legitimate questions on supplementary estimates (B). With so much mismanagement and lack of transparency, it is no wonder the Conservatives would try any parliamentary tactic in the book to keep information from Canadians. If the minister does not want to be accountable at committee, then we will ensure he is accountable in the House.

When will the Minister of National Defence show transparency and accountability and release the information that the Parliamentary Budget Officer requested on cuts to the department?

•(1435)

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, the hon. member has been here awhile and I remind him I have appeared before parliamentary committees some 31 times. I have appeared before his committee 11 times. I have appeared on the floor of the House of Commons for a parliamentary committee of the whole.

When it comes to these questions as to what are ruled in and out of order, that is for the committee. I was there. I was invited to come to the committee. I answered the questions. The member and some of his fellow travellers spent time procedural wrangling rather than posing questions to me.

[Translation]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, yesterday, at the Standing Committee on National Defence, I wanted to question the minister on the mismanagement of infrastructure on military bases. It was a legitimate question, since the Auditor General raised some serious concerns in his latest report. However, the Conservatives blocked this question. Apparently, they did not want any light shed on this issue.

If the minister did not plan on answering questions from committee members, why was he there? Why did he not see fit to adjust the supplementary estimates (B) in light of the Auditor General's concerns about infrastructure on military bases?

[English]

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, as I just indicated, and the record is clear, I have appeared before parliamentary committees some 33 times. With respect to what was in the supplementary estimates (B), that is exactly what I was there to answer questions on. It just so happens that the member's particular question was not found in the estimates this year because they were not included in the estimates this year.

However, what I do know and what is factual and what is clearly before the House and before Canadians is that every improvement, every new initiative, every program, every plan to improve things for Canadian Forces veterans and their families, the member and that party oppose.

Oral Questions

[Translation]

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, this is not the first time that the minister has tried to avoid being accountable. In the process to replace the CF-18s, the Conservatives initially avoided analyzing the options and instead went with a statement of operational requirements that was biased in favour of Lockheed Martin. They are now allegedly analyzing their options, but there is no statement of operational requirements.

The Minister of National Defence is in charge of analyzing the options. Why does he insist on not following the rules for military equipment procurement?

[English]

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, by creating the National Fighter Procurement Secretariat, what we tasked it to do was further analysis. As the member knows, we are in the pre-acquisition phase. We have asked the secretariat to set the statement of requirements aside and do a full options analysis so we have all the information on the table about what our options are in replacing the fleet of the CF-18s.

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, at least the minister got to keep his front row seat. The question is this. Who is doing his job? Is it the associate minister, or the Minister of Public Works and Government Services, or the auditor, the economist and three deputy ministers?

Who is in charge over there? Who is setting defence policy? Who is establishing the statement of requirements to replace the CF-18?

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC): Mr. Speaker, Canada's Defence Production Act is very clear. The Minister of Public Works and Government Services is responsible for the procurement of defence material. The defence department officials are responsible for writing statements of requirements.

Beyond that, when it comes to the replacement of the CF-18s, we have been very clear. The secretariat has been tasked with setting aside the statement of requirements and doing a full options analysis to inform the next step in the acquisition to replace the CF-18s.

* * *

[Translation]

ETHICS

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, this morning, an investigator revealed that Bernard Poulin, who is under investigation, met with Senator Leo Housakos on May 17, 2007. In the spring of 2007, Bernard Poulin and Tony Accurso were having conversations about plans to appoint Robert Abdallah to the top job at the Montreal Port Authority. They were planning to enlist Leo Housakos' help to make it happen. In 2008, just before being appointed to the Senate, Mr. Housakos also participated in meetings with hand-picked individuals from the construction industry.

Oral Questions

Can the Conservatives tell us what they know about these meetings involving Messrs. Housakos, Poulin, Borsellino and Catania?

• (1440)

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, what we know is that the member made false allegations on Friday. He talked about donations for which no evidence exists. We have produced copies of cheques as evidence that the donations were legitimate and real.

The member should stand up and apologize for his latest mistake rather than make another one.

[English]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, my hon. colleague's problem is he cannot count. He produced some cheques, but we were talking about the 11 cheques.

Enough with the fantasy fictions, how about the facts? We know the fact is the commission is investigating three key meetings with Senator Housakos, meetings with Paolo Catania, Joe Borsellino and a meeting with Bernard Poulin who was lobbying the government to get Robert Abdallah a key post.

Senator Housakos is the Prime Minister's point man in Montreal. He was given a patronage appointment to the Senate. Therefore, since taxpayers are saddled with this guy until he is 75, will someone over there explain what Senator Housakos has been doing and why he has been holding these meetings?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, instead of attacking an appointment that never occurred by a government that did not have the power to make it, the hon. member should use the time he has on his feet in the House of Commons to explain what he has been doing.

After promising, three times, that he would vote to eliminate the wasteful billion dollar long gun registry, he had the chance to do just that. Instead, he went back on his word, betrayed his constituents and voted the opposite of what he had promised.

Why does the member not stand and explain that?

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I do not know where the member was. I did stand and explain to all the voters in Timmins—James Bay, and we beat the Conservatives by a landslide. We did not have to buy an election.

Let us talk about their attempts and what the Conservatives told voters. We know now the calls that were made were identified to non-Conservative voters. We now know the robocalls went right back to Conservative Party headquarters. Therefore, someone on that side must know who is involved.

If we are talking about an organized campaign to suppress the vote, we are talking about breaking the law. The member should put down his little peashooter over there and stand and say when the government will get serious about holding the Conservative Party to account for voter fraud.

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, the member talks about buying elections. In fact, it was his party that used over \$340,000 of illegal union money in successive elections. We do not know for what those members used that money. We do not know how many robocalls they bought with it or how many nasty negative attack ads they bought, or if they needed to spend that money to explain away that member's broken promises.

What we know for sure is that the member still has not explained why his leader tried to cover up that illegal money for so long.

* * *

GOVERNMENT PRIORITIES

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, the Conservative fiscal record is massive debt, obliterating the gains of the previous decade and eviscerating front-line services to Canadians, especially public health and safety.

The Conservatives squander millions on government ads, but cut prison security, border services, search and rescue, consumer labelling, crime prevention, emergency preparedness, food safety, environmental science, fish habitat, navigation and aboriginal health.

Why do Conservatives cut the most from the vital front line services that keep Canadians safe?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I can tell the hon. member something else about our economic action plan. It has helped generate 820,000 net new jobs for the people of Canada, 90% of them full-time. We are doing so in an environment where there is increased instability throughout the rest of the world. We are doing so in a way that makes sure that we can get back, in the medium term, to balance. We are making sure that we are investing in our infrastructure and are investing in science and research. We are on the right track, and Canadians know it.

* * *

EMPLOYMENT INSURANCE

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, all governments have their ups and downs, but the ups of this government are hurting Canadians. Unemployment is up. The trade deficit is up. The national debt is up by \$140 billion. The only thing that has gone down is service to Canadians.

Oral Questions

The Minister of Human Resources inherited an EI system where people got their first cheque in three weeks 80% of the time. She has stretched the standard herself and now only hits that embarrassing target of a one-month turnaround. She only hits that 30% of the time. Why do those Canadians most at risk have to pay the price for this Conservative fiscal incompetence?

• (1445)

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, Service Canada continues to improve its operations ensuring that Canadians have—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. parliamentary secretary has the floor.

Ms. Kellie Leitch: Mr. Speaker, as I was mentioning, Service Canada continues to focus on improving, but let us be serious about what is important to Canadians. Canadians care about having jobs, and this government is focused on creating new jobs. We have created 820,000 net new jobs since the downturn of the recession—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. parliamentary secretary still has the floor, and I would like to finish hearing the answer.

Ms. Kellie Leitch: Mr. Speaker, let me be very clear that 90% of those jobs are full-time jobs. We are making sure that Canadians have jobs, unlike the opposition, which likes to vote against all of those initiatives that have made sure that Canadians have high-quality jobs for their families.

* * *

ABORIGINAL AFFAIRS

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, Conservative fiscal incompetence has driven the federal debt to more than \$600 billion since 2006, and now aboriginal people in Canada are paying the price. Aboriginal programs for diabetes, youth suicide, health workers, substance abuse—slashed. Budgets for national aboriginal organizations for health and healing—slashed. The Aboriginal Healing Foundation—gone.

Why should the health of aboriginal people be put at risk because of the fiscal incompetence of the Conservative government?

Hon. John Duncan (Minister of Aboriginal Affairs and Northern Development, CPC): Mr. Speaker, we have made some changes in our budgetary process. We made those changes because we are prudent managers. We made those changes in a way that protected community-level delivery of services. I think that was a very sophisticated and appropriate way to do this. We have otherwise made very important investments that are community oriented and that provide for the health and safety of first nations.

* * *

[Translation]

INTERNATIONAL CO-OPERATION

Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP): Mr. Speaker, this evening we will have an opportunity to move one step closer to giving millions of people in developing countries

access to medicines. Grandmothers associations, religious leaders, international health experts, the generic drug industry and even the brand name drug industry believe that this bill should be examined in committee. Excuses citing intellectual property and the WTO simply do not hold water.

This evening, will the Conservatives vote for or against the—

The Speaker: The hon. Minister of Industry.

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, let us be clear: despite its good intentions, the bill will not help the people it purports to help.

First of all, it will not save any more lives and it will not ensure the delivery of any more medicines.

Our government is tackling the real challenges. We are leaders when it comes to funding the shipment of medicine to countries in need. We have invested over \$4 billion, which has helped secure \$10 billion internationally for the shipment of medicine to countries in need.

We hope the opposition will support us on these important initiatives.

* * *

FOREIGN AFFAIRS

Ms. Hélène Laverdière (Laurier-Sainte-Marie, NDP): Mr. Speaker, I do not really understand, because everyone, including the generic drug industry and international experts, but not this government, believes that it will help.

Let us now move on to another important matter. Tomorrow, the world will gather at the United Nations to consider a resolution on Palestine's status within that organization. A number of our allies are working on this resolution to ensure that it will kickstart Israeli-Palestinian negotiations.

In the meantime, what has Canada done to encourage—

The Speaker: The hon. Minister of Foreign Affairs.

[English]

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, first and foremost, Canada has encouraged both parties to stop negotiating about the negotiating and to sit down at the negotiating table and try to work toward establishing a lasting peace. That is exactly what Canada has been doing. We are working in concert with our allies to make this happen.

Oral Questions

●(1450)

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, we agree that a future Palestinian state will be realized through negotiations with Israel. That is why our allies, including the U.K., France and the U.S., are doing the hard diplomatic work of trying to restart negotiations. We are concerned that the Conservatives have taken an unbalanced approach and have decided to issue threats against moderates rather than work with them to find a consensus.

How is the government's threatening approach helping to encourage moderates who want to pursue the path of politics rather than the path of violence?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, we are tremendously disappointed with the Palestinian Authority for the action it is taking. It is obvious that this will affect our relationship.

This government makes no apologies for standing with the Jewish state. This government makes no apologies for standing with Israel at the UN. I will travel to New York tomorrow to be there to speak and to cast Canada's vote. We encourage both parties to get back to the negotiating table to establish a long and lasting peace.

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, we have the opportunity to advance the cause of peace. Canada has an obligation to help bring the two sides closer to an agreement. A negotiated two-state solution is the best way to ensure that Israelis and Palestinians can live side by side in peace and security. Cutting off diplomatic relations with the Palestinian Authority will undermine the cause of peace, and cutting off aid will undermine security.

Will the government now join our allies in trying to use this vote as an opportunity to restart the negotiations?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, the NDP has once again come back to its roots and shown where it really stands when it comes to Israel.

A unilateral action, by going to the United Nations, violates more than seven different accords, seven different resolutions, at the United Nations. We believe that these parties should sit down at the negotiating table and negotiate a lasting peace deal. We are prepared to do anything we can to support that. What we will not support is a unilateral action by the Palestinian Authority at the United Nations. We will stand with the Jewish state. We will stand with the people of Israel.

* * *

[Translation]

JUSTICE

Mr. Bernard Trottier (Etobicoke—Lakeshore, CPC): Mr. Speaker, Canadians are worried about crime. That is why the government has kept its promise to pass comprehensive law-and-order legislation in the first 100 sitting days of Parliament. The Safe Streets and Communities Act sets out stiffer sentences for child predators and eliminates house arrest for serious crimes such as sexual assault. This legislation is now in effect across Canada.

Can the Minister of Justice inform the House about the constitutional status of our government's crime legislation?

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I am pleased to inform the House that this week, our government's legislation to establish mandatory penalties for drive-by and other reckless shootings was found constitutional by the Ontario Superior Court of Justice.

While I will not comment specifically on court challenges, I can say with confidence that a majority of Quebecers support tougher sentences for serious crimes. This is why we enacted mandatory sentencing for all sexual offences committed against children and for serious drug trafficking offences.

We made a commitment to Canadians that we would quickly pass these measures. Canadians responded by giving us a strong mandate to do that. We make no apologies for that.

* * *

[Translation]

FOREIGN INVESTMENT

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, there are more and more questions about the Chinese government's takeover of Nexen. Yesterday we learned that CNOOC and Nexen had jointly withdrawn and resubmitted their offer for the acquisition of Nexen shares in the United States. The Americans are concerned about this deal, and rightly so.

Do the Conservatives know what is in the new offer? What impact will this move have on the minister's decision to approve the deal?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, it is very clear. Pursuant to section 20 of the act, there are six factors that must be taken into account. These guidelines have been in place since 2007, and some provisions were added in 2009. That is the legal framework we are working under right now.

That said, the NDP wants to block everything, all types of deals and investments, but we do not agree with that school of thought, nor do we agree with the Liberals' approach of blindly approving everything.

●(1455)

[English]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, we have learned that CNOOC and Nexen have jointly withdrawn and resubmitted their bid for U.S. Nexen assets because of CFIUS and because of a clear review process in the U.S.

However, here in Canada, the Minister of Industry continues to evade public and parliamentary scrutiny. He has refused to come up with a transparent review process. He has failed in establishing clear criteria, and now we learn that the Conservatives have chosen the Prime Minister's unelected chief of staff to manufacture some investment guidelines, still in secret. It is a mess.

How can Canadians have confidence in the Minister of Industry when even the Prime Minister does not trust him to do his job?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, the opposition likes to speak light about everything, but to be clear, we will not speak light on any review. This is a responsible approach.

We are open for foreign investment, and these foreign investments have to provide a net benefit to Canada. We will not push the agenda like the NDP, which would virtually block everything: no investment, no free trade. That is not responsible.

We will not rubber stamp any form of investment, as the Liberals would do, as they said last week. Canadians can count on a responsible government on this point.

* * *

REGIONAL DEVELOPMENT

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, a recent study estimates that 4,400 full-time federal jobs will be cut from the Atlantic region by 2015, a withdrawal that will cost the Atlantic economy over \$300 million. On top of that, crown corporations are expected to shed several hundred more jobs. These public sector cuts will also translate into thousands of job losses in the private sector and an overall weakening of the Atlantic economy.

Why does the government continue to make decisions that are devastating to Atlantic Canadians and their communities?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I have three points. In the first place, we have been very clear that every region across the country will retain their proportion of federal jobs. That was true before, and it is now true after.

The hon. member mentions a study. We are talking about an NDP-aligned, left-wing, so-called think tank. It is just pure bunk. Please do not get sucked in by this left-wing think tank. If the unions paid for this, they and their union bosses should want their money back. This is ridiculous.

Mr. Ryan Cleary (St. John's South—Mount Pearl, NDP): Mr. Speaker, aside from the unbalanced economic impact these cuts will have, the report also states that disproportionate job losses will rob opportunities from Atlantic Canadians and will weaken regional planning.

We know the Prime Minister once diagnosed the entire Atlantic region as having a culture of defeat. That is no bunk. However, by attacking youth, regional planning and the east coast economy, it is the Conservatives who have a defeatist attitude toward Atlantic Canada.

Why is the government abandoning east coast jobs and abandoning the Atlantic economy?

Hon. Tony Clement (President of the Treasury Board and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, here is how this union-paid study came up with its conclusions. It excluded any of the job losses in the national capital region. That is where 58% of the jobs are when it comes to the public service.

Oral Questions

If the NDP members are aspiring to government and have been listening to this stuff, they have a long way to go. Canadians can rest assured that we will be managing the economy and the public service in the best interests of Canadians.

* * *

[Translation]

JUSTICE

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, the Barreau du Québec is challenging the constitutionality of the omnibus Bill C-10, which has been criticized by lawyers who maintain that mandatory minimum sentences are ineffective, pointless and discriminatory. Furthermore, our courts have found that these sentences are unconstitutional.

When will the government respect our lawyers, judges and experts and abandon this misguided, discredited and unfair approach?

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Many of the mandatory minimums in the Criminal Code were actually brought in by the Liberal Party, Mr. Speaker. I might just point that out to him as a point of interest.

That being said, the bill that we have had before Parliament is very targeted. It goes after the individuals who sexually exploit children and the people involved in organized crime, the mobsters who are bringing drugs into Canada. Yes, there were serious penalties brought in by this government and we make no apologies for that to anybody.

• (1500)

[Translation]

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, while we were debating Bill C-10, the former Quebec justice minister, the National Assembly of Quebec and experts in Quebec all agreed that this legislation violates human rights, undermines the rule of law and flies in the face of Quebec's values on justice.

When will the federal government respect Quebec, its values, judicial independence, evidence and the rule of law?

[English]

Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, we respect laws that protect victims in this country and send out the correct message to individuals who break the law in this country, that if they are in the business of sexually exploiting children, if they are in the business of child pornography, if they are part of organized crime and think it is a great idea to bring drugs into Canada, they will find no friends in this party and we make no apologies for that. We stand with Canadians.

Oral Questions

[Translation]

PUBLIC SAFETY

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Mr. Speaker, the magnificent region that I represent attracts thousands of visitors from around the world.

It could attract even more, but the Conservatives continue to neglect the Mont-Tremblant International Airport. The airport is an excellent economic driver for the region, but it is facing problems with regard to customs services.

The only thing I am asking the Minister of Public Safety is to take a few moments to meet with me to try to find solutions to these problems.

Will he finally respond to my many meeting requests?

[English]

Ms. Candice Bergen (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, our border security does an excellent job of making sure that legitimate trade and travel is facilitated, while at the same time protecting our borders from illegitimate and illegal operations.

If the member has something he wants to discuss, we are always open to having discussions to see where we can help and work together.

* * *

[Translation]

SMALL BUSINESS

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Mr. Speaker, entrepreneurial renewal is key to the country's economic development.

Over the next 10 years, half of Canadian entrepreneurs will sell their assets as a result of demographic changes. If we want to prevent the closure of thousands of SMEs and job losses that will harm the economy, we need entrepreneurial renewal assistance programs that are accessible across the country, such as the youth employment strategy, which was simply eliminated in Montmagny. We must take immediate action to help young people take over from these thousands of entrepreneurs.

What is the Minister of State for Small Business's plan—not scattered and improvised measures, but a plan—to effect this essential entrepreneurial renewal?

Hon. Maxime Bernier (Minister of State (Small Business and Tourism), CPC): Mr. Speaker, the plan is really simple and it is working.

The plan is to lower taxes to allow entrepreneurs to make their dreams a reality. We must free entrepreneurs so that they can spend more time doing what they want—and that is building their businesses—instead of filling out government forms.

The plan includes listening to entrepreneurs, as I did in Montreal yesterday when I met with Startup Canada, and encouraging young people to become entrepreneurs.

My time is up, but I would like to be asked this question again so that I can provide more information.

* * *

[English]

THE ENVIRONMENT

Mr. Kyle Seeback (Brampton West, CPC): Mr. Speaker, the Liberals' lip service on climate change set us back decades. Their failure to connect their rhetoric with action can only be described as an absolute breakdown between policy and reality. On the other hand, the NDP's \$21 billion carbon tax would increase the cost of everything and do nothing to decrease emissions.

Can the minister outline the positive steps we have taken to reduce greenhouse gas emissions and lay out our goals for Doha?

Hon. Peter Kent (Minister of the Environment, CPC): Mr. Speaker, Canada generates less than 2% of global greenhouse gas emissions, but we are doing our part. We are half way toward our ambitious Copenhagen targets of reducing GHGs by 17%.

The failure of Kyoto to impose binding commitments on major emitting countries cannot be repeated. Too much is at stake. Our government continues to balance the need to lower emissions with job creation and economic growth. We are working for a post-Kyoto agreement that would get real results and bind all major emitters.

* * *

● (1505)

FINANCE

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, over a year ago, a task force asked the government to give Canadians and businesses better tools to make payments digitally, as with mobile wallets. It noted that not doing so is costing our economic productivity \$32 billion a year. Yet, the incompetent government has done nothing, just as it did nothing when businesses were slammed by extra fees for premium credit cards just a few years ago.

Despite the minister's rhetoric a few minutes ago, when will he earn his paycheque and bring forward the rules that we need to keep small businesses from being gouged?

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, if my colleague had been listening about two weeks ago, she would have heard that we actually extended the code of conduct for credit and debit cards to include mobile payments.

We understand that technology advances and that Canadians need to keep up with it, but they also need to be protected to make sure that they understand all of the challenges that come along with this new technology. We are making sure that Canadians are protected, not only from scams but also from the NDP.

HEALTH

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, provinces across the country are concerned about the approval of generic OxyContin. Provincial health ministers have repeatedly asked the government for support but the minister has refused to show any leadership in addressing their legitimate concerns.

For 10 years we have known about the public safety impacts of OxyContin. Why is the minister refusing to co-operate when the provinces have been clear that they are seeking a reasonable solution to an urgent health problem that she should be assisting them with?

Hon. Leona Aglukkaq (Minister of Health, Minister of the Canadian Northern Economic Development Agency and Minister for the Arctic Council, CPC): Mr. Speaker, the issue of prescription drug abuse is bigger than one specific pill. That is why our government announced tough new licensing rules that will help to prevent drugs like OxyContin from being illegally distributed.

I want to make sure that if Health Canada scientists say these drugs can be beneficial, that these will then be available to the patients who need them. Unlike the opposition, we will not politically interfere in science.

* * *

FOREIGN AFFAIRS

Mr. John Carmichael (Don Valley West, CPC): Mr. Speaker, despite repeated calls from the international community not to proceed, the Palestinian Authority is expected to seek non-member observer state status tomorrow at the UN General Assembly. I am extremely concerned by these actions, which will unfortunately do nothing more than to move the parties away from a negotiated settlement.

Would the Minister of Foreign Affairs please update the House on our government's position on these steps and where he will be tomorrow?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, let me at the outset acknowledge the leadership of my friend, the member for Don Valley West, on this issue.

We are disappointed with the Palestinian Authority's decision to bring the resolution forward. While we believe that the resolution will pass by a large margin, we are nonetheless going to vote against it and stand up for what we believe is right. Tomorrow, I will personally be in New York at the United Nations to speak to the issue and personally cast our vote against the resolution.

The position of the Government of Canada is shared by the Obama administration, which has very similar views to ours. We will continue to work with it and these two parties to get them back to the peace table to achieve true and lasting peace.

* * *

[Translation]

HOUSING

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, as hundreds of families in Mauricie wait for the courts to rule on the pyrrhotite case, more and more people are suffering.

Oral Questions

How can the Conservatives justify doing nothing to alleviate the suffering of families struggling with financial problems, marriage breakdowns and an increasing incidence of physical and mental health problems?

At least 1,000 families have had to cope with the trials and tribulations of pyrrhotite, and the list is getting longer.

Can the minister change federal standards for aggregates in concrete to ensure that no more tragedies of this kind occur?

[English]

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Mr. Speaker, the Government of Quebec has already announced plans with respect to provincial programs to provide financial assistance to homeowners dealing with pyrrhotite damage. I encourage the member opposite and his constituents to please contact the province with respect to that provincial program and to be directed to the SHQ.

* * *

HEALTH

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, northern reserves have experienced a huge epidemic of OxyContin addiction. Health professionals tell us that it is one of the most addictive substances ever created, but the Minister of Health has now approved the sale of a cheaper generic version of the drug.

We do not need more OxyContin; we need Suboxone treatment programs instead. Will the minister pull OxyContin and generics off the market and protect northern communities?

● (1510)

Hon. Leona Aglukkaq (Minister of Health, Minister of the Canadian Northern Economic Development Agency and Minister for the Arctic Council, CPC): Mr. Speaker, the prescribing of drugs is a provincial jurisdiction, so provincial health ministers and doctors have a major role in limiting the abuse.

The decisions on whether to approve a drug will be made by scientists based on their expert assessment of the science and safety. The opposition wants us to politically interfere in a scientific safety process.

We will stand up for the patients.

*Routine Proceedings***ROUTINE PROCEEDINGS**

[English]

FEDERAL ELECTORAL BOUNDARIES COMMISSION

The Speaker: It is my duty, pursuant to section 21 of the Electoral Boundaries Readjustment Act, to lay upon the table a certified copy of the report of the Federal Electoral Boundaries Commission for the Province of Nova Scotia.

[Translation]

This report is deemed permanently referred to the Standing Committee on Procedure and House Affairs.

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[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 seven petitions.

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INTERPARLIAMENTARY DELEGATIONS

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, 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 NATO Parliamentary Association respecting its participation at the NATO spring session held in Tallinn, Estonia, May 25-28, 2012.

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COMMITTEES OF THE HOUSE

GOVERNMENT OPERATIONS AND ESTIMATES

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I have the honour to present, in both official languages, the eighth report of the Standing Committee on Government Operations and Estimates in relation to its study of the supplementary estimates (B) for the fiscal year ending March 31, 2013.

FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, I have the honour to present, in both official languages, the seventh report of the Standing Committee on Foreign Affairs and International Development in relation to the situation in Syria.

NATIONAL DEFENCE

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, I have the honour to present, in both official languages, the fourth report of the Standing Committee on National Defence in relation to supplementary estimates (B), 2012-13 under National Defence.

PROCEDURE AND HOUSE AFFAIRS

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, pursuant to Standing Orders 104 and 114, I have the honour to present, in both official languages, the 32nd report of the Standing Committee on Procedure and House Affairs regarding the

membership of committees of the House and I would like to move concurrence at this time.

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

Some hon. members: Agreed.

(Motion agreed to)

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, there have been consultations and I believe, if you seek it, you would find consent for the following motion. I move:

That the membership of the Standing Committee on Procedure and House Affairs be amended as follows:

Hon. Dominic LeBlanc for Mr. Marc Gameau.

The Speaker: Does the hon. member have the unanimous consent of the House to propose the motion?

Some hon. members: Agreed.

The Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

* * *

PETITIONS

ACCESS TO MEDICINES

Mr. Terence Young (Oakville, CPC): Mr. Speaker, I present petitions signed by concerned constituents from my riding of Oakville. They ask this House to pass Bill C-398 without significant amendment to facilitate the immediate and sustainable flow of life-saving generic medicines to developing countries. I am happy to present this petition for a response from our government.

POVERTY

Mr. Malcolm Allen (Welland, NDP): Mr. Speaker, I wish to present a petition today signed by literally hundreds of members across my constituency in relation to Bill C-233.

The petitioners are supportive of that bill as we attempt to eradicate poverty in this country in a joint manner between the federal government and the provinces. It should be noted that these constituents are extremely proud to stand with us in support of Bill C-233.

• (1515)

DEVELOPMENT AND PEACE

Mr. Frank Valeriote (Guelph, Lib.): Mr. Speaker, today I present two petitions signed by dozens of Canadians in my own riding of Guelph. They wish to express their displeasure with the March 2012 decision of the Canadian International Development Agency to drastically cut funding for programs of the Canadian Catholic Organization for Development and Peace. The cuts will stop nearly \$35 million in government support from being provided to Development and Peace programs, despite the program's success.

The petitioners call for Parliament to commit to contributing 0.7% of GDP to development assistance and to ensure that Canadian organizations for development and peace receive the funding they require.

EXPERIMENTAL LAKES AREA

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Mr. Speaker, I have the pleasure to present a number of petitions from the constituents of my riding of Winnipeg South Centre. A number of them are related to save ELA, Canada's leading freshwater research station.

The petitions contain hundreds of signatures.

ACCESS TO MEDICINES

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Mr. Speaker, I also have the pleasure to present a petition to the House of Commons on Bill C-398 from the Canadian Federation of University Women.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am proud to present a petition signed by literally thousands of Canadians in support of Bill C-398. The petition was put forward by the Grandmothers Advocacy Network and it calls upon Parliament to pass, without amendment, Bill C-398 later today.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, I have five petitions from members of the metro Vancouver community who are calling upon the government to pass, without amendment, Bill C-398 to enable the immediate and sustainable flow of life-saving generic medicines to developing countries.

SEARCH AND RESCUE

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, I also have hundreds of signatures on a petition from metro Vancouver constituents who are concerned about the closure of the Kitsilano Coast Guard base, which would create risk to life in our waters in Vancouver.

ABORTION

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, I am honoured to present today a petition from constituents who are very concerned that there is no restriction whatsoever on abortion in Canada. They note that we are in the company of countries like China and North Korea.

The petitioners call on Parliament to speedily enact legislation that restricts abortion to the greatest extent possible.

SEARCH AND RESCUE

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I have the honour to present a petition on behalf of mostly residents from Bell Island in my constituency who are calling on the Government of Canada to reverse its decision to close the Canadian Coast Guard maritime rescue station in St. John's, Newfoundland, reinstate the staff and restore its full services.

This is a very important search and rescue station. The petitioners recognize its value and want it reinstated.

ACCESS TO MEDICINES

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, I have two petitions from my constituents today.

The first petition calls upon the House to pass Bill C-398 to facilitate the flow of life-saving generic drugs to developing countries.

Routine Proceedings

CHILD PORNOGRAPHY

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, the second petition is from the women of St. Joseph's Church in my constituency who are concerned about child pornography and child exploitation through the Internet. They call upon Parliament to modify section 163 of the Criminal Code to change the legal terminology from "child pornography" to "child sex abuse" materials to protect children and deter pedophilia.

ACCESS TO MEDICINES

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am delighted to join with so many other members today in presenting about 100 pages or more of petitions also on Bill C-398, known as the medicine for all bill. I thank the Grandmothers Advocacy Network and individuals, like Mary Steeves, who have spent so much time collecting these signatures.

We have the vote tonight, so it is great that so many petitions are being presented.

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I, too, join with my colleagues to table a petition from the Grandmothers Advocacy Network signed by Canadians in Quebec and Ontario calling on this House to pass Bill C-398 later today.

[Translation]

HEALTH

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, today I have the honour to present a petition signed by many people from Gatineau and the Outaouais region. They are calling for a national strategy on dementia and health care for people with Alzheimer's and other types of dementia. I want to commend the exceptional work being done in my region by Maison Fleur-Ange and the people of the Société Alzheimer de l'Outaouais.

● (1520)

[English]

ACCESS TO MEDICINES

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, we all love our grandmothers. There is a great organization, the Grandmothers Advocacy Network, that is asking us to pass Bill C-398 without any significant change in order to facilitate the immediate and sustainable flow of life-saving generic medicine to developing countries.

This petition is on behalf of the residents in Winnipeg.

PENSIONS

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, ever since the Prime Minister fled the country last January to announce that he would be raising the age of OAS eligibility from 65 to 67, petitions continue to flood in from the people in my riding of Hamilton Mountain who are opposed to that change.

Routine Proceedings

Since over one-quarter of a million seniors are now living in poverty and public pensions provide, at most, \$15,000 to the typical retiree, the petitioners are calling on the government to drop its ill-considered change to the OAS, maintain the current age of eligibility and make the requisite investments in the guaranteed income supplement to lift every senior out of poverty.

THE ENVIRONMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I rise today to present three petitions. The first is from the residents of the Vancouver area calling for a full moratorium and protection of the west coast of British Columbia from the passage by supertankers.

The petitioners request that the government ensure that supertankers loaded with bitumen are prohibited pursuant to the 1972 moratorium, which should be extended.

The second petition, which is very timely as the Doha negotiations began this week, calls on Canada to reconfirm its commitment to Kyoto. We are still Kyoto parties until December 15. These petitions come from residents in British Columbia and Ontario.

FOREIGN INVESTMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I have two groups of petitions on the same subject from across Ontario and through the Victoria area that call on the Prime Minister to please not ratify the Canada-China investment treaty.

[Translation]

HOUSING

Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, I have the honour to present a petition signed by many Canadians who are calling on the government to pull up its socks, show some leadership and vote in favour of Bill C-400, which would finally implement a national housing strategy.

[English]

ABORTION

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, I have two petitions today. The first is a petition on behalf of residents of Neebing, Kenora and Thunder Bay on the topic of restrictions on abortion.

TELECOMMUNICATIONS

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, I also have the pleasure of presenting a petition on behalf of residents from across Ontario in support of my cellphone freedom act, Bill C-343, which would take an important step in providing greater consumer choice in the marketplace.

The petitioners are asking parliamentarians to support Bill C-343 so Canadian consumers are no longer chained by anti-competitive network locks on their cellphones.

ACCESS TO MEDICINES

Ms. Irene Mathysen (London—Fanshawe, NDP): Mr. Speaker, I have two petitions. The first is from the Grandmothers Advocacy Network and it has been signed by hundreds and hundreds of residents from mostly Alberta. They are asking the government to pass Bill C-398 without significant amendment to facilitate the

immediate and sustainable flow of life-saving generic medicines to developing countries.

PENSIONS

Ms. Irene Mathysen (London—Fanshawe, NDP): Mr. Speaker, the second petition is with regard to the changes made to old age security because it will negatively impact the poorest of our seniors.

The petitioners are asking the Government of Canada to retain the retirement age for OAS at 65 and make the required investments in the guaranteed income supplement to lift every Canadian senior out of poverty.

[Translation]

CITIZENSHIP AND IMMIGRATION

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Mr. Speaker, I would like to present a petition signed by many of my constituents and people in the greater Montreal area, regarding an application for refugee status on compassionate and humanitarian grounds.

[English]

ACCESS TO MEDICINES

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Speaker, I have a petition from the Grandmothers Advocacy Network signed by hundreds of people in British Columbia who point out that millions of people die needlessly each year from treatable diseases, such as HIV-AIDS, TB and malaria, and that half the people who require treatment for these diseases in sub-Saharan Africa do not receive it.

The petitioners call on the House to support Bill C-398 that has the provisions necessary to make Canada's access to medicines regime workable at no cost to taxpayers. It is essentially the same bill passed previously by the House. They urge all parliamentarians, as I do, to support Bill C-398 when it comes before the House.

• (1525)

THE ENVIRONMENT

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I have two petitions. The first one is from residents in Oshawa who are upset that the Oshawa port authority has given permission to FarmTech Energy to build an ethanol plant in Oshawa harbour adjacent to a sensitive wetland that is home to species at risk and is a wildlife reserve and provincial park.

The petitioners are asking the Government of Canada to divest the federal port authority back to the City of Oshawa, to stop the construction of the ethanol facility and to complete the environmental assessment.

Points of Order

MOTOR VEHICLE SAFETY

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, the second petition is from a group of constituents of mine who are very worried that large trucks in big cities are causing cyclist and pedestrian fatalities. They want to see a regulation introduced under the Motor Vehicle Safety Act to make side guards for large trucks mandatory. That recommendation is supported by—

The Speaker: The hon. member for New Westminster—Coquitlam.

EXPERIMENTAL LAKES AREA

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, I rise today to present a petition signed by thousands of Canadians who wish to save the ELA, Canada's leading freshwater research station.

The ELA provides essential scientific knowledge for the development of national and international policies that ensure the future health of fresh waters and their associated aboriginal, commercial and recreational fisheries. The petitioners call upon the Government of Canada to reverse the decision to close the ELA research station and to continue to staff and provide financial resources to the ELA at the current or higher level of commitment.

[*Translation*]

VOLUNTEERS

Mr. Jean-François Larose (Repentigny, NDP): Mr. Speaker, my petition in support of my Bill C-399 has been signed by individuals, organizations and volunteers who recognize the importance of a tax credit that could help them.

* * *

[*English*]

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

MOTION FOR PAPERS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I would ask that all notices of motions for the production of papers be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

POINTS OF ORDER

REPORT STAGE MOTIONS

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I rise on a point of order as to the fundamental nature of the way the House functions and the way that you, Mr. Speaker,

allow that smooth processing function to go on. My point of order is specific to Bill C-45, which the House now has before it.

I am rising on a point of order that is indirectly related to Bill C-45 insofar as I am hoping to influence your decision-making on the so-called grouping of report stage motions, which the House will receive tomorrow morning as debate begins at that stage of the bill. I will be asking you to allow for a recorded division on each motion that you select for debate, rather than grouping many of them together and having a single vote applied to more than one distinct question moved by various members of the House. Essentially, I will be making the argument that it is not for the Speaker to limit the ability of MPs to make distinct choices on how to vote on distinct questions.

For Canadians watching at home who are not familiar with our somewhat antiquated and perhaps even arcane practices, it may seem odd that I even have to make this request. I suspect that most Canadians would intuitively think that the Speaker could not have the power, and should not have the power, to require MPs to choose a single vote on multiple distinct questions. I do not think so either and I am going to ask you, Mr. Speaker, to avoid doing so for the report stage of Bill C-45 as well as to set the precedent for how Speakers deal with this matter in the future.

[*Translation*]

As you well know, Mr. Speaker, you, like your predecessors, are in the habit of grouping motions in amendment at report stage for debate and voting when there is a large number of motions on the notice paper. That has often been the case with omnibus bills, such as C-45 and C-38, which the House studied last spring, by their very nature.

The government decided to put hundreds of clauses in a single bill, and the House and its members are being forced to study them as a single block. That is their choice, not ours, and I am sure it is not your choice either.

● (1530)

[*English*]

I will quote directly from your explanation, Mr. Speaker, of the report stage groupings of Bill C-38, which took place on June 11 of this year. Your explanation to the House was as follows:

—motions to delete clauses have always been found to be in order and it must also be noted have been selected at report stage. These motions are allowed at report stage because members may wish to express views on a clause without seeking to amend it. As is the case on such occasions, I have tried to minimize the amount of time spent in the House on this kind of motion by grouping them as tightly as possible and by applying the vote on one to as many others as possible.

While I am now raising an objection to this practice, Mr. Speaker, I know that you were simply following what has been done by the House and others on such occasions. However, when I looked into the written explanation for this practice, the practice that is written in our guidelines and practices for this place, I was somewhat surprised to find very little in the way of direct guidance for you as Speaker. In fact, what I found was very simply a passage in the Annotated Standing Orders of the House of Commons, on page 272 under Standing Order 76.1(5). To be clear, this is not the Standing Order itself, but rather, the explanation of it. All that is said is the following:

Points of Order

The Speaker determines the order in which the motions will be called and the effect of one vote on the others (for example, if the vote on one motion can be applied to another motion). The purpose of the voting scheme is to avoid the House having to vote twice on the same issue.

That is very clear. Even in this annotation to our Standing Orders, the intention of those groupings is to avoid having the House vote twice on the same issue.

There is also a similar explanation in the *House of Commons Procedure and Practice*, second edition, which I will, from this point on, refer to as O'Brien and Bosc. On page 784, it states:

—the Speaker...also decides on how they will be grouped for voting, that is, the Speaker determines the order in which the motions in amendment will be called and the effect of one vote on the others. The purpose of the voting scheme is to obviate any requirement for two or more votes on the same issue.

It is pretty clear in its intention and its practice. To avoid voting more than once on the same thing is essential for the House.

Here is the problem. The groupings that you, Mr. Speaker, created for the government's last large omnibus bill were not, in my view, limited to preventing multiple votes on the same issues. Groupings were made to have only one vote applied to completely different clauses in the bill, each of which constituted a separate and distinct issue for the House to address, which is in fact our guideline in our practices, not a suggestion but an actual strict rule and guideline.

It is the government, with the help of its lawyers in the Department of Justice, that has told the House that it deemed each of the clauses to be distinct issues, not us in the opposition. If they were the same issue, they would be in the same clause.

I submit that in the ongoing effort to review and improve the living tree of our procedures and practices, saving MPs from voting on the same issue is not what Speakers have been doing during the report stage groupings. It seems to me that they have been treating motions at report stage as a nuisance and one that should be severely limited, rather than as what they are, as was referenced in the practices before.

I find this somewhat disturbing. If these motions are legitimate questions that the House is meant to deal with at report stage, the final stage, surely MPs should have a choice on how to vote on them. As it stands, MPs are forced to make one single vote on a multitude, sometimes dozens, of individual questions, which are separate in their concepts and ideas.

A clear example of this practice comes again from your report stage ruling on Bill C-38 from June 11 of this year. Motion No. 143 is a motion I know you, Mr. Speaker, remember well. It read that Bill C-38 would be amended by defeating clause 68, good old clause 68. In your ruling, Mr. Speaker, MPs were told that with regard to Motion No. 143, the choice to vote yea or nay on that question would apply to 47 other individual questions, which MPs had moved and you, as Speaker, had selected for debate in the House.

Those questions were: clauses 144 to 146, 149, 151 to 153, 156, 158, 170, 172, 174, 175, 177, 179, 194, 208, 201, 211, 213, 215 and 217, 222 to 224, 226, and 228 to 230, and 232 to 249.

● (1535)

[*Translation*]

It is impossible for one person, even a person as wise as the Speaker of the House of Commons, to be sure that all MPs share the same opinion on each of these 48 motions. The Speaker may be reasonably sure with respect to the members who moved the motions, and perhaps, by extension, the other members of their party, but in the case of members of other parties or independent members, that assumption cannot be made with the same degree of certainty.

The people watching these debates at home or in the gallery may get the impression that we are entering a dark maze known to some as the Ottawa bubble. In the interest of clarity, I will refer to the example given previously and provide a useful example of the possible repercussions of vote grouping.

[*English*]

In your grouping, Mr. Speaker, Motion No. 143 moved to delete a clause that makes a correction to the simple heading in the French version of an existing law. That is all it did. It seems to me that some members may not want to oppose that change and would therefore tend to vote against the motion. However, that choice applies automatically to Motion No. 144, a completely different idea and concept. It asked to delete clause 69 of Bill C-38. Clause 69 changed the definition of a navigable water and penalty under the act in question, which the same member could easily wish to support.

Just to be clear, we voted once in the groupings that were made by your Chair. One motion on changing the heading in a French version of the bill was also connected to the very definition of a navigable water. It is clear and obvious that a member of Parliament may have two different opinions on those ideas, yet was only being permitted to vote once. That goes against the rules and practices of the House.

As a result of those groupings and nothing else, I am afraid to say, MPs were forced to make a single choice, yea or nay, despite the fact that they would be voting against their conscience no matter which way they voted. It puts members of Parliament who try to represent their constituents into an impossible bind. Whichever way they vote, they end up voting against their conscience. That is not and should not be permissible.

I believe, and I hope you will agree, Mr. Speaker, that the man or woman in your chair should not make a decision that puts any member in a position where they are forced to make such an impossible choice.

In that way, the question of MPs voting against their conscience is one that has been raised before. In fact, the House recently spent a day debating an opposition motion that reminded us all of what the current Prime Minister had to say on a similar matter when he was the one rallying against the anti-democratic agenda of the then Liberal Canadian government, rather than driving the agenda as he does today.

In the Prime Minister's point of order of March 25, 1994, and this quote has become quite familiar in this hall, he said:

—in the interest of democracy...How can members represent their constituents on these various [ideas] when they are forced to vote in a block on such legislation and on such concerns?...We can agree with some of the measures but oppose others.

Points of Order

The Prime Minister was right then. He is in fact wrong now to create these omnibus bills. However, you, as the Speaker, are obligated to maintain the ability of members to vote their conscience.

You will know, Mr. Speaker, that at the time the Prime Minister was objecting to the very existence of omnibus bills, an objection he no longer seems to hold because he has created many and some of which are large.

Speaker Parent then ruled against the point of order, as many others have in similar circumstances, because the objection was being made to the vote at second reading or another vote on the general progress of the bill.

I will quote from Speaker Parent's ruling from April 11, 1994, which was in direct response to the current Prime Minister. He stated:

However, it is the view of the Chair that in the adoption of a second reading motion the House gives approval in principle to a bill...then moves on to the consideration of its specific provisions in subsequent stages.

This is the stage we are at right now.

He continues "Hence, while I cannot accept the hon. member's request to divide or set aside Bill C-17", which was an omnibus bill by the Liberal government, "I can suggest to him and to other members that should they so wish they may propose amendments to the bill in committee or at report stage and in so doing have an opportunity to express their views and vote on the specific sections of the bill".

Therefore, in Speaker Parent's ruling, when ruling against the current Prime Minister in his effort to throw out the omnibus bill altogether, because it represented an effort to have MPs vote at cross-purposes to their conscience, he said that there was an opportunity that would come later, at report stage, in which amendments could be moved with respect to those specific sections of the bill and then not be encumbered by it anymore.

This stiff rejection of our current Prime Minister's concern is explained in *Beauchesne's Parliamentary Rules & Forms*, sixth edition, at page 194, citation 634, which states:

—the practice of using one bill to demand one decision on a number of quite different, although related subjects, while a matter of concern, is an issue on which the Speaker will not intervene....

That is correct. That is the ruling on omnibus bills and the nature of omnibus bills. We are talking about something quite different now and much more nefarious.

● (1540)

[Translation]

Mr. Speaker, at this point in my speech, I would like to emphasize a fact that may seem obvious to you. I am not arguing for or against the validity or even the value of omnibus bills. That is not my point.

You and your predecessors have clearly decided that we would have to deal with such bills, for better or worse. The issue I am raising today is simply the individual right of a member of Parliament to vote according to his or her conscience on issues before the House.

Given the Prime Minister's previous objection to a single vote on a bill that covers a number of issues, I hope that he will support my position on the fact that a single vote on several distinct elements of a bill forces members to vote against their conscience.

[English]

Even if the Prime Minister does not agree with my submission, and no longer agrees with himself on this point, there have been many rulings that point out the importance of the rights of members to vote on diverse components of a bill, which are its individual clauses at committee and now report stage.

In his ruling of May 11, 1977, Speaker Jerome stated:

I think that an hon. member of this House ought to have the right to compel the House to vote on each separate question.

He went on in the same ruling of that year to say:

—a member ought to be able, if he wishes to attempt through motions to delete under Standing Order 75(5) to isolate those sections which he feels ought not to be amended or that ought to be voted upon separately, without offending the principle of the bill.

That is exactly what will happen at report stage on this bill.

Finally, in that same ruling:

I think that would give the hon. member and other hon. members an opportunity that they should enjoy, to put their position on the record, which I think ought to be known, and also to require others in the House to vote in respect of that position... where a bill is presented...which contains amendments to several different areas of the law although all connected to criminal law, a member ought to be able to use some procedure at some stage of the bill to cause the House to make separate decisions on those very subject matters.

[Translation]

In his decision of June 8, 1988, Speaker Fraser stated that members have the ancient privilege of voting on each separate proposition before the House. It is indeed an ancient privilege and one that we, all the other members of this institution and myself, must jealously guard.

The problem is that the grouping of report stage motions presumes that one can predict the intentions of members with respect to specific matters that have already been identified as being legitimate and substantive. Perhaps this may seem intuitive, but I would like to say that only in exceptional and extraordinary circumstances should someone be authorized to presume how members will vote on a motion before the House.

Given that omnibus bills have been routinely introduced by this government, these are not exceptional circumstances.

● (1545)

[English]

Speaker Milliken, your predecessor, Mr. Speaker, made this point clear when he was addressing the use of Standing Order 56.1 to presume the outcome of a vote in the House, and he said:

The effect of the motion adopted pursuant to Standing Order 56.1 was to predetermine the results of all the votes following the first recorded division. It is clear to the Chair that this application of the standing order goes well beyond the original intent, that is, for the presentation of routine motions as defined in Standing Order 56.1.(1)(b).

The standing order has never been used as a substitute for decisions which the House ought itself to make on substantive matters.

Points of Order

It cannot be replaced. There is no rule in the House that allows us to circumvent the right of any hon. member to have a clear and concise vote on individual subject matters. I will continue with the quote:

In the meantime, based on close examination of past precedents and the most recent use of Standing Order 56.1 as a tool to bypass the decision making functions of the House, I must advise the House that the motion adopted on June 12, 2001, will not be regarded as a precedent. I would urge all hon. members to be vigilant about the use of this mechanism for the Chair certainly intends to be watchful.

The regrouping of report stage amendments for the purpose of voting presumes the very same thing: how MPs will wish to vote on a question before the House. This is a right that the Speaker made very clear should be protected with vigilance.

[*Translation*]

The introduction to chapter 12 of O'Brien and Bosc sums up very well the current reality of majority governments. On page 527, there is a quote from *Parliaments in the Modern World*, by parliamentary expert Philip Laundy: "The principle underlying parliamentary procedure is that the minority should have its say and the majority should have its way."

In my opinion, this means that, in a majority Parliament, the government has the right to get through its legislative agenda, and the opposition has the right to slow passage of legislation in a reasonable manner.

[*English*]

Having a distinct vote on each question put forward by MPs that is clear, distinct and admissible, surely falls under the umbrella of what should be considered reasonable.

In fact, the truth is that the government is directly responsible for any delay that it perceives to be unnecessary in this regard. In this and all pieces of legislation, the government decides how many clauses it wishes to include. This was not a choice by the opposition. This was not a choice by you as Speaker.

The government drafted this massive bill with so many clauses contained. In all this, in all pieces of legislation, the government chose which to include. In Bill C-45 there are now 516 separate clauses, each of which contains a separate legislative change, either to amend or eliminate entirely an existing law or to create a new one. Each is a distinct issue that must be dealt with on a distinct and individual basis.

When MPs move to delete that clause, it is an altogether different question than moving to delete another clause entirely. If it were not, they would be the same clause in the first place.

For the record, I am in full support of the Speaker's right to not select particular motions for the House to deal with at report stage. Motions that are vexatious or clearly dilatory, such as moving to turn a comma into a semicolon, should not be selected because it is a waste of Parliament's time. However, deleting individual clauses of a bill is a right that MPs can, and must be able to, exercise. To speak plainly, they are not a waste of time. Casting a distinct vote on each one is an ancient right of which all MPs should be able to avail themselves and it must be protected by your office, Mr. Speaker.

Deleting a clause of the bill is debatable and therefore a substantive motion. O'Brien and Bosc remind us, on page 782:

Since motions in amendment at report stage are open to debate, they fall into the category of substantive motions...

There is no question there. The effort to delete a clause is a substantive motion. Surely, MPs should be making a decision on these substantive motions individually, rather than as a group.

[*Translation*]

In conclusion, I wish to present my arguments. Although I may be giving the impression of wanting to ascribe to you the responsibility for this very serious problem, I am keenly aware of the fact that you are following what has been done by previous speakers in such matters. I do not want Canadians who are watching to believe that this is a problem specific to your tenure as Speaker of the House of Commons.

In fact, I know that you believe that the Speaker should not influence the manner in which the House of Commons deals with an omnibus bill such as Bill C-45.

• (1550)

[*English*]

On June 11, in a ruling on a point of order questioning the legitimacy of this type of bill, Mr. Speaker, you cited Speaker Fraser's ruling of June 8, 1988, on page 16257 of *Debates*, saying:

Until the House adopts specific rules relating to omnibus Bills, the Chair's role is very limited and the Speaker should remain on the sidelines as debate proceeds and the House resolves the issue.

I submit that the practice of forcing MPs to make a single vote on multiple individual questions is not written in the rules of the House, by which you as Speaker are bound. Rather it is a practice followed simply because that is the way it has been done before. However, this clearly is not a justification for the ruling.

In my view, the government's use of omnibus bills, with many hundreds of clauses, sets the table for these groupings. However, given the government, and only the government is responsible, I believe that the Speaker should allow the omnibus nature of their initiative manifest itself in all aspects of the process, including the opposition's right to use the tools of the House to delay, however temporarily, the passage of the bill.

You, Mr. Speaker, have the power to right this wrong and to unburden members of this chamber from making a single choice on multiple questions. I am asking you to exercise that power when you rule on the process for the House to follow at report stage on Bill C-45.

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, the decision that you will have to make regarding the upcoming treatment of Bill C-45 at report stage is a particularly important one, because your determination will largely settle whether the opposition can effectively make a farce of the procedures of the House and shut down the legislative process, or whether you will give actual meaning to the intent of the Standing Orders and allow the business of the country to be done in a meaningful and democratic fashion.

Points of Order

I will refresh everyone's memory of what we are talking about. We are talking about the interpretation of Standing Order 76(5), which relates to amendments at report stage to any legislation. In particular, we are now talking about the budget implementation bill. This Standing Order sets out the Speaker's power to select and combine amendments at this stage. It states in part, "The Speaker shall have the power to select or combine amendments or clauses to be proposed at the report stage...". The opposition House leader is advising you, Mr. Speaker, to amend unilaterally this Standing Order to render it ineffective. That should not be the case.

If there is any doubt as to how this should be interpreted, a note was added by previous governments, not a Conservative government but a Liberal government, that reads as follows:

The Speaker will not normally select for consideration any motion previously ruled out of order in committee.... The Speaker will normally only select motions that were not or could not be presented in committee. A motion, previously defeated in committee, will only be selected if the Speaker judges it to be of such exceptional significance as to warrant a further consideration at the report stage. The Speaker will not normally select for separate debate a repetitive series of motions which are interrelated and, in making the selection, shall consider whether individual Members will be able to express their concerns during the debate on another motion.

The most important recent addition states:

For greater clarity, the Speaker will not select for debate a motion or series of motions of a repetitive, frivolous or vexatious nature or of a nature that would serve merely to prolong unnecessarily proceedings at the report stage and, in exercising this power of selection, the Speaker shall be guided by the practice followed in the House of Commons of the United Kingdom.

We recall that there was some public comment after the ruling earlier this spring and the number of amendments allowed. Here I refer to comment by the actual individuals who were involved in the preparation of that section and the changes that were proposed to the Standing Orders. They expressed some disappointment at the ruling that was made and thought that the powers were there for the Speaker to prevent the abuse that we saw earlier this spring, when the House was tied up for many hours by hundreds of votes, none of which changed a single comma, all of which were clearly and evidently an abuse of the process and a massive cost to Canadians in terms of the operation of the House and an inconvenience to members who had other business to do for the purposes of this country.

I will point out that the Standing Orders and the powers in them have a history to them; they do not exist separately and apart. If we review O'Brien and Bosc, there is some reflection on this history at page 777, which states:

In 1955, the House amended its Standing Orders to reflect this practice.

That referred to a previous practice of concurrence in amendments from committee. As O'Brien and Bosc note:

It was agreed that amendments had to be presented to the House and that the motion for concurrence in the amendments had to be disposed of forthwith before the bill was ordered for debate at third reading at the next sitting of the House. The effect of these amendments to the Standing Orders was to eliminate what then constituted the equivalent of report stage. In 1968, the House undertook a thorough revision of its legislative process with the result that all bills, except for those based on supply or ways and means motions, were thenceforth to be referred to standing or special committees, and would not be reconsidered by a Committee of the Whole House. In addition, the House restored report stage [that was the trade-off] and empowered the Speaker to select and group amendments.

That was the management aspect of it.

Therefore, in restoring report stage, effectively, it was not done *carte blanche*, so that everything had to be considered. There was a recognition that there were some risks. That is why the Speaker was given powers to allow the House to continue to function, powers to limit an abuse through procedural measures and unnecessary, frivolous, vexatious or duplicative amendments.

O'Brien and Bosc go on to state:

In recommending that report stage be restored, the 1968 Special Committee on Procedure believed that stage essential in order to provide all Members of the House, and not merely members of the committee, with an opportunity to express their views on bills under consideration and to propose amendments, where appropriate. For all that, the intent of the Committee was not for this stage to become a repetition of committee stage.

● (1555)

I put it to you, Mr. Speaker, that with the amendments we have seen on notice so far, nothing could be closer to an effort to replicate exactly what happened at committee, or could have happened at committee. That was clearly not the intent of establishing report stage.

Report stage was to allow for that rare, unique and relatively uncommon circumstance where an idea had not occurred to someone at committee but that here in the House some felt that an amendment was appropriate, novel and different and sought to bring it forward. However, there is nothing novel in the amendments that we see on notice. There is nothing innovative. There is nothing significantly different from what has been proposed or could have been proposed earlier.

Finally, I will go to the most recent change.

Most recently, in 2001, an additional paragraph was added to the above-mentioned note. This occurred in response to the flooding of the notice paper with hundreds of amendments to certain controversial bills. The new text emphasized that the Speaker would not select motions that were "repetitive, frivolous, vexatious or serve only to prolong debate unnecessarily". Those are overwhelmingly the amendments that we see on the order paper today. The new provision was designed to respond to the evil that was already occurring and undermining the process of the House.

When changes are made, they are generally responding to a problem that exists. Those new powers exist to deal with that. Mr. Speaker, I submit that they should be exercised by you.

When we reflect on what has happened already in the committee proceedings on the budgetary policy of the government, including ways and means Motion No. 7, the first budget implementation bill, Bill C-38, as well as the present legislation, there have already been almost 4,600 votes on the government's budgetary policy.

How much has changed as a result of all of those votes and amendments to what has been proposed by the government? Not one comma, not one word. That is the clearest evidence that the current amendments represent an abuse of process only designed to try to delay and be vexatious and prolong matters.

My submissions are centred on five points.

Points of Order

First, the clause deletion motions are a repetition of committee proceedings and merely seek to prolong report stage proceedings and, therefore, should not be selected.

Second, in the alternative, if the clause deletion motions are selected, they should be grouped in a manner that recognizes the anticipated will of the House.

Third, the other amendments from the New Democrats and Liberals should not be selected because they were presented at committee, or could have been presented at committee.

Fourth, some of the motions by the member for Saanich—Gulf Islands should not be selected on the grounds that they were presented at committee or are similar to amendments dealt with at committee, or that they infringe on the financial prerogative of the Crown.

Fifth, the other report stage amendments from the independent members of Parliament must be grouped in a way that prevents the entire House from being detained in a marathon of votes originated at the whim of, effectively, a single member of Parliament.

Mr. Speaker, as with any bill pending at report stage, you are required to make certain decisions under, among other provisions, Standing Order 76.1(5). Again, this is the one I read earlier about your having the power to select or combine amendments or clauses to be proposed at report stage.

It is in this spirit that I do tender this advice given that the government is scheduling that report stage of Bill C-45 will start tomorrow. Mr. Speaker, I can appreciate that you have a lot to consider today and this evening. I hope you do not have any plans.

Given the duplicated notices from multiple members of each of the two recognized caucuses, for ease of reference, I will refer to those from the members for Winnipeg North, Westmount—Ville-Marie, and Kings—Hants as the Liberal motions, and those from the members for Parkdale—High Park, Rimouski-Neigette—Témiscouata—Les Basques, Brossard—La Prairie and Hamilton East—Stoney Creek as the NDP motions.

I would say that the motions to delete clauses are not an effort to amend the bill, but merely repeat what we saw at committee stage. The effect of the adoption of all of the proposed motions to delete clauses would effectively be to eviscerate the bill.

On October 30, the House adopted Bill C-45 at second reading, thereby agreeing to its principle. The House of Commons Standing Committee on Finance reported the bill without amendment to the House on November 26, after consideration of each and every clause.

• (1600)

It may be justifiable in a minority Parliament for the Chair to accept any questions for the House to decide, because it is difficult to predict the intentions of the majority of members. This is not the case in a majority Parliament in general. There is no reason to substantiate an assumption that the House would use report stage to reverse itself in the decision it took at second reading of Bill C-45. In fact, the course of the almost 4,600 votes so far on the budgetary policy of the government established this quite clearly. I do not think anyone is in

any suspense as to the outcome of the number of votes that we have. It is only a suspenseful question of how long the endurance test will be of the votes we will put to the House.

I submit that the report stage motions to delete the preponderance of the clauses in the bill effectively seek not only to reverse the outcome of the second reading vote on the bill, but also constitute a repetition of committee stage of the bill. As I said, that is particularly the case since each clause did carry separately in the clause-by-clause votes.

The second paragraph of the note that is in our Standing Orders accompanying Standing Order 76.1(5) with respect to the Speaker's power to select amendments states in part, "It is not meant to be a reconsideration of the committee stage of a bill". I repeat that: report stage is not to be a repeat of the consideration that occurred at committee.

On February 27, 2001 the House added this paragraph to the note accompanying Standing Order 76.1(5):

For greater clarity, the Speaker will not select for debate a motion or series of motions of a repetitive, frivolous or vexatious nature or of a nature that would serve merely to prolong unnecessarily proceedings....

It then continues on about the British rules.

I read to the House the excerpt from O'Brien and Bosc about the circumstances where there was an abuse with the flooding of amendments. Therefore, we have seen it happen before. We have seen that Parliament has decided that the kind of abuse that occurred in the past should not be allowed to be repeated and, hence, it changed our Standing Orders to reflect that such abuse should not be permitted and that you, Mr. Speaker, have the power to prevent it and to prevent the undue delay.

In the present case we have again seen the notice paper flooded. Today's notice paper lists some 1,662 report stage motions respecting Bill C-45. I am not a betting man, but I am willing to bet anyone in the House that I do not foresee any of them passing.

We know that most of the motions have already been considered at committee. We know that the House has approved overwhelmingly the budget, the budgetary policy of the House and this particular legislation at second reading. By breaking these out into multiple deletion clauses and other frivolous and vexatious amendments, nothing is being achieved but a waste of time, resources and the discrediting of our parliamentary system.

I respectfully submit that the Liberal and NDP report stage motions taken as a whole simply constitute an attempt to reverse the decision of the House at second reading of the bill, but to do so in ultra-slow motion. These amendments would be a reconsideration of committee stage and are of a nature that will merely serve to prolong unnecessarily the proceedings at report stage. Ultimately, if a member seeks to oppose the entirety or the preponderance of a piece of legislation, that member's recourse should lie in voting against the motion on concurrence in the bill in report stage, not in detaining the House through round-the-clock voting.

Points of Order

While your ruling, Mr. Speaker, on June 11, 2012 on Bill C-38 held that clause deletion motions have always been found to be in order, and it must also be noted to have been selected at report stage, I argue that this case can be distinguished. In the present case we are dealing with a second bill to implement provisions of a budget tabled in Parliament. Therefore these clause deletion motions should not find favour under the vigorous exercise contemplated by Speaker Milliken.

I will point out that in the alternative, if selected, certainly these clause deletion motions need to be grouped in an efficient manner. Should you decline to accept my advice, Mr. Speaker, and choose to select those clause deletion motions, I would urge that you use your authority and combine and group them in a fashion that puts them to the House in a sensible and efficient fashion.

I propose that the clause deletions, should they be selected against my advice, be grouped for voting purposes into 10 subsets of economic policy. Under this approach the House would have 10 separate votes on the issue of whether to remove from Bill C-45 the government's proposals in these areas of economic policy:

First, taxation measures, those being any motions to delete clause 1 or clauses in part 1 of the bill.

Second, financial sector measures, those being any motions to delete clauses in divisions 1 and 3 of part 4.

Third, transportation and border measures, those being any motions to delete clauses in divisions 2, 5, 12, 16, 18 and 20 of part 4 of the bill.

Fourth, resource development provisions, those being any motions to delete clauses in divisions 4 and 21 of part 4.

Fifth, aboriginal land designation provisions, those being any motions to delete clauses in division 8 of part 4.

•(1605)

Sixth, labour items, those being any motions to delete clauses in divisions 10 and 11 of part 4.

Seventh, amendments to the Hazardous Materials Information Review Act, those being any motions to delete clauses in division 13 of part 4.

Eighth, measures related to employment insurance, those being any motions to delete clauses in divisions 15 and 22 of part 4.

Ninth, agricultural items, those being any motions to delete clauses in division 19 of part 4.

Tenth, public sector pension reforms, those being any motions to delete clauses in division 23 of part 4.

This would allow for a broad range of votes on a broad range of topics where the opposition, clearly, is seeking to delete the proposals of the government. It would do so in a fashion that would allow that expression to be made. It would allow them to state, for the record, that they disagree with these proposals by the government. At the same time, they would not be establishing an excessive number of votes to get that point across here in the House.

The committee is, in fact, really the best venue for other NDP and Liberal motions. I understand that each of the report stage motions by the New Democrats and Liberals, which propose to make amendments to the clauses of Bill C-45, were put before the finance committee.

As for the 1,000 report stage motions from the Liberals seeking to add bodies of water to schedule 2 of the bill, I would observe that the committee dealt with a similar number of amendments at the committee level.

Since these motions were first published only this morning, I have not yet had an opportunity to determine whether they are exactly the same bodies of water proposed for inclusion at committee. On this point, I will leave my argument that generally, these motions were either dealt with at committee or could have been proposed there, as they are very similar to what was proposed there.

One additional point I would make about any motions to amend schedule 2 of the bill is on NDP amendment 72, which the finance committee considered and defeated, which I believe answers any further reference to adding bodies of water. That amendment sought to add:

All navigable waters situated in Canada and included in the Atlantic Ocean drainage basin, the Hudson Bay drainage basin, the Arctic Ocean drainage basin, the Pacific Ocean drainage basin or the Gulf of Mexico drainage basin.

In short, any water body not already listed in the schedule would have been addressed by that amendment.

Turning to the Green Party leader, I would suggest that some of her amendments should not be selected. Several of the motions by the member for Saanich—Gulf Islands are the same, either in whole or in part, as those presented at committee.

Therefore, I submit that the following report stage motions proposed by the member for Saanich—Gulf Islands should not be selected: Motion No. 28, which is the same as Liberal amendment 23; Motion No. 29, which is the same as Liberal amendment 24; Motion No. 74, which is the same as Liberal amendment 64; Motions Nos. 411 to 413 and 424 to 432, which are collectively the same as Liberal amendment 243; Motion No. 434, which is the same as Liberal amendment 249; Motion No. 436, which is the same as Liberal amendment 250; Motions Nos. 439 to 442 and 445, collectively, which are the same, in part, as Liberal amendment 252; and finally, Motion No. 463, which is the same as Liberal amendment 263.

Points of Order

Others are similar in nature to amendments considered at committee. I would argue that the issue was generally considered by the committee. Therefore, report stage motions should not be selected. This would apply to Motion No. 389, which covered ground similar to NDP amendment 21; Motion No. 409, which covered ground similar to Liberal amendment 240 and NDP amendment 223; Motion No. 440, which covered ground similar to Liberal amendment 253; Motion No. 441, which covered ground similar to Liberal amendment 252 and NDP amendment 31; and Motion No. 458, which covered ground similar to Liberal amendment 257 and NDP amendment 32.

There is also an additional concern raised by some amendments that require a royal recommendation. I have been advised that officials in the Privy Council Office note that at least two of the motions by the member for Saanich—Gulf Islands would require a royal recommendation.

Motion No. 381 would increase the government's liabilities in respect of refunds for employment insurance premiums to small business for 2012-13, which expands the provisions in the bill for such refunds for 2011. By adding two additional years, this motion alters the terms and conditions of the original royal recommendation attached to Bill C-45 respecting the provision for such refunds for 2011.

Motion No. 382 also increases spending in a manner that is not currently authorized. The royal recommendation attached to Bill C-45 respecting this provision provides a limit of \$1,000 on the refund of premiums, which this motion is proposing to increase to \$2,000.

●(1610)

As a result, this would go beyond the terms and conditions of the original royal recommendation. Therefore, a new royal recommendation would be required.

Officials are reviewing the newest amendments published in this morning's notice. If I obtain further information on items that I believe will require a royal recommendation, I will be sure to send those submissions or provide them to you, Mr. Speaker, through this House.

The independent member's motions are an interesting question. They require some attention, because the independent member does not sit on committee. However, they should not be dealt with in such a manner that they represent, effectively, a harassment of the balance of the House. Compared to the several hundred amendments proposed by the member for Saanich—Gulf Islands in June, on Bill C-38, her proposals as of today's date are slightly less unreasonable. However, the fact remains that the rights of individual members of Parliament must be balanced with the ability of the majority of the House to dispatch its business with some reasonable, practical speed. Allowing a single member of Parliament to hold the House hostage in a voting marathon is simply not reasonable.

I propose the following arrangement, which could, in future, extend to other government bills.

Report stage motions submitted by a member of Parliament who is not part of a recognized party shall be selected in the manner provided for by our rules. The selected motions may be grouped for

debate in the usual fashion. Subject to the next point, the voting patterns for the motions would be set in the usual manner, as required by the ordinary practices of considering legislative amendments. However, one amendment per independent member of Parliament would be chosen to be a test vote. The voting pattern for the rest of that independent member's motions would only be implemented if the test motion were adopted. A rejection of the test motion would be inferred as a rejection of all that member's proposals. Therefore, the balance of the independent member's motions would not be put to the House.

In summary, any ordinary person familiar with parliamentary process, in even a passing way, would agree that more than 1,600 amendments are an abuse of process. Most should not be selected. In summary, this member's proposals are collectively a repetition of the committee stage and only seek to prolong report stage proceedings unnecessarily, particularly through the round-the-clock voting that would result.

There is no evidence that the House would willingly agree to be subjected to this. In fact, the history of how our rules have changed and the Speaker's rulings since 1968 confirm this. The Speaker's power to select amendments is clearly designed to prevent that abuse from happening. Mr. Speaker, the note that accompanies Standing Order 76.1(5) is a further clear articulation and reinforcement of the notion that part of one's obligation as Speaker is to protect not just the rights of the minority or an individual member; it is also to protect the rights of all members of Parliament not to see this place brought to discredit through procedures that are entirely frivolous, vexatious, repetitious, designed to delay and certainly designed to inconvenience all members of Parliament to an extraordinary extent.

I submit that the report stage motions, taken as a whole, run counter both to the spirit and the letter of the rules that govern our proceedings. Therefore, I recommend that most of the report stage motions on notice should not be selected and that the balance should be grouped in the manner I have proposed.

Finally, I point out, Mr. Speaker, your ruling in the spring, even though it was not seen as sufficiently aggressive in some fashion and was not seen as efficient as some would have liked in terms of respecting the ability of this House to continue to function. You clearly said, with respect to the 871 motions placed on the notice paper, the following:

[I]t is clearly not intended, nor do our rules and practices lend themselves to the taking of 871 consecutive votes. With respect to the voting table, substantive amendments have been grouped so as to allow for a clear expression of opinion on each of the subject areas contained in the bill. Motions to delete have been dealt with in conformity with the grouping scheme you outlined....

Mr. Speaker, I have certainly given you a proposal that I think falls squarely within the context of what you established in your spring ruling. Here we see that the effort to be frivolous and vexatious has come close to, and has perhaps by now more than doubled, the effort to do so in the spring. The result, I am quite confident, will be the same in terms of the substantive outcome of those amendments. I invite you to ensure that the processes of this House are managed in such a fashion that our proceedings are not brought into discredit and are not made into a farce. Rather, they can operate in a fashion that allows views to be expressed but that also allows the nation's business to be done.

Points of Order

•(1615)

The Speaker: I understand the hon. member for Skeena—Bulkley Valley has a follow-up.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Yes, Mr. Speaker, there are a couple of important points that will bear upon your ruling. I hope you did not take that too personally from the government House leader. It was a little bit of a procedural smack-down of your previous ruling on Bill C-38. I know that it was not meant personally, but boy, he did not appreciate your ruling before.

In terms of the disrepute of the House and using procedural games to do it, this comes from a government that prorogued Parliament to avoid a confidence vote and then lectures the House on how it holds Parliament in high regard.

The selection for debate my hon. friend spent so much of his time on was not our point at all. The point we were making was that, of course, you have the selection as to which motions come. Our entire premise, if he had been listening, was on the idea of what gets grouped together. I raised a very specific point with the member, with you and with the House to say that in the groupings last spring, many votes were put together that caused the members of Parliament to vote singly on multiple issues on which they may have had multiple opinions.

The example I used in my speech, which I know my hon. colleague would understand and agree with, was that a single vote cast on changing the language in the French text in the bill was also connected and became the same vote as the definition of a navigable water. Any member of Parliament from the government or the opposition who may have agreed with the first part of the vote and disagreed with the second was allowed to vote only once.

The point of the groupings is to allow members to vote freely and fairly. I know the government House leader has been very helpful, in his own eyes, in now grouping all the different amendments for you, Mr. Speaker. I know that he is often inconvenienced by the cost and the burdensome nature of democracy. However, I will remind him that receiving only 39% of the vote does not give the government somehow the mandate to run roughshod over our Parliament and our parliamentary procedure.

The evil the member talked about and quoted often, and this is important as you seek to group amendments, with respect to vexatious amendments, were the 471 amendments moved by the Reform Party against the Nisga'a treaty. This is now coming from many members who were in that movement and in that party who did not like the treaty and moved commas and semicolons and periods around to try to delay the work of the House.

There are many things Canadians can contemplate. However, the outright hypocrisy coming from Conservatives and former Reform members in saying that they do not like the rules that they themselves applied so vexatiously in the House of Commons in trying to deny the first modern-day treaty in Canadian history is passing strange.

I will end on this. Democracy is from time to time a complicated and difficult process. It can be a difficult system. That is hard for the Conservative government to contemplate, but it is a much better system than the other options available for governing ourselves.

It seems to me that when we gave examples that the groupings are important to allow members to vote freely and fairly, the government House leader chose to ignore all of those things. It is the Speaker's choice as to which ones are vexatious and inconvenient. I said that in my comments to the House. If they are vexatious, they should not be chosen and selected for votes. What I did say was that in a grouping of these amendments, it is important that members are able to vote freely.

It seems to me that the government helped make our point about the amendments, none of which have been moved. Many are serious and substantive amendments to improve, in this case, a 450-page piece of legislation. In the previous bill of some 425 pages, the government adopted none. Conservatives did not change a comma, a period or a semicolon or a single word of text. Somehow the government was able to create perfectly more than 900 pages of legislation without a single error or omission. It got it all right. We know that not to be true, because for Bill C-38, the first omnibus bill, which was moved in the spring, Conservatives are now having to make corrections in Bill C-45, some months later, before they have even had a chance to enact the legislation. Therefore, were they perfect? No.

Maybe from time to time the government may learn that slow and steady slide from feeling that they are somehow ordained with this perfection crosses into arrogance and is ultimately an allergy to Canadians. They want a government that is humble. They want a government that from time to time listens and does not believe that in all cases every piece of legislation it has written is perfect. It has already shown time and again that it writes bad legislation. Conservatives should use this process to make better their imperfect attempts at reforming Canadian law.

•(1620)

Mr. Speaker, this is a question about grouping, not a question about which motions you choose to select, on which my hon. colleague spent much of his time. If he had listened and understood this point of order, he would also agree that while messy and while cumbersome, as democracy can be, we must abide by this principle, whatever our political orientation, because that is what Canadians expect at the least.

The Speaker: I thank the hon. member for Skeena—Bulkley Valley and the hon. government House leader. Looking at the clock, it does seem like I have quite a little bit of reading to do, so I appreciate them letting me go back to that now.

The hon. member for Cape Breton—Canso has a point of order.

BILL C-377—INCOME TAX ACT

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, I am rising on a different point of order. I want to recognize and commend my colleague from Skeena—Bulkley Valley on a very well referenced and articulated point of order. I hope I can only match that. I assure the House I will surpass him on the aspect of brevity.

Points of Order

I rise on a point of order with respect to Bill C-377, an act to amend the income tax act (requirements for labour organizations). Although my colleagues from the NDP have also risen on this matter, I am not convinced the arguments they put forward have been complete in terms of substance. As such, I want to offer further points on this matter for your consideration, Mr. Speaker.

I submit that Bill C-377's provisions to provide for reporting and public disclosure of certain financial transactions and administrative practices of labour organizations envisages a new function and purpose within the Canada Revenue Agency, or CRA. As such, the terms and conditions of the royal recommendation that authorizes CRA's current spending are being altered so that a new and distinct authorization for spending is being permanently created, which will therefore require a royal recommendation.

Past Speakers have ruled that legislation imposing additional functions on bodies funded by public money, if the functions are substantially different from their existing functions, will require a royal recommendation.

I believe that Bill C-377 will require royal recommendation for two reasons. First, the bill creates a new purpose for CRA in terms of a public reporting function that has no obligatory ties to taxation under the Income Tax Act. The bill would follow up on this additional purpose by creating what the CRA characterizes as "a comprehensive system that includes electronic processing, validations, and automatic posting to the CRA Web site".

The Income Tax Act is concerned with the taxation of individuals, organizations and businesses. Any reporting requirements imposed on individuals and organizations are directly tied to their tax obligation or the exemption of these obligations. For example, charities can only keep their tax exempt status and donors only receive a tax receipt if the charity meets reporting requirements.

The Canada Revenue Agency is responsible for applying and interpreting the Income Tax Act in this regard. The primary goal of the agency, as Canada's tax administrator, is to ensure that taxpayers comply with their tax obligations and that Canada's tax base is protected. I want to stress that again: tax obligation.

Bill C-377 is strictly a function of publicly reporting information on one specific group of individuals, in this case labour organizations and labour trusts, outside of any direct obligations that those organizations or their members must have under the Income Tax Act. Given that it would create an additional purpose and new program requirements that would amend the Income Tax Act and modify the purpose of the CRA, the result is a new expenditure. The bill should be accompanied by a royal recommendation.

Mr. Speaker, I want to draw your attention to a Speaker's ruling in the other place on February 27, 1991 on pages 2262 through 2264 of the *Journals* regarding Bill S-18, an act to further the aspirations of the aboriginal peoples of Canada. The Speaker found that provisions imposing additional functions on bodies funded by public money, if the functions are substantially different from their existing functions, require royal recommendation.

The member for South Surrey—White Rock—Cloverdale and the government will no doubt argue that because labour organizations

receive a public benefit, as charities do, they should be required to report as charities do.

• (1625)

The simple rebuttal to this argument is the fact that the reporting requirement for charities is based on a tax obligation. A charity must publicly report information in order to keep the tax exempt status it receives and the preferential tax treatment its donors enjoy. This will simply not be the case with labour organizations under Bill C-377.

To further disprove this counter-argument, I think we need to look no further than the first incarnation of Bill C-377, which was Bill C-317. The bill tied the reporting function of labour organizations to the enjoyment of the tax exempt status offered to them in paragraph (k) of subsection 149(1) of the Income Tax Act. Labour organizations not in compliance with the financial disclosure requirements outlined in Bill C-317 would lose their tax exempt status. Bill C-317 also sought to effect the tax treatment of union members if their union did not comply with its requirements by not allowing union dues to be tax deductible.

In your ruling, Mr. Speaker, on Bill C-317, which was delivered on my birthday of November 4, 2011, and found on pages 2984 to 2986 of the *Debates*, you said that Bill C-317 had not respected the rules of the Standing Orders because to remove a tax exemption was in effect to raise taxes, which would require a ways and means motion, which the bill did not have.

Your ruling, Mr. Speaker, disallowed that and forced the member for South Surrey—White Rock—Cloverdale to remove the parts of the bill that tied the reporting requirements to the enjoyment of tax exempt status by labour organizations and tax deductibility of dues by their members. In doing so, there is no longer any direct tie or connection to taxation or benefits received by labour organizations or their members. Labour organizations or trusts who fail to comply with the requirements of Bill C-377 will not lose their tax exempt status and their members will not lose the tax deductibility of their dues.

Bill C-377 solely becomes a simple public reporting function, which is a new function of the Income Tax Act and a new purpose for the CRA in its capacity to administer the act. As such, it should require a royal recommendation.

The second issue I want to bring to your attention, Mr. Speaker, has to do with how Bill C-377 regulates the internal affairs of unions and their relationships with their members. In essence, this is a de facto labour relations function that is completely new for CRA and duplicates the function of the Canada Industrial Relations Board.

Points of Order

Bill C-377 is modelled on a United States reporting regulation for American unions that falls under the Labor-Management Reporting and Disclosure Act of 1959. This act legislates labour relations. It promotes labour union and labour management transparency through reporting and disclosure requirements for labour unions and their officials. This act is administered by the Office of Labor-Management Standards within the United States Department of Labor, not the Internal Revenue Service.

The reporting requirements in Bill C-377 were copied from the reporting requirements of the most detailed and onerous reporting form from the Office of Labor-Management Standards, Form LM-2. Specifically, the bill copies the revisions to the reporting regulations that were introduced on January 21, 2009, by the U.S. Department of Labor and later rescinded on October 13, 2009.

Mr. Speaker, I will provide you with a copy of the final rule for both actions, which was posted on the U.S. Federal Register, so you can see how this legislation is a copy of the U.S. labour relations regulations.

● (1630)

The Disclosure Act of 1959 requires the public disclosure of union financial reports. In fact, the public disclosure is through an online, searchable database known as the electronic labor organization reporting system, the same type of electronic system proposed by the bill.

Bill C-377 is, in effect, a replication of U.S. labor relations law and regulations, specifically the department of labor regulations for the labor-management reporting and disclosure act of 1959.

The Canada Labour Code currently includes a section that deals with union financial transparency and accountability. It requires unions to disclose financial statements to members on request, or to the Industrial Relations Board to enable members to view that information. Part of their function is to regulate labour organizations.

The finance committee received a number of submissions on this bill. One submission was from Le Syndicat de professionnelles et professionnels du gouvernement du Québec. It included a legal opinion that argued that the bill was concerning labour relations. Although the argument was for an entirely different matter, I believe the substance concerning labour relations was sound, and it would be of assistance to you, Mr. Speaker, in your decision.

The predominant purpose of this bill, as promoted by the member for South Surrey—White Rock—Cloverdale, is to increase the transparency and accountability of labour organizations. During second reading, the member stated:

With the passage of the bill, the public would be empowered to gauge the effectiveness, financial integrity and health of any labour union.

The bill's summary states:

This enactment amends the Income Tax Act to require that labour organizations provide financial information to the Minister for public disclosure.

The degree of detailed information this bill requires is far broader in scope than any other requirement on any other entity that is publicly disclosed by the government. This is clearly an attempt to monitor and regulate the activities of labour organizations. This is especially clear when the bill requires the detailed time and

expenditures that labour organizations spend on non-labour relations activities, such as political activities and lobbying.

Mr. Speaker, I want to draw your attention to a previous Speaker's ruling on October 20, 2006, and found on page 4039 of the *Debates* regarding Bill C-286, An Act to amend the Witness Protection Program Act (protection of spouses whose life is in danger) The bill proposed to expand the witness protection program to include persons whose lives were in danger because of acts committed against them by their spouses. The Speaker explained that the bill proposed:

...a protection that does not currently exist under the witness protection program. In doing so, the bill proposes to carry out an entirely new function.

As a new function, such an activity is not covered by the terms of any existing appropriation. ... New functions or activities must be accompanied by a new royal recommendation.

The government and the member for South Surrey—White Rock—Cloverdale may argue that the function proposed by Bill C-377 is the same function the CRA performs with respect to Charities Directorate or other tax exempt organizations. Although it is true that the processes and infrastructure required may be similar, the function and purpose for those processes are very much different.

Mr. Speaker, I draw your attention to the Speaker's ruling on November 8, 2006, and found on pages 4905 and 4906 of the *Debates* regarding Bill C-279, An Act to amend the DNA Identification Act (establishment of indexes). I believe the particulars on this issue have a lot of similarities in the case at hand and would deny this counter-argument.

● (1635)

Bill C-279 would have created a new purpose for the DNA Identification Act and established new indices in the DNA data bank, similar in context to the new database that would be created under this bill for unions. The Speaker explained there was an addition of a new purpose to the DNA Identification Act which was to identify missing persons via their DNA profiles. Again, this is similar to Bill C-377 that wishes to impose reporting requirements on another tax exempt organization under section 114 of the Income Tax Act.

In that ruling, the Speaker stated, "Amending legislation that proposes a distinctly new purpose must be accompanied by a further royal recommendation". The Speaker's ruling on Bill C-279 clearly shows that just because a process, in that case the collecting of the DNA, and the infrastructure needed, meaning a database, are the same as the current function of an act, it is still considered a new function and purpose that gives rise to the requirement of a royal recommendation.

Points of Order

Mr. Speaker, whether you look at the detailed requirements of the bill, its summary, the testimony of government witnesses who spoke about how this would regulate unions or just read the statements made by the member for South Surrey—White Rock—Cloverdale, clearly regulating labour relations is the dominant nature of this bill. No such labour relations function exists at the CRA currently. Therefore, this bill would create a new purpose, a new function and/or an activity at CRA that would require a royal recommendation.

Unlike its failed predecessor Bill C-317, the reporting requirements and the public disclosure imposed by Bill C-377 in no way is linked to the imposition or levitation of taxes, levies or tariffs. Instead, this bill seeks to use the powers of the Income Tax Act to solely provide public information that would constitute a new function or activity. In addition, the bill would clearly create a new labour relations function at the CRA that not only does not exist presently but duplicates this function that is already happening at the Canada Industrial Relations Board.

Because this bill would create a new function and purpose at the CRA, I respectfully submit that Bill C-377 should require a royal recommendation.

• (1640)

The Acting Speaker (Mr. Bruce Stanton): Before we hear from the parliamentary secretary to the government House leader, it is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Cape Breton—Canso, Employment Insurance.

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I do appreciate the member's attempt at brevity but I must say that it reminded of that old classic movie, *Airplane* from 1980, penned by Jim Abrahams and David Zucker.

What I kept thinking of when I was listening to his brief presentation was those continuous scenes where Ted Striker, the ex-army pilot who was afraid to fly would continue to tell stories to the people in the seat next to him and they would end up attempting suicide. However, I do want to thank my friend for being at least a little more brief than the official opposition House leader. I will attempt to be even briefer than my friend from the Liberal Party.

I rise to respond to last Thursday's intervention by the hon. member for Rosemont—La Petite-Patrie and yesterday's intervention by the hon. member for Saint-Lambert concerning a royal recommendation for Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations).

Bill C-377 was introduced on December 5, 2011, by the member for South Surrey—White Rock—Cloverdale and has since been read the second time and referred to the Standing Committee on Finance. The bill would amend the Income Tax Act to require labour organizations to provide financial information for public disclosure.

I would note that this bill was not identified by the Speaker as an item of concern with respect to the financial prerogative of the Crown, nor has it been the subject of an intervention by a minister of the Crown or a parliamentary secretary on behalf of one.

The hon. member for Rosemont—La Petite-Patrie argued that the provisions of the bill requiring labour organizations to submit

financial information and the requirement for the Canada Revenue Agency to publish the information on a website with search tools somehow represent new and distinct charges on the treasury which are not currently authorized.

The hon. member for Saint-Lambert then added the information provided to the finance committee by the Canada Revenue Agency which provided estimates on the expected incremental costs associated with implementation.

There are procedural authorities and precedents for cases where a new royal recommendation was not required for incremental modifications to expand the operation of provisions already authorized by a royal recommendation. The hon. member for Rosemont—La Petite-Patrie cited page 833 of the second edition of the *House of Commons Procedure and Practice*. The most relevant portion pertaining to amending bills, such as Bill C-377, is that a royal recommendation is required for:

...bills which authorize new charges for purposes not anticipated in the estimates. The charge imposed by the legislation must be "new and distinct"; in other words, not covered elsewhere by some more general authorization.

Section 220 of the Income Tax Act provides the minister with the authority to administer and enforce the provisions of the act. Indeed, this authority was cited in the same materials provided to the finance committee which the member for Saint-Lambert cited yesterday.

In particular, subsection 220(2) provides broadly and generally that:

Such officers, clerks and employees as are necessary to administer and enforce this Act shall be appointed or employed in the manner authorized by law.

Clearly, the authority to retain any necessary staff has already been addressed by Parliament.

It may also be useful to add here that subsection 5(1) of the Canada Revenue Agency Act provides that:

The Agency is responsible for

(a) supporting the administration and enforcement of the program legislation....

Program legislation is, in turn, defined in section 2 of that act as:

....any other Act of Parliament....

(a) that the Governor in Council or Parliament authorizes the Minister, the Agency, the Commissioner or an employee of the Agency to administer or enforce, including the...the Income Tax Act....

Indeed, this broad mandate already enjoyed by the Canada Revenue Agency is addressed in response to the Liberal question 1 (a) in the finance committee materials the hon. member for Saint-Lambert cited, which asked how Bill C-377 aligns with the Canada Revenue Agency's mandate.

The agency replied:

A measure introduced by Parliament that is incorporated into the Income Tax Act and falls under the responsibility of the Minister of National Revenue will be administered by the CRA. Parliament determines if a measure will be incorporated into the Income Tax Act.

In other words, the Canada Revenue Agency has already been given a broad, sweeping mandate to administer and enforce federal taxation laws. Meanwhile, other existing provisions of the Income Tax Act allow the minister to require certain persons or entities to file information for the purposes of taxation.

Government Orders

•(1645)

Specifically, for example, subsection 149(14) dealing with qualified donors provides a requirement for public foundations to

—file with the Minister both an information return and a public information return for the year in prescribed form and containing prescribed information.

In other words, the act already requires information to be submitted to the minister in a prescribed form and containing prescribed information. Therefore, this does not constitute a new function, mandate or duty for the minister or the agency.

The hon. member for Rosemont—La Petite-Patrie also argued that making the information public represented a new and distinct activity that was not currently authorized.

First, the agency has a comprehensive website which publishes lots of information and materials, so that would not be a new responsibility for the agency.

As for making information public, I would note that the Income Tax Act provides provisions now to that effect. Subsection 149(15) relates to information that may be communicated in respect of charitable organizations. It states:

—the information contained in a public information return...shall be communicated or otherwise made available to the public by the Minister in such manner as the Minister deems appropriate...the Minister may make available to the public in any manner that the Minister considers appropriate...

In other words, the act provides the minister with the authority to publish in any manner the minister considers appropriate the content of a public information return. That other information would fall within an existing mandate and duty does not, I submit, require a royal recommendation.

Turning to some precedents, on February 10, 1998, at page 3647 of the *Debates*, Bill S-3, an act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act, was found not to require a royal recommendation. In his ruling, Mr. Speaker Parent said, in a case where powers were expanded yet no royal recommendation was needed, that:

It seems fairly evident that the powers of the superintendent would be extended by Bill S-3. It may well be that additional expenditures would be incurred because of those enhanced powers of the superintendent. Should an increase in resources be necessary as a result of these new powers, the necessary allocation of money would have to be sought by means of an appropriation bill because I was unable to find any provision for money in Bill S-3.

The hon. member for Rosemont—La Petite-Patrie made mention of the additional tasks which would fall to the employees of the agency as well as training which might be required for the new filings. Your immediate predecessor's ruling, Mr. Speaker, at page 7261 of the *Debates* for February 23, 2007 on Bill C-327, an act to amend the Broadcasting Act answers this point, states:

Bill C-327 may or may not result in a greater workload for the CRTC, but the activities being proposed are within its mandate. If additional staff or resources are required to perform these activities then they would be brought forward in a separate appropriation bill for Parliament's consideration.

More recent, on October 26, 2010, Mr. Speaker Milliken ruled concerning the need for a royal recommendation for Bill C-300, an act respecting corporate accountability for the activities of mining, oil or gas in developing countries. The bill, among other things, required the Minister of Foreign Affairs to establish a process for the

examination of complaints concerning possible contraventions of the guidelines. The Speaker ruled then:

—the Chair is of the view that the examination of such complaints is not a departure from or expansion of the current ministerial mandate under the Department of Foreign Affairs and International Trade Act...Bill C-300 may put forth more stringent requirements, but it does not expand the mandate per se.

It may be that a reorganization of resources or even additional funds would be required, however, it appears these would be operational in nature.

I submit that Bill C-377 is consistent with the precedents cited in that it does not authorize a new expenditure of public funds. Rather it deals with the operation of provisions already authorized by Parliament which were accompanied by a royal recommendation at the time these provisions were enacted.

The hon. member for Rosemont—La Petite-Patrie mentioned that there was nothing set out in the recently tabled supplementary estimates (B) for this fiscal year. The hon. member for Saint-Lambert also claimed that this was confirmed in the agency's answers to finance committee.

Let us be clear. The usual practice we can expect to see unfold would be that the agency would account for its operations under Bill C-377, should it become law, in its estimates after the bill becomes law. That is a common practice with respect to any proposed legislation that has not yet been enacted. The supplementary estimates argument advanced by those hon. members is really a red herring in this entire debate.

•(1650)

Should Bill C-377 become law, the authority to spend for the purposes set out in the bill will be under the general authority of existing broader provisions of the Income Tax Act as well as the agency's general authorities under the Canada Revenue Agency Act. Should additional funds be required, the government would seek them from Parliament as part of the supply cycle through an appropriations bill in the ordinary manner for operating expenses.

I respectively submit that Bill C-377 does not require a royal recommendation and is properly before the House.

The Acting Speaker (Mr. Bruce Stanton): I thank the hon. member for Cape Breton—Canso and the hon. parliamentary secretary to government House leader for their interventions on this matter. We will certainly get back to the House in due course as is necessary.

GOVERNMENT ORDERS

[*Translation*]

FINANCIAL LITERACY LEADER ACT

The House resumed from November 8 consideration of the motion that Bill C-28, An Act to amend the Financial Consumer Agency of Canada Act, be read the third time and passed.

Mr. Tarik Brahma (Saint-Jean, NDP): Mr. Speaker, the points of order we heard are very technical but yet very interesting.

Government Orders

First, with your permission, I would like to share my time with the hon. member for Pontiac. It is always an honour to speak in the House about bills, in this case, Bill C-28, the Financial Literacy Leader Act. The incumbent of this position would report to the Commissioner of the Financial Consumer Agency of Canada. Given that I already spoke about this bill at second reading, today, I am going to speak more specifically about the amendments that were tabled by my colleagues when this bill was examined by the Standing Committee on Finance.

I can only express my sincere disappointment that the Conservative members rejected the six amendments that were tabled by my NDP colleagues. It is always sad to see how little the Conservatives are willing to co-operate. Although all six amendments were relevant, two of them were particularly vital: the one pertaining to the bilingualism of the financial literacy leader and the one pertaining to the creation of an advisory council.

[*English*]

The following are comments by the Parliamentary Secretary to the Minister of Finance when my colleague from Sudbury tabled our three amendments during the committee hearing. The third amendment would ensure that the financial literacy leader would be bilingual.

In answer, the Parliamentary Secretary to the Minister of Finance said, “That’s a huge priority for this government. This is why we continue to put forward policies that support that”. She also mentioned, “I would also say that in choosing a financial literacy leader, we do want to make sure there is merit that goes with any appointment”.

With both of those comments, there is a blatant contradiction between the fact that she acknowledged that the literacy leader should be bilingual, but on the other hand that the language skills were not mandatory for that position. We have seen that contradiction in many nominations by the Conservative government. It demonstrates that, for the government, language skills and namely the ability to speak French are not part of the merit that is required to get these positions.

• (1655)

[*Translation*]

For Quebec members of Parliament, this is a real problem because it gives us the impression that the government is always telling us the same thing about bilingualism—that it is going to appoint a person based on merit and then ask that person to learn French. This sends a message that linguistic ability is not among the prerequisites and skills required to be appointed to these positions. As a member of Parliament from Quebec, I find this to be a completely unacceptable message. That is what I had to say about the first amendment.

The second amendment that the hon. member for Sudbury proposed involved the creation of an advisory council in accordance with the second recommendation of the financial literacy task force. This was one of the 30 recommendations this task force made. We see that, in this bill, only one of those recommendations was taken into account, that of creating the position of financial literacy leader.

Once again, this bill leaves much to be desired. In fact, it is really just an empty shell, considering that, out of 30 recommendations, the government acted on only one: the creation of this position.

We often hear the government argue that this bill calls for the creation of a website. The government seems to think that websites have magical powers. That is the answer we always get any time we ask the ministers about the cuts made to public service positions responsible for answering questions from the public. We are often told that people can simply consult the website, because all of the information is there. That is more or less what we have heard from the government members who have spoken on this.

Furthermore, people have a tendency to forget that we can teach financial literacy to Canadians and enhance their knowledge, but there is no point in explaining how to manage their money if they have no money to manage. Sometimes they have no money because the banking system is sucking up such a huge amount of money.

I would like to give some of the figures from Canadian banks, which, as we know, have a virtual monopoly. Let us look at the banks' profits after taxes—not the total business but the profits. The profits of Canadian banks have increased from less than \$10 billion—or to be more specific, \$9.7 billion—in 2000 to over \$25 billion in 2011.

Twenty-five billion dollars for a population of approximately 35 million represents \$700 per person. In other words, on average, a family of four gives \$3,000 to Canadian banks. I see that the members opposite find that completely acceptable. They would say that this is a sign that the banking system is well managed. However, for me, it is a sign that we are all being swindled by the banks since they are charging ridiculous interest rates in certain cases, particularly in the case of credit cards.

I would like to remind you of a proposal that was made and has been supported by the NDP for a number of years. We proposed that credit card interest rates be limited to 5% above the Bank of Canada's key lending rate, which has been at 1% since September 2010. Then, instead of having interest rates of 25% or 26% in some cases, an NDP government would legislate to have these rates limited to 6%.

This would allow credit companies to continue to be very profitable and make huge amounts of money while ensuring that people with the worst credit ratings, the most disadvantaged in our society, would not be charged exorbitant credit rates. These people have to borrow money through channels that give them the highest interest rates. Since they do not have a good credit rating, they cannot take out a line of credit, for example, which has a much lower interest rate.

In conclusion, since I have only 30 seconds left, I would like to say that it is with great disappointment that I am going to support this bill at third reading. The main reason for my support is that we cannot oppose the basic principle of at least creating the position of financial literacy leader. I think this bill is an incredible waste of time and energy for Parliament. The bill looks good but it does very little.

Government Orders

• (1700)

Mr. Mathieu Ravignat (Pontiac, NDP): Mr. Speaker, I listened carefully to the hon. member's very interesting speech.

He obviously showed that there are a number of problems with financial literacy in Canada and that the measures proposed by the government do not fully address them.

My question for him is very simple: what could we have done to truly contribute to the financial health and literacy of Canadians?

Mr. Tarik Brahmi: Mr. Speaker, I noted this regarding one of the amendments proposed by my colleague from Sudbury, who was sitting on the Standing Committee on Finance at the time. He proposed the creation of an advisory committee.

One of his recommendations called for this advisory committee to be made up of stakeholders from different backgrounds who were familiar with the population and who would be able to provide tools and suggestions and could also exercise oversight over the financial literacy leader.

This would allow for some oversight, instead of a single person being in charge of providing a better financial education for Canadians.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I was interested in my colleague's comment that the NDP put forward six what he considered to be reasonable amendments at the committee and not a single one was favoured with a supportive vote by my colleagues in the ruling Conservative Party. In fact, not a single amendment has ever been allowed to any piece of legislation in the 41st Parliament. Even at times when the Conservatives know full well that the amendments have merit, they act and behave as if they have some kind of monopoly on all wisdom, all knowledge and all good ideas. At times the minister has had to get up at report stage and introduce the very same things that they voted down at the committee stage. They must find that embarrassing, to be hoisted with their own petard in that way.

I am interested in the quote by the member for Saint Boniface. Does it not seem to be contradictory that she spoke in favour of the same principle that my colleague put forward in the amendment? Does my colleague have any explanation for such contradictory behaviour by the parliamentary secretary?

• (1705)

Mr. Tarik Brahmi: Mr. Speaker, absolutely, this is a blatant contradiction. The parliamentary secretary said that it is a huge priority for the government to have bilingual appointments and a few minutes later the very same member voted against that amendment. It is a contradiction that I do not have an explanation for. The only suspicion I have is that Conservatives want the possibility to make appointments of people they know are not bilingual and who will only have to pretend that they will learn French in the future.

[*Translation*]

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, we all know that Canadians' lack of savings and the Conservatives' increasing debt are symptoms of the disparity between the increase in the cost of living and the increase in salaries, rather than symptoms of financial illiteracy.

I would like my colleague to explain how a bill that would create this position will help Canadians if it does not take into consideration the 29 recommendations made by the task force.

Mr. Tarik Brahmi: Mr. Speaker, the member for Saint-Bruno—Saint-Hubert is absolutely right.

Furthermore, during the committee hearings, the following question was raised: could the agency commissioner appoint someone to carry out exactly the same duties without having the title? The departmental official responded yes, but that a legislative appointment carried more prestige and made the position more official.

Mr. Mathieu Ravignat (Pontiac, NDP): Mr. Speaker, first we must define the problem.

[*English*]

Let us define the issue here. This may seem like an anodyne bill, but in fact at its core it has a very essential contribution to make. It is really a question of fundamental literacy. We can talk about literacy in general terms with regard to reading a book or a document, but literacy goes fundamentally deeper than that. Literacy eventually is also an issue of justice.

I found a particular quote from *Globe and Mail* finance columnist, Rob Carrick, which is quite revealing about this particular bill. He says, "it's disappointing to see banks, advice firms, investment dealers and mutual fund companies treated solely like part of the solution to the lack of financial literacy in Canada, and not part of the problem as well—"

• (1710)

The Acting Speaker (Mr. Bruce Stanton): Order, please.

The hon. member for Pontiac has the floor. If hon. members wish to engage in other conversations I certainly invite them to perhaps share some time in their respective lobbies.

The hon. member for Pontiac.

Mr. Mathieu Ravignat: Mr. Speaker, I will repeat the quote that I was attempting to read by the finance columnist from *The Globe and Mail*, Rob Carrick. He wrote something that I think is quite revealing. He said:

—it's disappointing to see banks, advice firms, investment dealers and mutual fund companies treated solely like part of the solution to the lack of financial literacy in Canada, and not part of the problem as well.

We need to recognize that financial institutions and banks in this country have an extremely powerful role to play with regard to persuasion over Canadians. It is that persuasion that could be used rightly or wrongly to affect the financial lives of Canadians.

As well, members should keep in mind the glaring statistic that 26% of Canadians struggle with even the most basic numeracy and 56% do not have high enough levels of numeracy to demonstrate the skills and knowledge associated with the ability to function well in Canadian society. Keeping that fact in mind, we should all be worried. We should also be worried about the high level of domestic debt. This problem needs to be addressed.

Government Orders

HRSDC reveals that the relevant statistics for financial literacy are 20% and 48%. If we compare that with the United States, Canada has one of the highest levels of annual costs for equity funds, which is 2.31% compared to 0.94% in the U.S. It is no wonder banks want more customers.

The highest earning 11% of Canadians contribute more to RRSPs than the bottom 89% of tax filers combined. Canadian taxpayers subsidized those RRSPs to the tune of \$7.3 billion in annual net tax expenditures.

To continue with some interesting statistics, 30% of Canadian families lack any retirement savings outside of the Canadian pension plan. Also, as I mentioned before, Canadian household debt is at 150% of income and 25% of Canadians increased their debt load over the past year. In the last quarter, the CPP outperformed the markets by a margin of 10 to 1.

Why am I referring to all of these statistics? It is because what we are discussing with the bill is the relationship of power between the average Canadian citizen's knowledge of the financial system and that of the banks in this country. If we do not empower Canadian citizens with the ability to understand the financial system and what financial institutions impose on them, then we are on a slippery slope.

The measure proposed by Bill C-28 is a good one. However, from our perspective, it is not enough.

[*Translation*]

For example, we are concerned that there is no explicit requirement that the incumbent of this position be bilingual. And yet, we live in a country with two official languages.

We believe that the person responsible for improving financial literacy throughout Canada must be able to communicate in both French and English. The minister of state has assured us that the incumbent will be bilingual, but the Conservatives are refusing to put this in the legislation. That worries us.

The conclusions of the task force on financial literacy clearly state that the financial literacy leader must be kept apprised of the situation by an advisory council consisting of representatives of the industry, unions, educators, government and voluntary organizations from across Canada. This provision is included in this bill and will prevent the participation of a number of partners following implementation of financial literacy. The Financial Consumer Agency of Canada and the government have said that an advisory council will be established, but that this does not require legislation. This is confusing.

● (1715)

At committee stage, we proposed some amendments in order to address some of the shortcomings. We proposed that the requirement of bilingualism be added—we did ask for that—that a definition of financial literacy be added and that more responsibility be given to the incumbent of the position to be created.

However, the Conservatives rejected our amendments. Stakeholders told us that creating this position is better than the status quo. The government has at least agreed to create this position. In light of the fact that the expenses related to this position were approved in

the 2012 budget, we support the bill. We will nevertheless continue to push the government to go further. Even though it has taken a small step in the right direction, there is still a long way to go.

How could we improve the situation? Financial literacy is an important aspect of consumer protection. The fact that many Canadians do not have savings and the rise in consumer debt are symptoms of the discrepancy between the rise in the cost of living and salaries, not financial illiteracy.

Too many Canadians are living paycheque to paycheque. This situation proves that the government is not taking a leadership role and that it is incapable of addressing issues that are truly important to Canadians. The government has never implemented strict laws and regulations to protect consumers. This bill falls far short of providing any real help to consumers.

We believe that the best way to support consumers is to establish a single-window consumer protection department or agency that would handle all consumer issues. If the government really wants to protect consumers, then it should move forward with credit card regulations, for instance, and implement important regulations that would cap interest rates and eliminate the excessive fees paid by consumers.

We in the NDP have a better plan in mind for financial security for retirement. We need to strengthen the Canada and Quebec guaranteed pension plans by gradually doubling benefits in an affordable manner to a maximum of \$1,920 a month, thereby providing Canadians with an adequate level of guaranteed income during their retirement.

However, the government and politicians basically need to ensure that Canadians are educated and have access to financial training, as well as ensure that Canadians are protected, particularly from the banks, credit card companies and other financial institutions such as insurance companies, and the power they can hold over Canadians' lives. To that end, those institutions need to be properly controlled through legislation that focuses on the common good.

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, my colleague made an excellent speech on what specific impact this will have on the public.

However, something has been bothering me since I have been listening to my colleagues debate this bill. There is unfortunately no mention of bilingualism in the hiring criteria for the financial literacy leader.

I have to wonder: do French and English use the same terms to talk about financial literacy?

Mr. Mathieu Ravignat: Mr. Speaker, we can all agree that this is a rather complex field of study. It is clear that the vocabulary is not the same in the two languages. I am bilingual and have lived in Ottawa my whole life—or at least much of my life—and I find it rather difficult to compare the French and English terminology when it comes to financial matters.

Government Orders

• (1720)

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, I listened carefully to my brilliant colleague's speech on this bill.

We all know that this bill does not contain a strategy to ease the debt burden on Canadians. This bill only legalizes the position. Of the 30 recommendations made by the task force, the Conservatives acted on only one, which was to legalize the creation of this position.

I would like my colleague to expand on his idea. How does he think this could help Canadian families with their debt load, knowing that some are living paycheque to paycheque?

Mr. Mathieu Ravignat: Mr. Speaker, my colleague is quite right.

First, it does not contain a definition of financial literacy. We should first define financial literacy. Furthermore, there is no accountability measure, and no initiatives to increase financial literacy.

Furthermore, the recommendation to create an advisory council composed of union representatives, among others, was not retained. In my opinion, the suggestions we made in committee would improve this bill and help protect Canadians.

[English]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, one of the concerns about the bill overall is, as the member has pointed out, that it is very far removed from consumer protection.

One of the things I have always been concerned about over the years because of the riding I represent is protection, particularly for low income people who, in the first place, have difficulty accessing regular services at financial institutions. The protection they have is very minimal.

I just wonder if the member could comment on whether he has had any similar experiences in his own riding where people who are on fixed or very low incomes have a very difficult time with financial institutions and they absolutely need protection.

Mr. Mathieu Ravignat: Absolutely, Mr. Speaker, that has definitely been the experience in my riding.

Most statisticians would say that there is a relationship between the level of education, poverty and literacy, so we are talking about compounding situations. If our literacy AND education is low, it is perhaps more difficult to understand the financial system.

My hon. colleague is completely right that statistics are worrying. We are talking about 30% of families that lack any retirement savings. The average Canadian household debt is 150% of income and Canadians' debt load has increased by 25%. We know that a lot of those Canadians are either working poor or poor. It is truly unfortunate. We would hope that we would have a more compassionate government that would address this issue.

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I would advise the Chair that I will be splitting my time on this bill, which is a bill to establish a financial literacy leader so-called, which is one of 30 recommendations of a task force on financial literacy. It is rather unfortunate that only 1 of the 30 recommendations were followed

because this is really just a very minor or modest first step in what is required.

The problem of course is that many financial literacy programs often devolve into simply admonitions for individuals to save more money, which is an impossible situation for many people. In fact, most people going into retirement, for example, 30% have nothing more than CPP for their retirement plans. We have the Minister of Human Resources and Skills Development suggesting that people should save more for an extra two years for retirement. It is totally inadequate.

I see I have only a short time to give this speech and I would encourage my colleagues to ask some questions and make some comments to allow me to speak a little more.

• (1725)

[Translation]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, with respect to literacy in general, we know that 43% of the population has level 3 or lower reading skills. This portion of the population already has difficulty reading. Financial literacy could perhaps help somewhat, but if people cannot read, there may be measures, other than financial literacy initiatives, that would better help people to help themselves financially.

[English]

Mr. Jack Harris: Mr. Speaker, my colleague points to a real inconsistency by the Conservative government in suggesting that financial literacy is so important that we should undertake this task. It is preaching financial literacy now, but back in 2006 it cut nearly \$18 million from adult literacy programs across the country. This is a bit of a fig leaf for the Conservatives' inaction, frankly, on the real problems of literacy in this country and its failure to protect consumers and build a better regulatory framework.

[Translation]

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, as I listened to my colleague's brief speech I realized something: this government does not really understand Canadians' economic situation.

It is well and good to educate people. However, will passing this bill to create this position not result in advertising for banks across Canada? I would like my colleague to talk more at length about this issue.

[English]

Mr. Jack Harris: Mr. Speaker, my colleague asked an important question. As Barrie McKenna, a business columnist with *The Globe and Mail*, stated:

Looking to financial literacy to fill the void is like asking ordinary Canadians to be their own brain surgeons and airline pilots. The dizzying array of financial products, mixed with chaotic and increasingly irrational financial markets, makes the job of do-it-yourself financial planning almost impossible—no matter how literate you are.

Private Members' Business

What happens, of course, is that this is just driving people into the institutions that have financial products. In this country, we pay two and three times as much on management fees in the private sector than in the Canada pension plan, which is a better way of saving for Canadians.

We have a problem. It is considered to be a very small first step, but one that requires leadership from the government. We are not sure we are going to get it, but we think this is a start that ought to be made.

• (1730)

The Deputy Speaker: Resuming debate.

Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

The Deputy Speaker: Hearing no nays, I therefore declare the motion carried.

(Bill read the third time and passed)

PRIVATE MEMBERS' BUSINESS

[*Translation*]

PATENT ACT

The House resumed from November 21 consideration of the motion that Bill C-398, An Act to amend the Patent Act (drugs for international humanitarian purposes), be read the second time and referred to a committee.

The Deputy Speaker: It being 5:30 p.m., the House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-398 under private members' business.

Call in the members.

• (1810)

[*English*]

(The House divided on the motion, which was negated on the following division:)

(*Division No. 515*)

YEAS

Members

Allen (Welland)
Andrews
Ashton
Aubin
Bélangier
Bennett
Bevington
Blanchette
Boivin
Boulerice
Brahmi
Brosseau
Caron

Allen (Tobique—Mactaquac)
Angus
Atamanenko
Ayala
Bellavance
Benskin
Bezan
Blanchette-Lamothe
Borg
Boutin-Sweet
Brisson
Byrne
Casey

Cash
Chicoine
Chong
Chow
Cleary
Côté
Crowder
Cuzner
Davies (Vancouver East)
Dewar
Dionne Labelle
Doré Lefebvre
Duncan (Etobicoke North)
Dusseault
Eyking
Fortin
Fry
Garrison
Genest-Jourdain
Godin
Gravelle
Harris (Scarborough Southwest)
Hassainia
Hughes
Jacob
Karygiannis
Lamoureux
Larose
Laverdière
LeBlanc (LaSalle—Émard)
Liu
MacAulay
Marston
Masse
May
McGuinty
Michaud
Morin (Chicoutimi—Le Fjord)
Morin (Saint-Hyacinthe—Bagot)
Murray
Nash
Nunez-Melo
Papillon
Péclet
Pilon
Quach
Rafferty
Raynault
Rousseau
Scott
Sgro
sor)
Sims (Newton—North Delta)
Stewart
Sullivan
Toone
Turmel
Vellacott
Young (Oakville)— 141

Charlton
Chisholm
Choquette
Christopherson
Comartin
Cotler
Cullen
Davies (Vancouver Kingsway)
Day
Dion
Donnelly
Dubé
Duncan (Edmonton—Strathcona)
Easter
Foote
Freeman
Garneau
Genest
Giguère
Goodale
Grogulé
Harris (St. John's East)
Hsu
Hyer
Julian
Kellway
Lapointe
Latendresse
LeBlanc (Beauséjour)
Leslie
Lobb
Mai
Martin
Mathysen
McCallum
McKay (Scarborough—Guildwood)
Moore (Abitibi—Témiscamingue)
Morin (Laurentides—Labelle)
Mulcair
Nantel
Nicholls
Pacetti
Patry
Perreault
Plamondon
Rae
Ravignat
Regan
Sandhu
Sellah
Simms (Bonavista—Gander—Grand Falls—Wind-
Sitsabaiesan
Stoffer
Thibeault
Tremblay
Valeriote
Wilks

NAYS

Members

Adams
Aglukkaq
Albrecht
Ambler
Anders
Armstrong
Baird
Benoit
Bernier
Block
Braid
Brown (Leeds—Grenville)
Brown (Barrie)
Butt
Calkins
Carmichael
Chisu
Clement
Davidson
Del Mastro

*Private Members' Business**(Division No. 516)*

YEAS

Members

Devolin	Dreeshen	Ablonczy	Adams
Duncan (Vancouver Island North)	Dykstra	Adler	Aglukkaq
Fast	Findlay (Delta—Richmond East)	Albas	Albrecht
Finley (Haldimand—Norfolk)	Fletcher	Alexander	Allen (Welland)
Galipeau	Gallant	Allen (Tobique—Mactaquac)	Ambler
Gill	Glover	Ambrose	Anderson
Goguen	Goldring	Andrews	Angus
Goodyear	Gosal	Armstrong	Ashton
Gourde	Grewal	Aspin	Atamanenko
Harper	Harris (Cariboo—Prince George)	Aubin	Ayala
Hawn	Hayes	Baird	Bateman
Hiebert	Hillyer	Bélanger	Bellavance
Hoback	Holder	Bennett	Benoit
James	Jean	Benskin	Bergen
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)	Bernier	Bevington
Kenney (Calgary Southeast)	Kent	Bezan	Blanchette
Kerr	Komarnicki	Blanchette-Lamothe	Blaney
Kramp (Prince Edward—Hastings)	Lake	Block	Boivin
Lauzon	Lebel	Borg	Boughen
Leaf	Leitch	Boulerice	Boutin-Sweet
Lemieux	Leung	Brahmi	Braid
Lizon	Lukiwski	Breitkreuz	Brisson
Lunney	MacKay (Central Nova)	Brosseau	Brown (Leeds—Grenville)
MacKenzie	Mayes	Brown (Newmarket—Aurora)	Brown (Barrie)
McColeman	McLeod	Bruinooge	Butt
Menegakis	Menzies	Byrne	Calandra
Merrifield	Miller	Calkins	Cannan
Moore (Port Moody—Westwood—Port Coquitlam)		Carmichael	Caron
Moore (Fundy Royal)		Carrie	Casey
Nicholson	Norlock	Cash	Charlton
Obhrai	O'Connor	Chicoine	Chisholm
O'Neill Gordon	Opitz	Chisu	Chong
Paradis	Payne	Choquette	Chow
Penashue	Poilievre	Christopherson	Clarke
Preston	Raït	Cleary	Clement
Rajotte	Rathgeber	Côté	Cotler
Reid	Rempel	Crowder	Cullen
Richards	Rickford	Cuzner	Daniel
Ritz	Saxton	Davidson	Davies (Vancouver Kingsway)
Schellenberger	Seeback	Davies (Vancouver East)	Day
Shea	Shipley	Dechert	Del Mastro
Shory	Smith	Devolin	Dewar
Sopuck	Sorenson	Dion	Dionne Labelle
Stanton	Strahl	Donnelly	Doré Lefebvre
Sweet	Tilson	Dreeshen	Dubé
Toet	Toews	Duncan (Vancouver Island North)	Duncan (Etobicoke North)
Trost	Trottier	Duncan (Edmonton—Strathcona)	Dusseault
Truppe	Uppal	Dykstra	Easter
Van Kesteren	Van Loan	Eyking	Fast
Wallace	Warawa	Findlay (Delta—Richmond East)	Finley (Haldimand—Norfolk)
Warkentin	Watson	Fletcher	Foote
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)		Fortin	Freeman
Weston (Saint John)		Fry	Galipeau
Williamson	Wong	Gallant	Garneau
Woodworth	Yelich	Garrison	Genest
Young (Vancouver South)	Zimmer — 148	Genest-Jourdain	Giguère
		Gill	Glover
		Godin	Goguen
		Goldring	Goodale
		Goodyear	Gosal
		Gourde	Gravelle
		Grewal	Groguhé
		Harper	Harris (Scarborough Southwest)
		Harris (St. John's East)	Harris (Cariboo—Prince George)
		Hassainia	Hawn
		Hayes	Hiebert
		Hillyer	Hoback
		Holder	Hsu
		Hughes	Hyer
		Jacob	James
		Jean	Julian
		Kamp (Pitt Meadows—Maple Ridge—Mission)	Karygiannis
		Keddy (South Shore—St. Margaret's)	Kellway
		Kenney (Calgary Southeast)	Kent
		Kerr	Komarnicki
		Kramp (Prince Edward—Hastings)	Lake
		Lamoureux	Lapointe
		Larose	Latendresse

PAIRED

Nil

The Speaker: I declare the motion defeated.

* * *

TRANSBOUNDARY WATERS PROTECTION ACT

The House resumed from November 22 consideration of Bill C-383, An Act to amend the International Boundary Waters Treaty Act and the International River Improvements Act, as reported (with amendments) from the committee.

The Deputy Speaker: The House will now proceed to the taking of the deferred recorded division on the motion to concur in Bill C-383 at report stage under private members' business.

● (1820)

(The House divided on the motion, which was agreed to on the following division:)

Private Members' Business

Lauzon	Laverdière
Lebel	LeBlanc (Beauséjour)
LeBlanc (LaSalle—Émard)	Leef
Leitch	Lemieux
Leslie	Leung
Liu	Lizon
Lobb	Lukiwski
Lunney	MacAulay
MacKay (Central Nova)	MacKenzie
Mai	Marston
Martin	Masse
Mathysen	May
Mayes	McCallum
McColeman	McGuinty
McKay (Scarborough—Guildwood)	McLeod
Menegakis	Menzies
Merrifield	Michaud
Miller	Moore (Abitibi—Témiscamingue)
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Morin (Chicoutimi—Le Fjord)	Morin (Laurentides—Labelle)
Morin (Saint-Hyacinthe—Bagot)	Mulcair
Murray	Nantel
Nash	Nicholls
Nicholson	Norlock
Nunez-Melo	Obhrai
O'Connor	O'Neill Gordon
Opitz	Pacetti
Papillon	Paradis
Patry	Payne
Péclet	Penashue
Perreault	Pilon
Plamondon	Poilievre
Preston	Quach
Rae	Rafferty
Raitt	Rajotte
Rathgeber	Ravignat
Raynault	Regan
Reid	Rempel
Richards	Rickford
Ritz	Rousseau
Sandhu	Saxton
Schellenberger	Scott
Seeback	Sellah
Sgro	Shea
Shipley	Shory
Simms (Bonavista—Gander—Grand Falls—Windsor)	
Sims (Newton—North Delta)	
Sitsabaiesan	Smith
Sopuck	Sorenson
Stanton	Stewart
Stoffer	Strahl
Sullivan	Sweet
Thibeault	Tilson
Toet	Toews
Toone	Tremblay
Trost	Trottier
Truppe	Turmel
Tweed	Uppal
Valerjote	Van Kesteren
Van Loan	Véllacott
Wallace	Warawa
Warkentin	Watson
Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Weston (Saint John)	
Wilks	Williamson
Wong	Woodworth
Yelich	Young (Oakville)
Young (Vancouver South)	Zimmer — 288

NAYS

Nil

PAIRED

Nil

The Deputy Speaker: I declare the motion carried.

[Translation]

CRIMINAL CODE

The House resumed from November 23 consideration of the motion that Bill S-209, An Act to amend the Criminal Code (prize fights), be read the second time and referred to a committee.

The Deputy Speaker: The House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill S-209 under private members' business.

● (1830)

[English]

And the Clerk having announced the results of the vote:

The Deputy Speaker: The hon. member for Winnipeg South Centre is rising on a point of order.

[Translation]

Ms. Joyce Bateman: Mr. Speaker, I apologize, but I think I voted twice. My first vote was the proper one.

[English]

Mr. Jay Aspin: Mr. Speaker, I am in the same boat. I voted twice.

The Deputy Speaker: I thank both members for their advice. It has been taken into account.

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 517)

YEAS

Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Welland)
Allen (Tobique—Mactaquac)	Ambrose
Anders	Anderson
Andrews	Angus
Armstrong	Ashton
Aspin	Atamanenko
Aubin	Ayala
Baird	Bateman
Bélanger	Bellavance
Bennett	Benoit
Benskin	Bergen
Bernier	Bevington
Bezan	Blanchette
Blanchette-Lamothe	Blaney
Block	Boivin
Borg	Boughen
Boulerice	Boutin-Sweet
Brahmi	Braid
Breitkreuz	Brisson
Brosseau	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Butt
Byrne	Calandra
Calkins	Cannan
Carmichael	Caron
Carrie	Casey
Cash	Charlton
Chicoine	Chisholm
Chisu	Chong
Choquette	Chow
Christopherson	Clarke
Cleary	Clement
Côté	Cotler
Crowder	Cullen
Cuzner	Daniel
Davidson	Davies (Vancouver Kingsway)

Private Members' Business

Cuzner	Davies (Vancouver Kingsway)	Gosal	Gourde
Davies (Vancouver East)	Day	Grewal	Harper
Dewar	Dion	Harris (Cariboo—Prince George)	Hawn
Dionne Labelle	Donnelly	Hayes	Hiebert
Doré Lefebvre	Dubé	Hillyer	Hoback
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)	Holder	James
Dusseault	Easter	Jean	Kamp (Pitt Meadows—Maple Ridge—Mission)
Eyking	Footé	Keddy (South Shore—St. Margaret's)	Kenney (Calgary Southeast)
Fortin	Freeman	Kent	Kerr
Fry	Garneau	Komarnicki	Kramp (Prince Edward—Hastings)
Garrison	Genest	Lake	Lauzon
Genest-Jourdain	Giguère	Lebel	Leaf
Godin	Goodale	Leitch	Lemieux
Gravelle	Groguhé	Leung	Lizon
Harris (Scarborough Southwest)	Harris (St. John's East)	Lobb	Lukiwski
Hassainia	Hsu	Lunney	MacKay (Central Nova)
Hughes	Hyer	MacKenzie	Mayes
Jacob	Julian	McColeman	McLeod
Karygiannis	Kellway	Menegakis	Menzies
Lamoureux	Lapointe	Merrifield	Miller
Larose	Latendresse	Moore (Port Moody—Westwood—Port Coquitlam)	
Laverdière	LeBlanc (Beauséjour)	Moore (Fundy Royal)	
LeBlanc (LaSalle—Émard)	Leslie	Nicholson	Norlock
Liu	MacAulay	Obhrai	O'Connor
Mai	Marston	O'Neill Gordon	Opitz
Martin	Masse	Paradis	Payne
Mathysen	May	Penashue	Poilievre
McCallum	McGuinty	Preston	Raitt
McKay (Scarborough—Guildwood)	Michaud	Rajotte	Rathgeber
Moore (Abitibi—Témiscamingue)	Morin (Chicoutimi—Le Fjord)	Reid	Rempel
Morin (Laurentides—Labelle)	Morin (Saint-Hyacinthe—Bagot)	Richards	Rickford
Mulcair	Murray	Ritz	Saxton
Nantel	Nash	Schellenberger	Seeback
Nicholls	Nunez-Melo	Shea	Shipley
Pacetti	Papillon	Shory	Smith
Patry	Péclét	Sopuck	Sorenson
Perreault	Pilon	Stanton	Strahl
Plamondon	Quach	Sweet	Tilson
Rae	Rafferty	Toet	Toews
Ravignat	Raynault	Trost	Trottier
Regan	Rousseau	Truppe	Tweed
Sandhu	Scott	Uppal	Van Kesteren
Sellah	Sgro	Van Loan	Vellacott
Simms (Bonavista—Gander—Grand Falls—Windsor)		Wallace	Warawa
Sims (Newton—North Delta)		Warkentin	Watson
Sitsabaiesan	Stewart	Weston (West Vancouver—Sunshine Coast—Sea to Sky Country)	
Stoffer	Sullivan	Weston (Saint John)	
Thibeault	Toone	Wilks	Williamson
Tremblay	Turmel	Wong	Woodworth
Valeriote — 133		Yelich	Young (Oakville)
		Young (Vancouver South)	Zimmer — 156

NAYS

Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Tobique—Mactaquac)
Ambler	Ambrose
Anders	Anderson
Armstrong	Aspin
Baird	Bateman
Benoit	Bergen
Bernier	Bezan
Blaney	Block
Boughen	Braid
Breitkreuz	Brown (Leeds—Grenville)
Brown (Newmarket—Aurora)	Brown (Barrie)
Bruinooge	Butt
Calandra	Calkins
Cannan	Carmichael
Carrie	Chisu
Chong	Clarke
Clement	Daniel
Davidson	Dechert
Del Mastro	Devolin
Dreeshen	Duncan (Vancouver Island North)
Dykstra	Fast
Findlay (Delta—Richmond East)	Finley (Haldimand—Norfolk)
Fletcher	Galipeau
Gallant	Gill
Glover	Goguen
Goldring	Goodyear

Nil

The Deputy Speaker: I declare the motion lost.

* * *

[English]

CANADA NATIONAL PARKS ACT

The House resumed from November 27 consideration of the motion that Bill C-370, An Act to amend the Canada National Parks Act (St. Lawrence Islands National Park of Canada), be read the third time and passed.

The Deputy Speaker: The House will now proceed to the taking of the deferred recorded division on the motion at third reading stage of Bill C-370 under private members' business.

● (1845)

(The House divided on the motion, which was agreed to on the following division:)

*Private Members' Business**(Division No. 519)*

YEAS

Members

Ablonczy	Adams
Adler	Aglukkaq
Albas	Albrecht
Alexander	Allen (Welland)
Allen (Tobique—Mactaquac)	Ambler
Ambrose	Anders
Anderson	Andrews
Angus	Armstrong
Ashton	Aspin
Atamanenko	Aubin
Ayala	Baird
Bateman	Bélanger
Bellavance	Bennett
Benoit	Benskin
Bergen	Bernier
Bevington	Bezan
Blanchette	Blanchette-Lamothe
Blaney	Block
Boivin	Borg
Boughen	Boulerice
Boutin-Sweet	Brahmi
Braid	Breitkreuz
Brisson	Brosseau
Brown (Leeds—Grenville)	Brown (Newmarket—Aurora)
Brown (Barrie)	Bruinoooge
Butt	Byrne
Calandra	Calkins
Cannan	Carmichael
Caron	Carrie
Casey	Cash
Charlton	Chicoine
Chisholm	Chisu
Chong	Choquette
Chow	Christopherson
Clarke	Cleary
Clement	Côté
Cotler	Crowder
Cullen	Cuzner
Daniel	Davidson
Davies (Vancouver Kingsway)	Davies (Vancouver East)
Day	Dechert
Del Mastro	Devolin
Dewar	Dion
Dionne Labelle	Donnelly
Doré Lefebvre	Dreeschen
Dubé	Duncan (Vancouver Island North)
Duncan (Etobicoke North)	Duncan (Edmonton—Strathcona)
Dusseauilt	Dykstra
Easter	Eyking
Fast	Findlay (Delta—Richmond East)
Finley (Haldimand—Norfolk)	Fletcher
Foote	Fortin
Freeman	Fry
Galipeau	Gallant
Garneau	Garrison
Genest	Genest-Jourdain
Giguère	Gill
Glover	Godin
Goguen	Goldring
Goodale	Goodyear
Gosal	Gourde
Gravelle	Grewal
Grogulé	Harper
Harris (Scarborough Southwest)	Harris (St. John's East)
Harris (Cariboo—Prince George)	Hassainia
Hawn	Hayes
Hiebert	Hillyer
Hoback	Holder
Hsu	Hughes
Jacob	James
Jean	Julian
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karygiannis
Keddy (South Shore—St. Margaret's)	Kellway
Kennedy (Calgary Southeast)	Kent
Kerr	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lamoureux	Lapointe
Larose	Latendresse

Lauzon	Laverdière
Lebel	LeBlanc (Beauséjour)
LeBlanc (LaSalle—Émard)	Leaf
Leitch	Lemieux
Leslie	Leung
Lizon	Lobb
Lukiwski	Lunney
MacAulay	MacKay (Central Nova)
MacKenzie	Mai
Marston	Martin
Masse	Mathysen
May	Mayes
McCallum	McColeman
McGuinty	McKay (Scarborough—Guildwood)
McLeod	Menegakis
Menzies	Merrifield
Michaud	Miller
Moore (Abitibi—Témiscamingue)	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Morin (Chicoutimi—Le Fjord)
Morin (Laurentides—Labelle)	Morin (Saint-Hyacinthe—Bagot)
Mulcair	Murray
Nantel	Nash
Nicholls	Nicholson
Norlock	Nunez-Melo
Obhrai	O'Connor
O'Neill Gordon	Opitz
Pacetti	Papillon
Paradis	Patry
Payne	Péclet
Penashue	Perreault
Pilon	Plamondon
Poilievre	Preston
Quach	Rae
Rafferty	Raitt
Rajotte	Rathgeber
Ravignat	Raynault
Regan	Reid
Rempel	Richards
Rickford	Ritz
Rousseau	Sandhu
Saxton	Schellenberger
Scott	Seeback
Sellah	Sgro
Shea	Shipley
Shory (sor)	Sims (Bonavista—Gander—Grand Falls—Wind-
Sims (Newton—North Delta)	Sitsabaiesan
Smith	Sopuck
Sorenson	Stanton
Stewart	Stoffer
Strahl	Sullivan
Sweet	Thibeault
Tilson	Toet
Toews	Toone
Tremblay	Trost
Trottier	Truppe
Turmel	Tweed
Uppal	Valeriotte
Van Kesteren	Van Loan
Vellacott	Wallace
Warawa	Warkentin
Watson	Weston (West Vancouver—Sunshine Coast—Sea to
Sky Country)	Wilks
Weston (Saint John)	Wong
Williamson	Yelich
Woodworth	Young (Vancouver South)
Young (Oakville)	
Zimmer — 287	

NAYS

Members

Hyer— 1

PAIRED

Nil

The Deputy Speaker: I declare the motion carried.

Private Members' Business

(Bill read the third time and passed)

• (1850)

[*Translation*]

The Deputy Speaker: It being 6:50 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

* * *

INDIAN ACT AMENDMENT AND REPLACEMENT ACT

The House resumed from October 18 consideration of the motion that Bill C-428, An Act to amend the Indian Act (publication of by-laws) and to provide for its replacement, be read the second time and referred to a committee.

Ms. Francine Raynault (Joliette, NDP): Mr. Speaker, I am very pleased to have the privilege of talking about an issue as important as the one addressed in Bill C-428. I believe that this bill is important because it tackles the horrible Indian Act of 1876. There can be no doubt that this bill is one of Canada's most archaic colonial legacies. That is why I commend the member for Desnethé—Missinippi—Churchill River on his initiative. However, it is not enough. It is too little, too late. The Conservative government should consider a much farther-reaching rewrite of the Indian Act and a much more open process.

As a New Democrat, I believe that a complete overhaul of this cursed bill should be led by aboriginals. If the changes are imposed unilaterally, then what, really, has changed? That is why Bill C-428 seems inappropriate.

I will explain why this bill is not likely to go down in history. I do not claim to have a plan to make up for 136 years of colonialism, but I can say that ideally, new legislation should be drafted in collaboration with aboriginals, be introduced by the government and honour the goals of the UN Declaration on the Rights of Indigenous Peoples. Because Bill C-428 does not satisfy any of these conditions, I cannot support it.

I want to begin by pointing out that the goal of the 1876 act was the assimilation of all aboriginals and their forced integration into what was then a fledgling Canadian society. When I visit Manawan, people there are still speaking Atikamekw in 2012. In that respect, the act failed. It also includes many provisions that make life difficult for aboriginals. The government will have to do better than a private member's bill to fix it.

In 1969, the Liberal Party tried to get rid of the act in order to integrate aboriginals into Canadian society. That was supposed to happen without compensation, without special status, and with no respect for treaties signed in the past. As one, aboriginals rejected the idea, but that does not mean they wanted to keep the Indian Act. Quite the contrary.

In their red paper, aboriginals stated that it was neither possible nor desirable to abolish the Indian Act. They said that a review of the act was critical, but that it should not happen until treaty issues were resolved. Some 45 years later, that issue is still outstanding.

Other attempts were explored in this House. In 1987, a list was made of discriminatory provisions in the Indian Act, and this led to a

bill. Later, in 2003, the Liberals introduced Bill C-7, which, once again, was heavily criticized by first nations. The Conservatives are now bringing forward Bill C-428, a private member's bill, which seems just as irrelevant as other attempts.

In the words of Einstein, "Insanity: doing the same thing over and over again and expecting different results." In my opinion, this quote points to what is clearly lacking in Bill C-428: a different approach. Perhaps this flaw is the reason why there is very little support for the bill outside the Conservative caucus. The chief of the Assembly of First Nations, Shawn Atleo, said that this bill is along the same lines as the policy espoused in the 1969 white paper.

Had the Conservatives listened to Mr. Atleo, they would have understood that what to do with aboriginals is no longer the question. In the 21st century, the question is: what do aboriginals want to do with us?

• (1855)

Bill C-428, which the Assembly of First Nations has said came out of nowhere, does not reflect the current reality. During the Crown—First Nations Gathering, the Conservative Prime Minister spoke at length about how his government would work with the first nations.

Aboriginal peoples were not consulted about Bill C-428, or about Bill C-27 or Bill S-8. When the government promises something—and especially something so important—it must follow through. It is shameful to see that this government is not keeping its own promises.

Speaking of broken promises, the government committed to removing the residential school provisions from the Indian Act. We can see that the government preferred to hide the clause in a private member's bill. The NDP thinks that something so important should come from the government, and with apologies, no less. The government must take responsibility and come up with a real, serious solution to replace the Indian Act.

Bill C-428 contains some clauses that seem to be chosen at random, when they are not downright negative. For example, the elimination of the provisions dealing with wills and estates could put aboriginal people in a very frustrating legal void. Does the bill's sponsor understand its implications?

Finally, we must recognize that the living conditions of aboriginal people are getting worse all the time. While the first nations communities are experiencing an ongoing demographic boom, their social services budgets are increasing by only 2% a year, thanks to the Liberals. The fact that the social services budgets for other Canadians are increasing by 6% a year does not seem to bother the government at all.

Malnutrition and education problems are hitting first nations communities hard. I am afraid that the Prime Minister will have to do more than give a medal to Justin Bieber to make young aboriginals forget about this sad reality. When the government decides to really tackle the problems resulting from the Indian Act, I will be there.

Private Members' Business

Furthermore, I expect that the proposed measure will be very much in line with the United Nations Declaration on the Rights of Indigenous Peoples. This declaration, which Canada ignorantly refused to support, recognizes the specific needs of aboriginal people. It recognizes their right to be consulted about the use of resources on their land. Do we not owe at least that to those who played key roles in our history and the development of our economy?

If the government does not change its attitude toward the first nations, they will understand that the NDP is the only party that can offer them a truly open consultation process. We want to help them to govern themselves. Other Canadians need to know that the excellent social services they receive must also be provided to aboriginal people, in a spirit of sharing and recognition.

The Indian Act needs to be revised, but not without real consultation, clear objectives and a detailed plan of steps to follow. Unfortunately, Bill C-428 does not meet any of these criteria.

● (1900)

[English]

Mr. Greg Rickford (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, for the Canadian Northern Economic Development Agency and for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I am pleased to stand today to speak to the private member's bill from the member for Desnethé—Missinippi—Churchill River. I count him not just as a colleague but as one of my personal friends. I could not be more pleased for the hard work he does, not just on the standing committee but as a first nations person in this place, starting a process that is long overdue and is a great opportunity for us as parliamentarians to debate.

Tonight I will address a couple of elements in the private member's bill. First is the issue of first nation bylaw publication; second, outdated sections in the act; and finally, the repeal of the residential school references in the act.

Currently, first nation band councils do not have the same opportunities that municipalities and rural municipalities have to independently develop bylaws. There is also no requirement for first nations to make their bylaws publicly available to their members. As a result, for years confusion has reigned as first nation residents and law enforcement officials have often found themselves in the dark as to the specific nature of the bylaws of each individual first nation.

In addition, first nation band councils have had to go to the Minister of Aboriginal Affairs to request approval for each and every bylaw. This cumbersome process has caused many bands to wait for extended lengths of time for approval or even to have their bylaws declined. Others have chosen to completely bypass the minister and as a result do not openly inform their membership of the changes to band bylaws.

Bill C-428 would create a more transparent and accountable process for first nation band members wherein first nation councils would be required to publish their bylaws on their website or via some easily accessible communication channel, such as a band newsletter or widely read local newspapers, television, et cetera. The bill would also eliminate the need to request approval from the

minister. The requirement to make each first nation bylaw publicly accessible would provide clarity for first nation residents, visitors and law enforcement officials seeking to understand their role in either abiding by or enforcing these rules. It would also place the responsibility for these bylaw-making powers squarely back in the hands of the first nation, where it belongs, and provide grassroots members of the bands with greater accountability from their band councils.

This change would benefit not only law enforcement officers who would more fully understand the expectations of the chief and council of each first nation for a given bylaw, but also those members of the council and band members eager to see the bylaws that they have enacted enforced in an efficient, effective and timely manner. Importantly, this change would also streamline the decision-making process by eliminating the unnecessary step of having to submit any and every new bylaw to the Minister of Aboriginal Affairs and Northern Development for approval. Currently, following the submission of new bylaws to the minister, there follows a 40-day period during which the law may be disallowed by the minister.

Bill C-428 would also repeal sections of the Indian Act that, while they remain in the law, are no longer enforced. This is equivalent to what we would call “legal underbrush”, which confuses the real issues facing the Crown and the first nations. We must clear this underbrush away, so that we can see the parts of the Indian Act that are substantively affecting the daily life of first nations. One of these is the removal of restrictions on the sale of produce from reserves. There are several other similar examples of sections of the Indian Act that are no longer enforced and that simply have no place in modern legislation.

Though there have been numerous amendments to the Indian Act over the years, the substance of the statute remains very much in the 19th century and that fact is reflected in the language of the document. The bill would seek to do bring the language and content of the statute into the modern era. Incremental changes such as these would pave the way for future legislation to be developed in collaboration with first nation members that would benefit all Canadians.

● (1905)

Some of the detractors of Bill C-428 have chosen to ridicule this set of changes. That is misguided. As a lawyer, I feel very strongly that it is important to take those steps to remove from the law things that are no longer relevant, or in the case of residential schools, institutions we no longer support. It is a dark chapter in Canada's history and we must move on from that.

By taking concrete steps to amend the language and remove outdated and irrelevant sections of the Indian Act, this bill addresses some of the challenges facing first nations communities in regard to their political, social and economic development.

Bill C-428 would also remove the provisions allowing for the establishment of residential schools.

Private Members' Business

On June 11, 2008, the Prime Minister of Canada made an impassioned and heartfelt apology to the first nations people of Canada for the treatment of children in residential schools, a sad and shameful chapter in our nation's history. The Prime Minister deservedly received praise, not only for the sentiment of the statement but also for the eloquence with which it was expressed and the sincerity of his remarks. Following this momentous apology, the government also announced its intent to repeal those sections of the Indian Act that allowed for the establishment of Indian residential schools and the removal of children from their homes and communities.

Bill C-428 would do exactly that. It would remove from the Indian Act, once and for all, any mention of residential schools as well as the outdated language dealing with the religion of first nations residents in relation to their schooling. This would ensure that no future government could open a residential school for first nations.

The pain arising from the legacy of residential schools continues to affect constituents in the great Kenora riding and across the country. By removing this antiquated language and all references to residential schools, we can take another collective step on the path toward healing as a nation.

While the horrors of the residential school situation cannot be erased or forgotten, removing the segments of the Indian Act, which still to this day refer to residential schools, can provide a path to better understanding and can reassure our first nations' communities of our commitment to never see this happen again.

The Indian Act has had the effect of robbing children of their goals and ambitions. By nourishing and encouraging the dreams of first nations youth, we help not only these children but our entire community. For generations the Indian Act has allowed the potential of first nations youth to wither. We cannot afford to allow this waste to continue.

The colonial and discriminatory nature of the Indian Act has led to decades of discrimination and cultural division. The residential schools were a vehicle for the social, cultural and spiritual destruction that was embedded in the act. Removing offensive and irrelevant sections from the Indian Act is symbolic and will help residential school survivors on their personal path to healing.

Bill C-428 has as its primary goal the empowerment of first nations people and their governments. I am proud to stand here today in support of the work my colleague from Desnethé—Missinippi—Churchill River is doing in this regard. I thank the residents of the great Kenora riding, particularly our first nations communities, more than 42 in our jurisdiction.

Ms. Linda Duncan (Edmonton—Strathcona, NDP): Mr. Speaker, I am pleased to rise in the House to speak to this bill. It is very clear that the member for Desnethé—Missinippi—Churchill River has the best of intentions. With great regret, I have to join those who are opposed to this bill. For the most part, it is not because of the substantive changes the member has brought forward, which a number of members in his party have spoken for. The main problem with this bill is that it is breaking the constitutional obligation for advanced consultation, consideration and accommodation.

I would go to the preamble of the member's bill. My concern with the preamble is the reference to the commitment of the Government of Canada to exploring creative options for the development of new legislation "in collaboration with the First Nations organizations that have demonstrated an interest in this work". Right off the bat, the member is narrowing the constitutional obligation to consult with all first nations. Perhaps this was unintentional. The member might want to reconsider that, because I think he has the best of intentions for his fellow first nations. It fails to reference first nations governments, and that will derogate from the overriding constitutional obligation.

The bill proposes, as a number of members and the member who tabled the bill have pointed out, a number of measures to rescind or amend provisions in the Indian Act. For example, there are specific provisions to do with residential schools, wills and estates, the duty to attend school, the process for enacting band bylaws and the sale of produce. Few would oppose the right of Canadian first nations to make these kinds of decisions for their own peoples. The problem is not the intention of passing over those powers. The problem is the way in which the member has gone about it.

Another measure I find problematic, which would be a good provision if the rest of the bill could stand and if it had been consulted on in advance, is that the bill would require the Minister of Aboriginal Affairs and Northern Development to report annually to the aboriginal affairs committee on actions taken to replace the Indian Act. What would have been preferable in such a bill, and I would think first nations would agree, is that the report should be to Parliament, which is normally what happens with a matter of interest to this place. Of course, there should be the duty of prior consultation.

The member suggested when he tabled the bill that clause 2 of the bill, on the minister reporting to the committee, also requires a collaborative consultation between first nations and the Minister of Aboriginal Affairs and Northern Development on the Indian Act. Regrettably, there is no such provision in the bill. It would have been a useful one and would certainly be supported by first nations.

The biggest problem with this bill is the duty to consult. As I mentioned, and as should be known to members in this place, there is an overriding constitutional duty to consult. That duty was upheld in the famous Mikisew Cree case, which originated in my province, with the Mikisew Cree First Nation. It has been repeated in numerous cases since. That duty is on the Government of Canada to advance consultation, consideration and accommodation of first nation peoples' interests before any decision is made by the Government of Canada.

That duty is reiterated in the United Nations Declaration on the Rights of Indigenous Peoples in both articles 18 and 19. Article 18 states:

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

Article 19 states:

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States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

● (1910)

At the Crown-first nation gathering, as a number of members have pointed out, including the member who tabled the bill, the Prime Minister made certain commitments regarding the Indian Act. He stated:

To be sure, our government has no grand scheme to repeal or unilaterally rewrite the Indian Act.

Thus he undertook to work in collaboration with first nations should any changes be made to the Indian Act.

The member for Desnethé—Mississippi—Churchill River has advised the House that he had consulted first nations in the development of the bill and had found support. I conferred with a number of first nations, particularly in the Prairies, to determine their views so that I could share them in the House and confirm if they had been expressed to the member. This is what I have been able to determine. In the first nations that I was able to reach in Alberta, I was advised that several presentations were made by the member to the Alberta first nations after the tabling of the bill. That is not a case of advance consultation. Moreover, both of the sessions that were brought to my attention were ticketed events at a cost of \$575, including for students. The notice for the meetings clearly said that space was limited and that it was not a consultation.

Alberta Treaty 8 Chief, Rose Laboucan, the regional chief responsible for legislation, advised me today that neither she nor her first nation had been consulted in the drafting of the bill.

I also contacted Saskatchewan first nations. I was provided with the following information. The Assembly of Chiefs of Saskatchewan and the Federation of Chiefs of Indian Nations were so upset by the presentation made by the member that they issued a series of press releases, which I can share. They said:

First Nation leaders attending the Federation of Saskatchewan Indian Nations Legislative Assembly were outraged and insulted by Member of Parliament [for Desnethé-Mississippi-Churchill's] presentation on his proposed private members Bill C-428.

In particular, Vice Chief Morley Watson stated:

Mr. Clarke requested due to his ongoing work on this Bill that he wouldn't allow questions from the floor at our Legislative Assembly on his Bill C-428. Chiefs were not consulted nor do we view his attendance yesterday as a form of consultation on what Mr. Clarke is trying to undertake with his proposed amendments to the Indian Act. This is furthering the White Paper Policy of 1969.

The vice chief then stated:

If you read the bill as presented there is grave concerns. It is designed to bring into reality the steps to get rid of the Indian Act. [The member] is putting in place the steps needed to accomplish this task. There are many—

● (1915)

Hon. Michael Chong: Mr. Speaker, I rise on a point of order.

I believe the member was referring to a member of the House by name, other than the name of the constituency, so I would ask that you ensure that members are referred to by the name of their district rather than by their first or last names.

Ms. Linda Duncan: Mr. Speaker, I did not name the member, I said the member for the constituency.

The Deputy Speaker: I did not hear that. Obviously, the member for Edmonton—Strathcona, having been here, knows that she is not to use an individual's name and only the riding designation. However, I did not hear her use the name.

Ms. Linda Duncan: Mr. Speaker, as you will probably confirm, I actually conferred with you in advance to find out if I could say the name of the member and you confirmed to me that I had to say the name of his riding. I apologize if I am having trouble with the pronunciation. I am doing my best.

Continuing on, Vice Chief Watson said:

There are many issues with the Indian Act and this private members bill will not go ahead with the full inclusion and support of all First Nations. FSIN has a consultation policy and the federal government needs to recognize our Inherent, Sovereign and Treaty Rights.

The second release states:

The Member of Parliament for Desnethé-Mississippi-Churchill River...addressed Chiefs-in-Assembly regarding his Private Members Bill C-428 to amend the Indian Act. The approach used by Mr. Clarke to not take any questions from the Chiefs-in-Assembly offended and disgusted—

The Deputy Speaker: Order, please. You just repeated the member's family name.

Ms. Linda Duncan: I am sorry, Mr. Speaker. I should have said the approach used by the member to not take any questions from the chiefs and assembly offended and disgusted his audience. The federation has sent a formal response letter to the Prime Minister's Office regarding the bill.

There was a third release in October expressing strong concerns with the bill. I will not read that out again, but strong concerns with the process followed.

I will share the words of the national chief of the Assembly of First Nations. He has expressed concern:

Federal attempts to repair the much-hated Indian Act are not going to work because First Nations have not been involved in designing the way forward.

He then said:

...Ottawa has taken a piecemeal approach to First Nations reform—fiddling with education here, clean drinking water there—without tackling the fundamental problem of aboriginal treaties and rights not being respected.

He was quoted on Friday saying, “You've got to do them at the same time. They are one piece”.

I commend the member for coming forward and trying to spur changes in this avenue but, regrettably, there does not appear to have been sufficient prior consultation and, therefore, we cannot support the bill.

● (1920)

Mr. Rod Bruinooge (Winnipeg South, CPC): Mr. Speaker, it is truly an honour to rise and speak about a subject that is dear to my heart, which is the replacement and eventual repeal of the Indian Act.

Private Members' Business

I have to commend my colleague for Desnethé—Mississippi—Churchill River for the courage he has shown in taking on this important issue. This is an individual who, as a first nation man, has conducted his whole life living under the Indian Act. He is someone who has been able to interact with his fellow first nation brothers and sisters for his entire life. This is consultation. It is a degree of consultation that no one in the House currently has, in my opinion, in their past. He has been meeting with people across Canada on this important subject. However, I do know of some recent bills that have not been consulted on.

The member for Edmonton—Strathcona has referred to article 18 of the UN Declaration on the Rights of Indigenous Peoples. She is quite right, there is an obligation to consult with indigenous peoples. I wholly support that and I thank the member for bringing it up. However, there are cases where it has not happened.

Yesterday, I was at the justice committee. Currently, Bill C-279 is before the committee and we had witnesses from the Canadian Human Rights Commission. I asked the commission whether that bill had an impact on first nation people. Are first nation communities impacted by this act and does it have an impact on the lives of first nation people? Their answer was yes, that bill absolutely does affect first nation people.

My question then became whether there was consultation on the bill? In fact, there was not. The member for Esquimalt—Juan de Fuca did not indicate that there was any consultation. I spoke with the Assembly of First Nations, which the member for Edmonton—Strathcona referred to as an important entity with which we discuss these issues. They are the bona fide organization of first nation people. However, they were not contacted on that bill. Also, during those deliberations, the member for Gatineau, in a cavalier way, just set aside that there was any obligation to consult with first nation people on that bill.

Therefore, I take offence to what the member is suggesting. The member for Desnethé—Mississippi—Churchill River is truly a hero to me and others in the first nation community for the work that he is doing. To suggest that we are not reaching out to our aboriginal friends is, in my opinion, not reality. It is something that we are endeavouring to do.

I would ask the member to talk to some of her colleagues about some of the bills that they are proposing and the impact they have on first nation people. She shakes her head much like the member for Gatineau, who cavalierly set it aside that there was any obligation to consult with first nation people on a bill that would impact their communities.

As I said, this is an important day. The bill is timely and necessary. With each passing day, the Indian Act is revealed to be unfit for the times in which we live. When it was first enacted in 1876, it disenfranchised first nation people and it still disenfranchises everyone who lives under it today.

Just recently, we have seen a clear example of why the Indian Act must go in my home province. In fact, in Manitoba in Buffalo Point First Nation there are residents, women and children, living in that community who risk being put out on the street because of political disagreements with their chief. Because of these protests, they could

have their homes taken away from them and be disenfranchised through the powers granted under the Indian Act.

• (1925)

Imagine if this were to happen off reserve. Imagine if someone disagreed with their city councillor and all of a sudden were evicted from their home and put out on the street. There would be mass outrage and nobody would stand for that. This is the exact point I would like to make about this community and unfortunately sometimes other communities as well.

Disenfranchisement is occurring. It violates not only any sense of justice or decency but all democratic principles, which is one reason and just one reason why the Indian Act needs to be replaced. It is an archaic, oppressive and unjust legislation. It denies aboriginal Canadians the rights they deserve. It denies individual rights. It denies matrimonial and property rights, leaving women in danger of losing everything due to disputes outside of their control.

Many people may not be aware, but the Indian Act denies first nations people the right to control their own wills and estates. The Minister of Aboriginal Affairs and Northern Development has the power to void the will of a first nations person if he or she so chooses. As my colleague has said, Bill C-428 would repeal the sections of the Indian Act that gives this paternalistic power to the minister. It would be a step toward true freedom and independence for first nations people.

Bill C-428 would also return the authority over the creation of bylaws on reserves where it belongs, with the leadership of that reserve. As it currently stands, the Minister of Aboriginal Affairs and Northern Development must sign off on bylaws made by leadership on reserves. First nations people can govern themselves. They do not need this pre-Confederation prison to remain. As with the wills and estates rules, this is a further denial of independence and decision making for first nations people.

The Indian Act has no place in the 20th century or the 21st century. It is time to replace this act.

The member for Kenora, who was here earlier, has done great work as the parliamentary secretary to aboriginal affairs and has been a great advocate for the Métis people in my community and first nations Inuit people as well. I think back to previous members from other parties in that riding who have also done great work. A former member of the Liberal Party, Mr. Robert Nault, who was the then minister of Indian Affairs, brought forward some very innovative solutions, namely the First Nations Governance Act, which I thought was a step in the right direction. Many first nations did not like that approach, but many did.

One of the aspects of that bill on which everyone agreed was the Indian Act needed to be repealed. The starting point that everyone in the House agrees on is the Indian Act must be replaced.

Private Members' Business

I have had the opportunity to work with first nations people from across Canada. I have had the opportunity to work with first nations chiefs, councillors and regular community members. There is no question that everyone believes it is time for this act to be replaced. I believe the Indian Act is nothing less than a prison that shackles aboriginal people in our country and prevents them from achieving economic actualization.

We need to proceed with the initiatives that the member has proposed before the House. He started a debate that I am glad we are having. There are opinions from all sides on this matter, but what we can all agree on is that the Indian Act must be replaced. I would hope that at some point in the near future we can get to that moment where first nations people will be enfranchised and have the autonomy they deserve.

• (1930)

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Mr. Speaker, it is an honour to stand here today and close debate on my Bill C-428, An Act to amend the Indian Act (publication of by-laws) and to provide for its replacement.

As a member of Muskeg Lake First Nations and as a former RCMP officer who spent a large part of my 18 years on the force doing first nations policing, I have seen first-hand the cultural, societal and economic barriers that the Indian Act has built. It is an archaic and colonialist piece of legislation that institutionalizes racism and represses the self-determination of first nations.

The Indian Act is completely contrary to Canadian values and has kept first nations from taking advantage of the same rights and opportunities that have been available to all other Canadians for 136 years.

Clearly, something needs to change. All Canadians recognize the hardship the Indian Act has caused my people and we are all eager for positive, enduring change.

After engaging with many first nations organizations, leaders, band members and other interested stakeholders, I believe we have arrived at an important turning point. My private member's bill is the result of significant open discussion and represents the desire of first nations to be self-reliant and free from the shackles of the Indian Act.

Throughout this engagement process, I have always welcomed feedback on ways the bill could be improved. I recognize that there may be a need for amendments that will clarify certain aspects of the bill and I have indicated that I am open to that.

I look forward to hearing more from grassroots members and leaders of first nations and other interested parties before, during and after committee hearings. Their suggestions and concerns will certainly be valuable to this process and will be taken very seriously.

I have been heartened recently to hear that first nations leadership has acknowledged that the Indian Act and its bureaucracy must go. It is important that first nations take leadership and initiative in order to ensure success.

I am proud that my Bill C-428 has provided the opportunity for a frank discussion and debate, and has led to a recognition of the fact that the Indian Act is a blemish on Canadian society in a way that

has never been done before. Until we can provide for its replacement, it hinders first nations' success and prosperity.

I believe that my bill is only the first step in doing away with the Indian Act entirely, and we must continue to focus our efforts on fulfilling that goal. That is why I believe one of the most crucial components of my bill is the Minister of Aboriginal Affairs and Northern Development's duty to report to the aboriginal affairs committee on all work undertaken by his or her department in collaboration with first nations organizations, leaders, band members and other interested parties to develop new legislation to replace the outdated Indian Act.

The introduction of such a process accepts the need for ongoing collaboration between the Crown and first nations. Other parts of the Indian Act, like the subsections on will and estates, and the bylaw publication, emphasize the need to move beyond the Indian Act.

It is hard to believe that, in 2012, first nations reserves must seek permission from the minister to sell their produce and that they are prohibited from doing business with anyone they choose. These paternalistic features stand in the way of first nations independence and perpetuate the paternalism. It is about time that first nations are afforded the same rights and opportunities that all Canadians expect and deserve.

We have a unique opportunity today to fulfill this vision. My bill transcends partisan politics and I urge strong multi-partisan support.

• (1935)

The opposition needs to understand that first nations are as rich in diversity and opinion as all Canadians are. To think otherwise is outdated and out of touch.

Bill C-428 is just the beginning of a long road of empowering first nations people and doing away with paternalistic and offensive policies. I am confident it will spur the necessary change we are all striving.

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

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And five or more members having risen:

The Deputy Speaker: Pursuant to Standing Order 93, the division stands deferred until Wednesday, December 5, 2012 immediately before the time provided for private members' business.

The hon. member for Cape Breton—Canso not being present to raise the matter for which adjournment has been given, the notice is deemed withdrawn.

Private Members' Business

It being 7:38 p.m., this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1). (The House adjourned at 7:38 p.m.)

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